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On June 16, 2006, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Mark Allan Newkirk (Newkirk) in which the Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7005 1160 0001 0494 2543 to the address Mr. Newkirk provided to the Commission. The certified mail receipt was returned to the Commission "unclaimed" and the First Class mailing was not returned. The Notice of Opportunity of Hearing, dated June 16, 2006, and signed by Victoria Chamberlain, Executive Director, stated:

4 "You, Mark Allan Newkirk, are entitled to a hearing on the proposed action of the
5 Commission. If you want a hearing, you must file a written request for a hearing with
6 the Commission within 21 days of the date of this notice. Attached to this notice is a
7 copy of the procedures, right of representation and other rights of parties relating to the
8 conduct of a hearing as required under ORS 183.413(2)."

Mr. Newkirk did not request a hearing. The Commission, therefore, finds Mr. Newkirk to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

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1. On August 1, 2002, the Commission received an complete application for an Initial Teaching License from Mark Allan NewKirk. On January 10, 2003, the Commission adopted a Stipulation of Facts, authorized the issuance of an Initial Teaching License to Mr. Newkirk and placed him on probation. Special conditions of the probation included, "Mr. Newkirk shall report in writing within ten days to the Executive Director of the Commission any arrest or citation for any felony, misdemeanor or major traffic violation." Mr. Newkirk's Initial Teaching License with a Basic Social Studies Endorsement expired on July 23, 2006.

2. Mr. Newkirk failed to report to the Executive Director pursuant to the Stipulation of facts

1 and Order of Probation adopted by the Commission on January 10, 2003, his arrest on March 8,
2004, for Menacing, ORS 163.190, in Marion County, Oregon.

3 3. On June 30, 2004, Mr. Newkirk was convicted of Menacing, ORS 163.190, in Marion
4 County Circuit Court.

5 4. Mr. Newkirk failed to report to the Executive Director pursuant to the Stipulation of Facts
6 and Order of Probation adopted by the Commission on January 10, 2003, his arrest on August 1,
7 2004, for Theft, ORS 164.055, and Theft II, ORS 164.045, in Marion County, Oregon.

8 5. On August 23, 2004, Mr. Newkirk pled guilty and was convicted of Theft I (a felony), ORS
9 164.055, and four counts of Theft II, ORS 164.045, in Marion County Circuit Court.

10 CONCLUSIONS OF LAW

11 Mark Allan Newkirk violated terms and conditions of an Order of Probation adopted by the
12 Commission in violation of OAR 584-020-0040(4)(k). This behavior constitutes Gross Neglect of
13 Duty. Mr. Newkirk's criminal convictions and criminal behavior constitute Gross Unfitness in violation
14 of OAR 584-020-0040(5)(c) and (e). The Commission has the authority to impose discipline in this
15 matter under ORS 342.120 through 342.430 and OAR Chapter 584.

17 FINAL ORDER

18 The Commission adopts and incorporates herein the above findings of fact and conclusions of
19 law, and based thereon hereby revokes Mark Allan Newkirk's right to apply for a license.

20 Issued and dated this 4 day of August, 2006.

21 TEACHER STANDARDS AND PRACTICES COMMISSION 22 STATE OF OREGON

23
24 By: Victoria Chamberlain
25 Victoria Chamberlain, Executive Director

26 NOTICE OF APPEAL OR RIGHTS

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28 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
29 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
30 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE
OREGON COURT OF APPEALS.