



# Oregon

Kate Brown, Governor

## Teacher Standards and Practices Commission

250 Division St NE  
Salem, OR 97301-1012  
Phone: 503-378-3586  
Fax: 503-378-4448

August 12, 2020



Mark Richard Binder  
16419 S Forsythe RD  
Oregon City, OR 97045

RE: STIPULATION OF FACTS AND FINAL ORDER OF PUBLIC REPRIMAND  
AND PROBATION

Dear Mr. Binder:

On August 10, 2020, the Teacher Standards and Practices Commission (Commission) considered and adopted a Stipulation of Facts and Final Order of Public Reprimand and Probation on you. The Order imposes a Public Reprimand upon your Oregon educator license and immediately places you on probation for a period two (2) years, subject to terms and conditions. Enclosed is a fully executed copy of the Order.

You are required to comply with all terms and conditions of probation as outlined in the Order. Violation of any term or condition of probation shall constitute an independent basis for the Commission to otherwise impose discipline, up to and including revocation of your Oregon educator license, after first providing you with notice and opportunity for hearing.

Pursuant to OAR 584-050-0019, upon successfully completing the full term of probation, you will receive written notification that probation has been terminated.

Sincerely,

Dr. Anthony J. Rosilez  
Executive Director

/pms

Encs.

cc: Raul Ramirez, Assistant Attorney General  
Elizabeth A. Joffe, Attorney at Law





1 advised with regard to his rights thereto, or waives any and all rights to consult with an  
2 attorney prior to entering into this Stipulation and Final Order and issuance and entry of  
3 the Stipulated Final Order below.

4  
5 **STIPULATION OF FACTS**

- 6 1. The Commission has licensed Binder since July 29, 1986. Binder holds a  
7 Professional Teaching License, with an endorsement in Special Education:  
8 Generalist (PK-12), valid from February 11, 2016, through February 10, 2021.  
9 During all relevant times, Binder was employed by the Clackamas Education  
10 Service District (CESD) and had been working there since 1989. In Binder's most  
11 recent position with CESD, he was serving in a TOSA position working to assist  
12 Life Enrichment Education Program (LEEP) teachers across the program and  
13 sometimes providing internal substitute teaching coverage for absent LEEP  
14 teachers. Prior to that, Binder served as a special education teacher for  
15 approximately 29 years at CESD.  
16
- 17 2. On June 6, 2018, the Commission received a report from the CESD indicating  
18 Binder may have committed acts of gross neglect of duty. Specifically, that on  
19 June 6, 2018, Binder reported for duty under the influence of alcohol.  
20
- 21 3. Investigation determined that on June 6, 2018, Binder was providing coverage at  
22 Ogden Middle School. A classroom Educational Assistants (EA) reported Binder  
23 appeared overly emotional for the circumstances and that he smelled of alcohol.  
24 The EA asked Binder if he had been drinking. Binder acknowledged having one  
25 glass of wine the previous evening. Binder requested a second opinion from  
26 another EA, and the other EA agreed that Binder smelled of alcohol. Binder  
27 immediately contacted his supervisor and agreed to take a blood alcohol test.  
28 Binder was given a breathalyzer test at 10:22 AM, and another test fifteen (15)  
29 minutes later. Binder's first test was positive for alcohol at a level of 0.074 BAC,  
30 and his second test was positive for alcohol at a level of 0.065 BAC. Binder was  
31 immediately placed on administrative leave.  
32
- 33 4. Binder acknowledged drinking wine with dinner the previous night, but he did  
34 not recall drinking an amount that would have caused those BAC levels the

1 following morning. Binder agreed that he must have had more to drink than he  
2 recalls.

3  
4 5. On June 8, 2018, Binder sought professional help to assist him with post-  
5 traumatic stress disorder from childhood trauma he suffered and repressed, to  
6 manage stressors related to serious health issues with a family member, and to  
7 address the drinking episode. Between June 8 and 22, 2018, Binder met with a  
8 counselor 11 times. Both Binder and his counselor have indicated that his PTSD  
9 likely manifested the night of June 5, 2018, as a period of dissociation due to the  
10 extreme stress that day relating to his ill family member. Binder has not been  
11 identified as having an alcohol abuse disorder, and he has adhered to all mental  
12 health treatment recommendations.

13  
14 6. There have been no prior reports to TSPC regarding Binder in the 34 years he has  
15 been licensed, and there was no discipline in his CESD personnel file. Binder was  
16 scheduled to retire at the end of the school year and the district permitted Binder  
17 to use his leave and retire without imposing any discipline.

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19 ////

20 IT IS SO STIPULATED:

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22 \_\_\_\_\_  
23 Mark R. Binder

8-4-2020  
Date

24   
25 \_\_\_\_\_  
26 Trent Danowski, Deputy Director  
27 Teacher Standards and Practices Commission

08/05/2020  
Date

28

29

**CONCLUSION OF LAW**

30 The conduct described above constitutes gross neglect of duty in violation of ORS  
31 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
32 *professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable*  
33 *rules and regulations*), and OAR 584-020-0040(4)(g) (*Appearing on duty or at any*  
34 *district-sponsored activity while under the influence alcohol or any controlled*  
35 *substance*).

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