

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the) DEFAULT ORDER OF DENIAL
5 Licensure of) OF LICENSURE
6 JIMMIE LEE KIRKPATRICK)

7 On March 9, 2005, the Teacher Standards and Practices Commission
8 (Commission) issued a Notice of Opportunity for Hearing to Jimmie Lee Kirkpatrick
9 (Kirkpatrick) in which the Commission charged him with misconduct under ORS
10 342.175. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
11 7004 2510 0002 6790 9826 to the address Mr. Kirkpatrick provided to the Commission.
12 The certified mail receipt was signed and dated March 10, 2005. The Notice of
13 Opportunity of Hearing, dated March 9, 2005, and signed by Victoria Chamberlain,
14 Executive Director, stated:

15 "You, Jimmie Lee Kirkpatrick, are entitled to a hearing on the proposed
16 action of the Commission. If you want a hearing, you must file a written
17 request for a hearing with the Commission within 21 days of the date of
18 this notice. Attached to this notice is a copy of the procedures, right of
19 representation and other rights of parties relating to the conduct of a
20 hearing as required under ORS 183.413(2)."
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22 Mr. Kirkpatrick did not request a hearing. The Commission, therefore, finds
23 Mr. Kirkpatrick to be in default and enters the following findings of fact,
24 conclusions of law and order, based on the files and records of the Commission
25 concerning this matter.

26 **FINDINGS OF FACT**

27 1. On July 1, 2004, Mr. Kirkpatrick signed and submitted an Application for
28 Educator License Form C-1 requesting renewal of his Standard Administrative License.

2. On the character question section of the application, Mr. Kirkpatrick responded “no” to character question 4, “Have you ever been...placed on probationary status for any alleged misconduct or alleged violation of professional standards of conduct?” Mr. Kirkpatrick failed to disclose that on October 12, 2002, the Commission adopted an Order imposing a four year probation upon his licensure.

3. On or before April 11, 2003, October 11, 2003, and April 11, 2004, Mr. Kirkpatrick failed to make six-month reports to the Executive Director of his compliance with his treatment plan pursuant to the Stipulation of Facts and Order of Probation.

CONCLUSIONS OF LAW

On an application for renewal of licensure Jimmie Lee Kirkpatrick failed to disclose discipline imposed by the Commission by Order adopted October 12, 2002, in violation of OAR 584-020-0040(4)(c). False statement on application is a basis for discipline including denial of licensure. Mr. Kirkpatrick's failure to comply with said Order of Probation requiring reports to the Executive Director violates OAR 584-020-0040(4)(k). Both of these violations constitute Gross Neglect of Duty and are evidence that an educator may lack of fitness to serve pursuant to OAR 584-050-0006(5) and ORS 342.143. The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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ORDER

The Commission hereby denies the application of Jimmie Lee Kirkpatrick for renewal of a Standard Administrative License.

IT IS SO ORDERED this 28th day of April, 2005.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Victoria Chamberlain, Executive Director

NOTICE OF APPEAL OR RIGHTS

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