## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON 3 In the Matter of the DEFAULT ORDER OF DENIAL Licensure of OF LICENSURE 5 JIMMIE LEE KIRKPATRICK On March 9, 2005, the Teacher Standards and Practices Commission 7 8 (Commission) issued a Notice of Opportunity for Hearing to Jimmie Lee Kirkpatrick 9 (Kirkpatrick) in which the Commission charged him with misconduct under ORS 10 342.175. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7004 2510 0002 6790 9826 to the address Mr. Kirkpatrick provided to the Commission. 11 The certified mail receipt was signed and dated March 10, 2005. The Notice of 12 Opportunity of Hearing, dated March 9, 2005, and signed by Victoria Chamberlain, 13 Executive Director, stated: 14 "You, Jimmie Lee Kirkpatrick, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written 16 request for a hearing with the Commission within 21 days of the date of 17 this notice. Attached to this notice is a copy of the procedures, right of 18 representation and other rights of parties relating to the conduct of a 19 hearing as required under ORS 183.413(2)." 20 21 Mr. Kirkpatrick did not request a hearing. The Commission, therefore, finds 22 Mr. Kirkpatrick to be in default and enters the following findings of fact, 23 conclusions of law and order, based on the files and records of the Commission 24 25 concerning this matter. FINDINGS OF FACT 26 1. On July 1, 2004, Mr. Kirkpatrick signed and submitted an Application for 27 Educator License Form C-1 requesting renewal of his Standard Administrative License. 28

- 2. On the character question section of the application, Mr. Kirkpatrick responded "no" to character question 4, "Have you ever been...placed on probationary status for any alleged misconduct or alleged violation of professional standards of conduct?" Mr. Kirkpatrick failed to disclose that on October 12, 2002, the Commission adopted an Order imposing a four year probation upon his licensure.
- 3. On or before April 11, 2003, October 11, 2003, and April 11, 2004,

  Mr. Kirkpatrick failed to make six-month reports to the Executive Director of his

  compliance with his treatment plan pursuant to the Stipulation of Facts and Order of

  Probation.

## **CONCLUSIONS OF LAW**

On an application for renewal of licensure Jimmie Lee Kirkpatrick failed to disclose discipline imposed by the Commission by Order adopted October 12, 2002, in violation of OAR 584-020-0040(4)(c). False statement on application is a basis for discipline including denial of licensure. Mr. Kirkpatrick's failure to comply with said Order of Probation requiring reports to the Executive Director violates OAR 584-020-0040(4)(k). Both of these violations constitute Gross Neglect of Duty and are evidence that an educator may lack of fitness to serve pursuant to OAR 584-050-0006(5) and ORS 342.143. The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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## ORDER

2	The Commission hereby denies the application of Jimmie Lee Kirkpatrick for
3	renewal of a Standard Administrative License.
4	IT IS SO ORDERED this 28th day of April, 2005.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
6	By: W. Duan Chamberlain
7 8	By: Wictoria Chamberlain, Executive Director
9 10	NOTICE OF APPEAL OR RIGHTS
11 -	
12	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
13	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
14	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
15	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

## **CERTIFICATE OF MAILING**

3	I hereby certify that I served the foregoing order by mailing a true copy thereof certified
4	by me as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt
5	Requested, addressed to:
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7	Jimmie Lee Kirkpatrick
8	830 SE 74 <sup>th</sup>
9	Portland, Oregon 97215
10	1/2/0
11	Dated this _//day of May 2005.
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15	By: // / ll ody / Mansim
16	Meledy Hanson/Executive Assistant