1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6	In the Matter of the) DEFAULT ORDER OF DENIAL Teaching License of) OF LICENSE AND REVOCATION OF RIGHT TO APPLY
7 8	On September 14, 2011, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to Julianne M. Brinker (Brinker) in which the
10	Commission charged her with Gross Neglect of Duty pursuant to ORS 342.175(1)(b); OAR 584-
11	020-0040(4)(n) as it incorporates OAR 584-020-0010(5); OAR 584-020-0040(4)(c); and
12	Gross Unfitness in violation of ORS342.175(1)(c); OAR 584-020-0040(5)(c); OAR 584-020-
13	0040(5)(e); and OAR 584-050-0100(8). The Notice was sent via U.S. First Class Mail and U.S.
14	Certified Mail Receipt 7010 2780 0000 2187 6881 to the address on file with the Commission.
15	The Notice of Opportunity of Hearing, dated September 14, 2011, and signed by Victoria
16	Chamberlain, Executive Director, stated:
17 18 19 20 21 22 23 24	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
25	Brinker requested a hearing on October 18, 2011, through her attorney, David M. Rose.
26	On April 11, 2012, one day before the scheduled hearing date; Rose sent the Commission, DOJ,
27	and the OAH an email notifying all that Brinker was withdrawing her request for a hearing. The
28	email contained an attached PDF file of the official withdrawal paperwork. The Commission,
29	therefore, finds Brinker to be in default and enters the following findings of fact, conclusions of
30	law and order, based on the files and records of the Commission concerning this matter.
31	FINDINGS OF FACT
32	1. Brinker has never been licensed as a teacher in Oregon. On September 24, 2010, the
33	Commission received her application for an Initial Teaching License. Brinker holds a license
34	in Arizona.
35	2. Brinker submitted her Oregon Initial Teaching License Application on September 24, 2010. Brinke
36	answered "No" to all character questions, including question 8, "Have you ever been convicted or

- been granted conditional discharge by any court for: (a) any felony; (b) misdemeanor..." This
- 2 answer was false. Brinker was arrested on March 30, 2001, for Class C Misdemeanor Theft-3. On
- 3 April 26, 2001, these charges were dismissed in the Multnomah Circuit Court. On August 20, 2003,
- 4 Brinker was arrested for: Felony Manufacture/Delivery of Controlled Substance-Schedule 2 (ORS
- 5 475.992(1)(B)); two counts of Felony Possession Precursor Subs (ORS 475.967(1)); three Felony
- 6 counts of Possession Controlled Sub 2 (ORS 475.992(4)(B)); and Misdemeanor DUII (ORS
- 7 813.010(4)). On January 27, 2006, all charges were dismissed in the Multnomah Circuit Court "Due
- 8 to lack of speedy trial." Brinker also failed to disclose an August 8, 2002, conviction for Class C
- 9 Misdemeanor Criminal Trespass 2 (ORS 164.245), in Multnomah Circuit Court.
- 10 3. On August 23, 2003, Brinker had contact with the Port of Portland Police. Brinker explained to
- police that she was moving materials for a methamphetamine lab for an associate of hers, which had
- been stored in a storage unit belonging to Brinker. Brinker also told the police officer that she used
- methamphetamine, via snorting, smoking and intravenously.
 - 4. During an interview with a Commission investigator, Brinker was not truthful regarding her past
- 15 arrests and convictions.

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CONCLUSIONS OF LAW

Brinker's conduct described in section two (2) above 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 professional judgment*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means), OAR 584-020-0040(5)(e) (<i>Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*); and OAR 584-050-0100(8) (*Subject individuals who have been convicted of any crimes in any jurisdictions may be required to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as it may deem necessary to establish the applicant's fitness to serve as a licensed educator, registered charter school educator or certified school nurse).*

Brinker's conduct described in section three (3) above 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 professional judgment*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

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1	Brinker's conduct described in section four (4) above constitutes gross neglect of duty in
2	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
3	0010(5) (Use professional judgment); OAR 584-020-0040(4)(c) (Knowing falsification of any
4	document or knowing misrepresentation directly related to licensure, employment, or
5	professional duties),
6	The Commission's authority to impose discipline in this matter is based upon ORS
7	342.175.
8	FINAL ORDER
9	The Commission hereby denies Julianne M. Brinker's application for a teaching license
10	and revokes her right to apply for a teaching license.
11	IT IS SO ORDERED THIS 17th day of April, 2012.
12	TEACHER STANDARDS AND PRACTICES COMMISSION
13 14 15 16	By: Manuelain Victoria Chamberlain, Executive Director
17 18 19	NOTICE OF APPEAL OR RIGHTS
20 21 22 23	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.