## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON

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| 5<br>6<br>7          | In the Matter of the ) DEFAULT ORDER OF Teaching License of ) REVOCATION OF KIMBERLY RENE HORENSTEIN ) RIGHT TO APPLY FOR LICENSURE  |
| 8                    | On June 4, 2007, the Teacher Standards and Practices Commission (Commission) issued a  |
| 9                    | Notice of Opportunity for Hearing to Kimberly Rene Horenstein (Horenstein) in which the Commission   |
| 10                   | charged her with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and   |
| 11                   | U.S. Certified Mail Receipt 7006 0810 0001 4602 1695 to the address Ms. Horenstein provided to the   |
| 12                   | Commission and a copy was sent to Adam Arms, Attorney at Law. The certified mail receipt was   |
| 13                   | returned unclaimed to the Commission on June 27, 2007. The U.S. First Class Mail was not returned  |
| 14                   | to the Commission. The Notice of Opportunity of Hearing, dated June 4, 2007, and signed by Victoria  |
| 15                   | Chamberlain, Executive Director, stated:   |
| 16<br>17<br>20<br>21 | "You, Kimberly Rene Horenstein, 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)." |
| 22                   | Ms. Horenstein did not request a hearing. The Commission, therefore, finds   |
| 23                   | Ms. Horenstein to be in default and enters the following findings of fact, conclusions of law and  |
| 24                   | order, based on the files and records of the Commission concerning this matter.  |
| 25                   | FINDINGS OF FACT   |
| 26                   | 1. The Commission first licensed Ms. Horenstein on February 11, 1981. On May 9, 2002, the  |
| 27                   | Commission issued Ms. Horenstein a Standard Teaching License with Basic Health Education, Basic  |
| 28                   | Physical Education, Standard Handicapped Learner, and Severely Handicapped Learner   |
| 29                   | Endorsements. Said license expired on May 25, 2007.  |
| 30                   | 2. On December 13, 2005, Ms. Horenstein was interviewed by Portland Police and admitted  |
| 31                   | to having sexual relationships with two juvenile females in the early 1980's.  |

| 1              | 5. On December 13, 2005, Ms. Horenstein admitted to having sexual relationships with a  |
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|                | juvenile female whom she coached in swimming.   |
| 3              | CONCLUSIONS OF LAW  |
| 4              | Ms. Horenstein's sexual conduct with two juvenile females in 1980 constitutes Gross Unfitness   |
| 5              | in violation of OAR 584-020-0040(5)(e). Ms. Horenstein's sexual conduct with juvenile female whom   |
| 6              | she coached in swimming constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(f).   |
| 7              | The Commission's authority to impose discipline in this matter is based upon ORS 342.175.   |
| 8              | ORDER   |
| 9              | The Commission hereby revokes Kimberly Rene Horenstein's right to apply for a teaching  |
| 10             | license.  |
| 11             | IT IS SO ORDERED thisday of August, 2007.   |
| 12             | TEACHER STANDARDS AND PRACTICES COMMISSION  |
| 13<br>14       | Bx: Welste Namberlain   |
|                | Victoria Chamberlain, Executive Director  |
| 17<br>18       | NOTICE OF APPEAL OR RIGHTS  |
| 19<br>20<br>21 | 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 |

## CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. First Class Mail to the Attorney of record for Kimberly Rene Horenstein: Adam S. Arms 8 Attorney at Law 9 | McKanna | Bishop | Joffe | & Sullivan | LLP 1635 NW Johnson Street 10 11 Portland OR 97209 12 day of August, 2007. 13 14 15 16 17 Melody Hanson, Executive Assistant 18