1 2 3		BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8	Licens	e Matter of the Educator) DEFAULT ORDER OF se of) REPRIMAND N DON MAK) AND PROBATION
9		On December 27, 2017, the Teacher Standards and Practices Commission
10	(Com	mission) issued a Notice of Opportunity for Hearing to Kevin Don Mak (Mak) in which
11	the Co	ommission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class	Mail and U.S. Certified Mail Receipt 7016 3010 0000 5718 8957 to the address on file
13	with t	he Commission. The Notice designated the Commission file as the record for purposes
14	of pro	oving a prima facie case. The Certified Mail receipt was returned to the Commission as
15	"signe	ed" on December 30, 2017. The first class mail was not returned to the Commission.
16	The N	lotice of Opportunity of Hearing, dated December 27, 2017, and signed by Trent
17	Danov	wski, Co-Interim 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	Mak d	lid not request a hearing. The Commission, therefore, finds Mak to be in default and
27	enters	s the following findings of fact, conclusions of law, and final order, based on the files
28	and re	ecords of the Commission concerning this matter.
29		FINDINGS OF FACT
30	1.	Mak has been licensed by the Commission since September 28, 2016. Mak holds
31		a Preliminary Teaching License, with an endorsement in Foundational
32		Mathematics (PK-12), valid from September 28, 2016, through July 12, 2020.
33		During all relevant times, Mak was an applicant of the Salem-Keizer School
34		District (SKSD).
35	2.	On May 9, 2017, the Commission was notified by the Salem-Keizer School
36		District that Mak may have violated professional standards by falsifying an
37		employment application, omitting past employment that could be viewed as

unfavorable. Subsequent investigation determined the following:

- a. On April 19, 2017, Mak submitted an application for employment with the SKSD. On this application, Mak listed past employment as a substitute teacher with Victor Valley Union High School District (VVUHSD) in California. On May 3, 2017, Mak submitted another application for employment with SKSD, where Mak omitted his employment with VVUHSD. SKSD's application states an applicant's complete employment history is required. On the "District Background Questions" portion of Mak's May 3, 2017, application Mak falsely answered "Yes" to the question, "Oregon law requires you to list ALL current and former employers who are education providers. Have you listed ALL current and former employers who are education providers in the experience section of this application?"
- b. During subsequent review of Mak's past employment with VVUHSD, it was learned that Mak had been removed from the substitute teacher list for conduct related to possible boundary issues with a student. When questioned about why Mak left this employment off of his application, Mak stated he was afraid it would look bad on his application, and Mak wanted to scratch off that experience, telling himself that he never worked there.

CONCLUSIONS OF LAW

Kevin Don Mak engaged in unprofessional conduct as described above. 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 professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-020-0040(4)(c) (Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties); and OAR 584-020-0040(o) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty).

1	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.		
2	FINAL ORDER		
3	The Commission hereby issues a Public Reprimand upon Kevin Don Mak's Oregon		
4	educator license.		
5	In addition, the Commission places Mak on probation for a period of one year to		
6	commence upon execution of this order. This probation period is subject to the		
7	following terms and conditions:		
8			
9	1. Mak shall comply with the Standards for Competent and Ethical Performance of		
10	Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020		
11			
12	Violation of any term or condition of probation shall constitute an independent basis		
13	for the Commission to revoke Mak's Oregon educator license or otherwise impose		
14	discipline, after first providing Mak with notice and opportunity for hearing.		
15 16 17	IT IS SO ORDERED THIS 22 ^{hd} day of March, 2018.		
18			
19	TEACHER STANDARDS AND PRACTICES COMMISSION		
20			
21 22 23	By:		
24 25	NOTICE OF APPEAL OR RIGHTS		
26 27 28 29	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.		