1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
5 5 6 7	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION AND REVOCATION JONATHAN ROBERT MAGGIANO OF RIGHT TO APPLY
8	On March 14, 2016, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Jonathan Robert Maggiano
10	(Maggiano) in which the Commission charged him with Gross Neglect of Duty and
11	Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
12	Receipt 7015 0640 0004 7539 8186 to the address on file with the Commission. The
13	Notice designated the Commission file as the record for purposes of proving a prima
14	facie case. The Certified Mail receipt was returned signed to the Commission on March
15	17, 2016. The regular mail was not returned to the Commission. The Notice of
16	Opportunity of Hearing, dated March 14, 2016, 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	Maggiano did not request a hearing. The Commission, therefore, finds Maggiano to be
27	in 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.
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30	FINDINGS OF FACT
31	1. Jonathan Maggiano has been licensed by the Commission since April 26, 2013.
32	Maggiano's Initial I Teaching License, with an endorsement in Language Arts (HS,
33	ML), is valid from October 27, 2014, through July 1, 2016. During all relevant times
34	Maggiano was employed by the Tigard-Tualatin School District.
35	2. On December 28, 2015, Maggiano pled guilty to and was convicted of Sexual Abuse
36	in the Second Degree (ORS 163.425), a class C Felony. Maggiano was sentenced to

1 24 months of supervised probation and required to register as a sex offender upon 2 Maggiano's release. 3. Maggiano's conviction arose from allegations that on or about July 18, 2015, 3 Maggiano subjected a student, under the age of 18, to sexual contact (Oral Sex). 4 5 **CONCLUSIONS OF LAW** Maggiano's convictions constitutes gross neglect of duty in violation of ORS 6 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use 7 professional judgment); and OAR 584-020-0040(1)(n) (ORS 163.425 -Sexual Abuse in 8 the Second Degree). This conduct also constitutes gross unfitness in violation of ORS 9 10 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).* 11 12 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards 13 and Practices Commission must revoke Maggiano's license and Maggiano's right to 14 apply for a license based on his conviction of any of the crimes listed in ORS 15 342.143(3)(a), or the substantial equivalent of any of those crimes. Additionally, 16 Maggiano's convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c), 17 OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) ("Gross 18 unfitness is any conduct which renders an educator unqualified to perform his or her 19 20 professional responsibilities"). 21 Furthermore, the conduct underlying Maggiano's indictments and conviction 22 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-23 0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 24 584-020-0040(1)(n) (ORS 163.425 –Sexual Abuse in the Second Degree). This conduct 25 also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-26 0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction 27 includes any final judgment of conviction by a court whether as the result of guilty 28 plea, no contest plea or any other means); OAR 584-020-0040(5)(d) (Commission of 29

an act listed in OAR 584-020-0040(1); and OAR 584-020-0040(5)(e) (Admission of or

engaging in acts constituting criminal conduct, even in the absence of a conviction).

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2	The Commission's authority to impose discipline in this matter is based upon ORS
3	342.175.
4	FINAL ORDER
5	The Commission hereby revokes Jonathan Robert Maggiano's educator license
6	and revokes his right to apply for an educator license.
7	IT IS SO ORDERED THIS 23 day of May, 2016.
8	TEACHER STANDARDS AND PRACTICES COMMISSION
9 10	
10	By:
11	By:
12 13	Victoria Chamberlain, Executive Director
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16	NOTICE OF APPEAL OR RIGHTS
17 18	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
10 19	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
20	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
21	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:

Jonathan Robert Maggiano 2427 SE 61st Ave Portland, OR 97206-1312

Dated this ______day of May, 2016.

Patty Sheldon

Investigative Assistant