1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION		
2	OF THE STATE OF OREGON		
3	In the Matter of the		
4	Teaching License of	STIPULATION OF FACTS, ORDER OF	
5	MARK PAUL ALLEN	SUSPENSION AND ORDER OF PROBATION	
6	The Teacher Standards and Practices Co	ommission (Commission) issued a Notice of	
7	Opportunity for Hearing on March 20, 2002 to Mark Paul Allen, proposing to impose discipline		
8	under ORS 342.177. Mr. Allen requested a hearing to contest the allegations in the notice. After		
9	review of the matters alleged, the Commission a	and Mr. Allen have agreed that their respective	
10	interests, together with the public interest, are best served by a stipulation to certain facts and the		
11	suspension of Mr. Allen's teaching license, followed by a period of probation.		
12	In entering into this stipulation, Mr. Allen waives his right to a hearing and understands		
13	that the Commission will suspend his teaching li	cense for a period of five (5) months. This	
14	stipulation and order are contingent on approval by the full Commission. If the Commission does		
15	not approve this stipulation and proposed order, it is understood by Mr. Allen and the		
16	Commission that any waiver of rights by Mr. Al	len is therefore revoked. It is further understood	
17	that the statements contained in this stipulation	may not be used by either the Commission or Mr.	
18	Allen for any reason if the Commission fails to a	pprove the stipulation and proposed order.	
19	STIPULA	TED FACTS	
20	Mr. Allen and the Commission stipulate	as follows:	
21	1. Mr. Allen has held an Oregon Te	aching License since July 1984. He currently	
.22	holds a standard license with a su	bject matter endorsement in music.	

Page 1 - STIPULATION OF FACTS, ORDER OF SUSPENSION AND ORDER OF PROBATION JGM/jaw /GENC5169.doc

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 378-6003

1	2.	Mr. Allen has been employed as a music teacher and band director with the Coos
2		Bay School District since 1993.
3	3.	Between 1998 and September 2000, Mr. Allen was a member of the South Coast
4		Chapter of the Oregon Music Education Association, and he served as treasurer of
5		
6		the organization during that period.
7	4.	Between 1998 and September 2000, Mr. Allen converted approximately \$14,000
8		of the Association's funds to his personal use. Mr. Allen's activities were
		discovered when he deposited a donation to the school district into the Oregon
9		Music Education Association account and then was unable to repay the money due
10		to lack of funds in the Association account. A subsequent audit revealed that Mr.
11		Allen had written approximately \$14,000 in Association checks for his personal
12		use.
13	$\left(\begin{array}{c} 1 \\ 1 \end{array} \right) \left(\begin{array}{c} 1 \\ 1 \end{array} \right)$	0100 7 17 000
14	Mark Paul All	len Date
15	()	
16	Victoria Chas	Manufair July 18, 2002
17	Executive Dir	1 1/ 1/
18		CONCLUSION OF LAW
19	Mr. A	llen's conduct constitutes gross neglect of duty in violation of OAR 584-020-
20	0040(4)(o), 5	84-020-0035(2)(b) and (3)(a), 584-020-0040(4)(c) and 584-020-0040(5)(b).
21		
22		

1	DISCUSSION		
2	Mr. Allen's conduct clearly warrants a suspension of his teaching license. In imposing a		
3	sanction, the Commission has considered the factors listed under OAR 584-020-0045 and all		
4	other relevant factors. Significant aggravating factors include the fact that Mr. Allen's conduct		
5	was dishonest and directly related to his professional responsibilities. His conduct was also not an		
6	isolated event; it was continuous and ongoing, until discovered by school officials.		
7	Significant mitigating factors include the fact that Mr. Allen has repaid all of the funds that		
8	he improperly spent, and that his employing school district has indicated support for Mr. Allen as		
9	a teacher and has expressed an intent to rehire Mr. Allen at the end of his term of suspension.		
10	ORDER		
11	The Oregon Teaching License of Mark Paul Allen is suspended for a period of five (5)		
12	months from July 1, 2002 through November 30, 2002. Upon expiration of the period of		
13	suspension, Mr. Allen's teaching license shall be reinstated upon the following conditions:		
14	1. Mr. Allen shall submit an application for reinstatement as provided under OAR		
15	584-050-0015.		
16	2. Mr. Allen shall, at his own expense, obtain an evaluation by an evaluator who is		
17	acceptable to the Commission. The evaluator shall provide a written report to the		
18	Commission. The report shall contain the following:		
19	a. A list of the processes and techniques used in the evaluation, e.g. testing,		
20	interviews, etc., and a list of the materials used and reviewed in the		
21	evaluation.		
22			

Page 3 - STIPULATION OF FACTS, ORDER OF SUSPENSION AND ORDER OF PROBATION JGM/jaw /GENC5169.doc

1		b. A statement of the evaluator's findings and an explanation for the basis of
2		
3		these findings. The evaluator's findings and explanation need not include a
		detailed medical history or a specific medical diagnosis, unless, in the sole
4		judgment of the evaluator, such information is necessary to provide a full
5		and accurate response.
6		c. A statement that, in the professional opinion of the evaluator, Mr. Allen is
7		fit to work with students, and that there is a high probability he will not
8	·	engage in dishonest or fraudulent activity or other inappropriate behavior in
9		the future.
10		d. A recommendation as to whether Mr. Allen should participate in continued
11		therapy, counseling or treatment.
12	5.	At the outset of the evaluation, Mr. Allen shall provide a copy of this order and a
13		copy of the Commission's investigation report dated February 7, 2002 to the
14		evaluator. Mr. Allen shall cooperate in the evaluation which may include testing,
15		interviews and any other activities the evaluator may consider necessary to
16		complete the evaluation.
17	6.	The Commission will consider the evaluator's report to be a medical record
18		containing personal information the disclosure of which would constitute an
19		
20		unreasonable invasion of privacy. The Commission agrees not to disclose the
		report to third parties unless ordered to do so under Oregon law.
21	7.	Upon reinstatement of his teaching license, Mr. Allen shall be placed on probation
22		for a period of three (3) years, subject to the following conditions:

Page 4 - STIPULATION OF FACTS, ORDER OF SUSPENSION AND ORDER OF PROBATION JGM/jaw /GENC5169.doc

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 378-6003

1	1) Mr. Allen shall comply with all standards for competent and ethical
2	performance under OAR 584 Div 020.
3	2) Mr. Allen shall participate in continuing therapy, counseling or treatment a
4	recommended by the evaluator in paragraph 2 above.
5	3) Mr. Allen shall provide consent for his treatment provider to contact the
6	Commission or to respond to Commission inquiries in order to verify Mr
7	Allen's participation and cooperation in any treatment recommended by the
8	evaluator.
9	4) Violation of any conditions of probation may constitute an independent
10	basis for the Commission to impose discipline, up to and including
11	
12	revocation of Mr. Allen's Oregon Teaching License, subject to his right to
13	a hearing on the issue of whether he violated probation.
14	IT IS SO ORDERED this and day of lugust, 2002.
15	
16	TEACHER STANDARDS AND PRACTICES COMMISSION
17	By: Wante hamberlain, Executive Director
18	Victoria Chamberlain, Executive Director
19	
20	
21	
22	

Page 5 - STIPULATION OF FACTS, ORDER OF SUSPENSION AND ORDER OF PROBATION JGM/jaw /GENC5169.doc

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 378-6003