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In the Matter of the)
Teaching License of)
RICHARD MARKELL DE PINKERTON)

DEFAULT ORDER OF
REVOCATION OF CHARTER
SCHOOL REGISTRY

On March 26, 2009, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Richard Markell De Pinkerton (Pinkerton) in which the Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(4) and Gross Unfitness pursuant to OAR 584-020-0040(5) .) The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580 9096, to the address on file with the Commission. The U.S. Certified Mail receipt shows that Pinkerton received the notice on March 27, 2009. The Notice of Opportunity of Hearing, dated March 26, 2009, and signed by Victoria Chamberlain, Executive Director, stated:

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

Mr. Pinkerton did not request a hearing. The Commission, therefore, finds Mr. Pinkerton 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.

FINDINGS OF FACT

1. During the course of a background check, TSPC discovered that Pinkerton was convicted of one count of Assault IV in connection with a 2004 incident involving his 3-year old son.

2. Pinkerton was also convicted of one count of Pointing a Firearm at Another in connection with a 1995 incident involving his wife.

3. Pinkerton failed to disclose either of the two convictions on his application for charter school registration submitted to the Commission on or about October 18, 2006. Applicants for charter school registration are required to disclose past convictions in response to questions 8, 9, 10 or 11.

1 **CONCLUSIONS OF LAW**

2 Pinkerton's failure to disclose convictions for Assault IV and Pointing a Firearm at Another
3 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(c)
4 (Knowing falsification of any document or knowing misrepresentation directly related to licensure,
5 employment, or professional duties). Pinkerton's conviction of Assault IV, in connection with the
6 circumstances surrounding the conviction, constitute gross neglect of duty in violation of ORS
7 342.175(1)(a) and (b); OAR 584-020-0040(3)(a) (conviction of a crime); OAR 584-020-0040(4)(o) as it
8 incorporates OAR 584-020-0035(3)(a) (Maintain dignity of the profession by respecting and obeying
9 the law, exemplifying personal integrity and honesty). Pinkerton's conviction of Pointing a Firearm at
10 Another, in connection with the circumstances surrounding the conviction, constitute gross neglect of
11 duty in violation of ORS 342.175(1)(a) and (b); OAR 584-020-0040(3)(a) (conviction of a crime); OAR
12 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (Maintain dignity of the profession by
13 respecting and obeying the law, exemplifying personal integrity and honesty). The Commission's
14 authority to impose discipline in this matter is based upon ORS 342.175.

15 **FINAL ORDER**

16 The Commission hereby revokes Richard Leonard Pinkerton's Charter School Registration.
17 IT IS SO ORDERED this 14th day of May 2009.

18 TEACHER STANDARDS AND PRACTICES COMMISSION

19
20 By: 
21 Victoria Chamberlain, Executive Director

22
23 **NOTICE OF APPEAL OR RIGHTS**

24
25 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
26 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
27 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE
28 OREGON COURT OF APPEALS.