1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8	In the Matter of the Educator License of HELEN JEAN KOCIEMBA On Describer a south the Targhan Standard and Line 1. Describer Constitutions On Describer a south the Targhan Standard and Line 1. Describer Constitutions
9 10	On December 9, 2013, the Teacher Standards and Practices Commission
11	(Commission) issued a Notice of Opportunity for Hearing to Helen Jean Kociemba
12	(Kociemba) in which the Commission charged her with Gross Neglect of Duty. The Notice
13	was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 5019
13	to the address on file with the Commission. The Notice designated the Commission file as
	the record for purposes of proving a prima facie case. The Certified Mail was returned to the
15	Commission "Not Deliverable / Unable to forward". The first class mail was not returned to
16	the Commission. Kociemba contacted the commission, asked some clarifying questions, and
17	advised she would advise of her decision on how she wanted to proceed. Kociemba was
18	reminded of her 21 day time period before defaulting, Kociemba never re-contacted the
19	commission. The Notice of Opportunity of Hearing, dated December 9, 2013, and signed by
20	Victoria Chamberlain, Executive Director, stated:
21 22 23 24 25 26 27 28	"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."
29	Kociemba did not request a hearing. The Commission, therefore, finds Kociemba to be in
30	default and enters the following findings of fact, conclusions of law, and final order, based
31	on the files and records of the Commission concerning this matter.
32	FINDINGS OF FACT
33	1. Kociemba has never been licensed as a teacher in Oregon. Kociemba made application
34	for Student Teaching on May 17, 2013. As part of her application, the Commission
35	received Kociemba's disclosure of her 2012 arrest and conviction of Theft in the First
36	degree, a Felony crime. Kociemba answered "Yes" to application character questions

1		numbered eight and nine in her application. Kociemba submitted court documents and a
2		written explanation for her "Yes" answers as required.
3		
4	2.	In Kociemba's written explanation, Kociemba described the event as a onetime mistake
5		where she succumbed to pressure of two Macy's customers. Kociemba indicated that as
6		an employee of Macy's, she had agreed to fraudulently scan a \$10 off discount coupon for
7		these two customers who had been repeatedly requesting that Kociemba do so over a
8		period of time. Kociemba also indicated that she finally agreed to scan the coupon for
9		them because of Macy's policy that "The customer is always right". Kociemba's written
10		explanation clearly portrays the incident as a onetime event. The court documents
11		Kociemba provided included mention of restitution to Macy's in the amount of
12		\$3,730.12; a figure that did not appear to coincide with Kociemba's written explanation.
13		Police reports were acquired and investigators determined that Kociemba had scanned
14		the mentioned coupon in a matter of approximately 213 separate transactions over
15		multiple dates, sometimes scanning the coupon multiple times and manually overriding
16		the register. The documents also indicated that Kociemba admitted to under-ringing
17		merchandise and giving the two customers items for free on occasion. Kociemba's
18		written explanation does not match the true account of the incident in question, making
19		this part of Kociemba's application a falsification and misrepresentation of the facts.
20		CONCLUSIONS OF LAW
21		Kociemba's conduct described above constitutes gross neglect of duty in violation of
22	OR	S 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
23	(U:	se professional judgment); and OAR 584-020-0040(4)(c) (Knowing falsification of any
24	do	cument or knowing misrepresentation directly related to licensure, employment, or
25	pro	ofessional duties).
26		
27		The Commission's authority to impose discipline in this matter is based upon ORS
28	34	2.175.
29		

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1	FINAL ORDER
2	The Commission hereby revokes Helen Jean Kociemba's Right to Apply for an
3	Educator License.
4	IT IS SO ORDERED THIS <u>fr</u> day of February, 2014.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
6	By:
7	Victoria Chamberlain, Executive Director
8 9 10	NOTICE OF APPEAL OR RIGHTS
11	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
12	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
13	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
14	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I 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:

Helen Jean Kociemba 9600 SW North Dakota St Portland, OR 97223-6534

Dated this // day of February, 2014.

Patty Liddell

Investigative Assistant