1 2 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION OF RIGHT MICHAEL DALE VAN LOON TO APPLY
8	On September 16, 2014, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Michael Dale Van Loon
10	(Van Loon) in which the Commission charged him with Gross Neglect of Duty and Gross
11	Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
12	$7012\ 1010\ 0003\ 2804\ 4777$ to the address on file with the Commission. The Notice
13	designated the Commission file as the record for purposes of proving a prima facie case.
14	The Certified Mail receipt was returned to the Commission "signed" on September 26,
15	2014. The first class mail was not returned to the Commission. The Notice of
16	Opportunity of Hearing, dated September 16, 2014, and signed by Victoria Chamberlain,
17	Executive Director, stated:
18 19 20 21 22 23 24 25	"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."
26	Van Loon did not request a hearing. The Commission, therefore, finds Van Loon to be in
27	default and enters the following findings of fact, conclusions of law, and final order,
28	based on the files and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Michael Van Loon has never been licensed by the Commission. On September 6,
31	2013, Van Loon made application for student teaching by submitting his PA-1
32	application package.
33	2. On December 4, 2013, the Commission internally referred Van Loon's application to
34	investigations based on background history checks. On Van Loon's PA-1 application,
35	Van Loon answered affirmatively to character questions 8, 9, and 10 and provided
36	written explanations to his "yes" answers. An investigation was conducted by
37	Commission staff, which included review of Van Loon's criminal history, arrest

- history, police contact history, related police reports, and Van Loon's explanations
- 2 provided in writing and during Van Loon's interview.
- 3 3. Van Loon's contact with the criminal justice system is extensive. The following is a list of Van Loon's law enforcement encounters in chronological order:
- 8/20/2005 Minor in Possession of Liquor Violation Convicted
- 2/16/2010 Driving while Under the Influence of Intoxicants Misdemeanor Dismissed by diversion
- 5/20/2010 Criminal Driving Suspended/Revoked License Misdemeanor Convicted
- 8/19/2010 Report of animal abuse / Dog at large witness reported you were seen striking your dog. No Disposition
- 1/3/2011- Harassment Misdemeanor Convicted (No probation Conditions),
   Assault 4<sup>th</sup> degree Misdemeanor Dismissed, Disorderly Conduct 2<sup>nd</sup> degree –
   Misdemeanor Dismissed
- 1/29/2011- Driving While Suspended Violation

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- 3/3/2011- Tampering with a witness Felony Dismissed, Harassment Misdemeanor- not filed, Improper use of 911- Misdemeanor Convicted
- 7/10/2011- Probation Violation Driving while Suspended Misdemeanor –
  Dismissed
- 11/xx/2011- DUII, Reckless Endangering- Misdemeanors (Self-reported, no disposition on file)
- 11/19/2011- Harassment 2 counts Misdemeanor Convicted, (18mo probation 5 days Jail), Assault 4th degree- Misdemeanor Dismissed, Theft of Services Misdemeanor Dismissed
- 11/04/2012- Unlawful Possession of Cocaine-Felony No complaint filed,

  Harassment Convicted
- 27 Review of the above encounters, combined with Van Loon's written and verbal 28 explanations of the incidents indicate a pattern of alcohol/substance abuse, anger
- 29 management issues, and physical violence. During Van Loon's interview with staff
- 30 investigators, Van Loon indicated he had undergone a drug and alcohol evaluation along
- with counseling and ongoing treatment programs. Van Loon also advised that he

possessed court documents related to several of the events listed above. At the request of 1 the commission investigator, Van Loon agreed to provide these documents and 2 documents related to Van Loon's treatment, evaluation and counseling. Multiple 3 requests have been made of Van Loon, but Van Loon has failed to provide any of these 4 materials to the Commission for review and consideration. 5 6 **CONCLUSIONS OF LAW** Van Loon's conduct described above constitutes gross neglect of duty violation of 7 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) 8 9 (Use professional judgment); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the 10 law, exemplifying personal integrity and honesty). Your conduct and convictions also 11 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) 12 (Conviction of violating any federal, state, or local law. A conviction includes any final 13 judgment of conviction by a court whether as the result of guilty plea, no contest plea 14 or any other means); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts 1.5 constituting criminal conduct, even in the absence of a conviction). 16 Van Loon's conduct also constitutes gross neglect of duty in violation of ORS 17 342.175(1)(b); OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right or 18 19 privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a 20 Commission representative relating to a Commission investigation). 21 Furthermore, Van Loon's conduct described above establishes that Van Loon 22 does not possess good moral character or mental and physical fitness as required to hold 23 a license under ORS 342.143(2). 24 The Commission's authority to impose discipline in this matter is based upon ORS 25 26 342.175. FINAL ORDER 27 The Commission hereby revokes Michael Dale Van Loon's right to apply for 28 29 licensure.

IT IS SO ORDERED THIS \_3| day of October, 2014.

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1	TEACHER STANDARDS AND PRACTICES COMMISSION
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	Tatorta Kamberlain
4	By:
5	Victoria Chamberlain, Executive Director
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8	NORICE OF ADDEAL OD DICHTS
9	NOTICE OF APPEAL OR RIGHTS
10	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
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12	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
13	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
14	ORS 183.482 TO THE OREGON COURT OF APPEALS.

## **CERTIFICATE OF MAILING**

hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Michael Dale Van Loon PO Box 2855 Winston, OR 97496-2855

Dated this  $3/4^{\circ}$  day of October, 2014.

Patty Liddel

Investigative Assistant