

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

In the Matter of the)	STIPULATION OF FACTS,
Teaching License of)	AND FINAL ORDER
MARK PHILLIP LYNCH)	OF REPRIMAND

On March 4, 2010, the Teacher Standards and Practices Commission (Commission) received a report from the North Clackamas School District, indicating that Mark Phillip Lynch (Lynch) used district resources for personal financial gain.

After review of the matters alleged, Mr. Lynch and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and imposition of a Public Reprimand on his teaching license.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Mr. Lynch stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Lynch acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Lynch nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promises or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Lynch nor the Commission are bound by these Stipulations and Lynch retains all rights to a hearing on the allegations.

STIPULATION OF FACTS

1. The Commission has licensed Lynch since September 6, 2001. Lynch currently holds a Five-Year Career and Technical Teaching License, with an Engineer and Manufacturing Technology endorsement, valid from February 12, 2008 to March 27, 2010. Lynch timely applied for renewal of his license. During all relevant times, Lynch was employed by the North Clackamas School District.
2. On January 29, 2010, Lynch used district time and resources to repair a staff member's car. Students had started the work on the car earlier in the week and the staff member wanted it completed for the weekend. Lynch agreed to help complete the repair and was compensated \$70 for the work.
3. During Lynch's interview with a Commission investigator, he stated that the auto shop teacher approached him to do the work and that he conducted the work after his administrative duties were done for the day. It was a non-student day. During the district investigation into this matter witnesses related that Lynch sought the auto work and complained of being short of money. The district also noted that Lynch conducted the work on the automobile during the work day, between 8am and 11am.

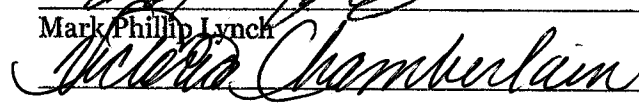
IT IS SO STIPULATED:



Mark Phillip Lynch



Date



Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission



Date

CONCLUSION OF LAW

Mark Phillip Lynch used district equipment in furtherance of personal financial gain. This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use of professional judgment*), OAR 584-020-0025(2)(d) (*Using district lawful and reasonable rules and regulations*); OAR 584-0200040(4)(o) as it incorporates OAR 584-020-0035(2)(d) (*Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties*), and OAR 584-020-0035(2)(e) (*Not use the district's or school's name, property, or resources for non-educational benefit or purposes without approval of the educator's supervisor or the appointing authority*).

Lynch's explanation of these events did not match the results of the district and Commission investigation. This conduct constitutes gross neglect of duty in violation of ORS

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342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use of professional judgment*), and OAR 584-020-0040(4)(c) (*Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusion of law, based thereon, hereby imposes a Public Reprimand on the Teaching License of Mark Phillip Lynch.

IT IS SO ORDERED this 16th day of May, 2011.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:


Victoria Chamberlain, Executive Director