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GENERAL COUNSEL
DEPT. OF JUSTICE
SALEM, OREGON

BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

In the Matter of the)
Teaching License of:)
JOEDY MARES-HUDINCHIA)
_____)

SURRENDER OF TEACHING LICENSE,
STIPULATION OF FACTS, AND
ORDER OF REVOCATION

On or about July 25, 1995, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Joedy Mares-Hudinchia (Mares-Hudinchia) in which the Commission proposed to suspend or revoke the teaching license of Mares-Hudinchia or otherwise impose discipline under ORS 342.177 based upon alleged misconduct including his arrest and conviction for numerous crimes, his inability to serve as an educator because of absences due to medical problems, alcohol abuse and his inappropriate expressions of anger with students. In addition, Mr. Mares-Hudinchia's possession of firearms and attempts to use them while under the use of alcohol implicates the safety of his students. Mares-Hudinchia requested a hearing through his attorney, Lory J. Kraut, to contest the allegations in the Notice. After a review of the matters alleged, the parties have agreed that their respective interests, together with the public interest, are best served by the surrender of Mares-Hudinchia's license and a stipulation to certain facts and conclusions of law. This agreement sets out the facts upon which the parties have agreed and the sanction to be imposed, and the

1 basis for the Commission's order. In entering into this
2 stipulation, Mares-Hudinchia waives his right to a hearing to
3 contest any of the findings set forth below.

4 **STIPULATED FACTS**

5 Mares-Hudinchia agrees and stipulates that substantial
6 evidence exists in the record to support the following findings of
7 fact by the Commission:

8 1. Joedy Mares-Hudinchia taught at Butte Creek Elementary
9 School for 18 years. He began his employment with the precursor of
10 the present Silverton School District in August, 1977. From 1977
11 until 1992, Mares-Hudinchia consistently received performance
12 evaluations reflecting that he met or exceeded expectations of a
13 competent teacher.

14 2. Mr. Mares-Hudinchia's performance evaluations
15 consistently reflect a hard working, well prepared and dedicated
16 educator who showed a sincere interest in teaching science and
17 demonstrated creativity in developing different ways of presenting
18 lab material to make the subject matter interesting to students.
19 In addition, Mr. Mares-Hudinchia was in charge of Butte Creek's
20 popular outdoor school program.

21 3. Mental illness, coupled with alcohol abuse, began
22 affecting Mr. Mares-Hudinchia's attendance in 1992. These problems
23 ultimately contributed to Mr. Mares-Hudinchia resigning his
24 teaching position with Silverton School District effective June,
25 1996.

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1 4. The onset of Mr. Mares-Hudinchia's mental illness began
2 in 1992. On April 14, 1992, police officers responded to Mr.
3 Mares-Hudinchia's 911 call for help. Mr. Mares-Hudinchia was home
4 alone with his two-year old son, extremely depressed, heavily
5 intoxicated and attempting suicide by the combination of pills and
6 alcohol. He was not armed when the police arrived; however, he had
7 told the 911 operator that he was going to "blow his head off" with
8 a revolver. He also threatened to shoot any police officers who
9 came upon his property. The police took Mr. Mares-Hudinchia to the
10 Oregon State Mental Hospital where he was admitted for care and
11 released the following day. This was the first time Mr. Mares-
12 Hudinchia attempted suicide. The number and frequency of attempts
13 increased over the next three years.

14 5. On October 1, 1993, Mr. Mares-Hudinchia threatened to
15 commit suicide, which resulted in a nine-hour standoff with the
16 police. Upon arrival at the edge of the Hudinchia property, the
17 police heard a single gun shot from the direction of the house.
18 When they approached the house, the police found Mr. Mares-
19 Hudinchia intoxicated, despondent and armed with a firearm. Mr.
20 Mares-Hudinchia threatened to harm himself or anyone who came near
21 the house. He did not follow through on his threat and the
22 situation was resolved.

23 6. On October 3, 1993, Mr. Mares-Hudinchia attempted suicide
24 by ingesting pills and alcohol. He called 911 requesting an
25 ambulance. Mr. Mares-Hudinchia was taken into custody and
26 committed to the Oregon State Mental Hospital for evaluation.

1 7. The doctors at Oregon State Mental Hospital diagnosed Mr.
2 Mares-Hudinchia with depression -- bi-polar disorder with suicide
3 ideation. The doctors treated Mr. Mares-Hudinchia with anti-
4 depressants and mood stabilizers.

5 8. By October, 1994, Mr. Mares-Hudinchia's marriage was
6 deteriorating. On October 7, 1994, police officers responded to
7 the Mares-Hudinchia's home on a report of a physical domestic
8 dispute. He had been drinking heavily. The evidence is unclear as
9 to who started the fight. Mr. Mares-Hudinchia was arrested for
10 Assault IV. He pleaded guilty to the charges and was placed on
11 probation.

12 9. Mr. Mares-Hudinchia violated his probation on October 28,
13 1994, when he was arrested for unlawful possession of a weapon. He
14 had been drinking and had a .22 calibre Derringer in his pocket.
15 Mr. Mares-Hudinchia became combative while being examined in the
16 hospital emergency room; he was searched, and the weapon was found
17 on his person. Mr. Mares-Hudinchia did not threaten anyone with
18 the gun.

19 10. On March 21, 1995, police responded to Mr. Mares-
20 Hudinchia's home to find him passed out in the middle of the living
21 room. He had been drinking without eating for the past five days.
22 Mr. Mares-Hudinchia had earlier threatened to kill himself and the
23 neighbor. Although Mr. Mares-Hudinchia denies making such threats,
24 his wife told the police that he had threatened to kill himself and
25 the neighbor, and to blow up the house by shooting at a substance
26 ///

1 he identified as calcium chloride that is not explosive. No
2 charges were filed.

3 11. On April 15, 1995, police responded to another call at
4 the Hudinchia residence.

5 12. Mr. Mares-Hudinchia had become suicidal and had a
6 revolver. A neighbor, James Foye, wrestled with Mr. Mares-
7 Hudinchia to take away the gun. Mrs. Hudinchia called 911.

8 13. When the police arrived, they found Mr. Mares-Hudinchia
9 intoxicated, sitting in his truck in his driveway, armed with a
10 rifle and a bottle of alcohol. Although the police reports reflect
11 that Mr. Mares-Hudinchia threatened to shoot at the officers
12 several times from inside the truck, he never pointed the gun at
13 anyone. The officers convinced Mr. Mares-Hudinchia to leave the
14 truck. While being taken into custody, he was uncooperative and a
15 police dog bit him. Mr. Mares-Hudinchia wrestled with the dog,
16 which was injured. Mr. Mares-Hudinchia was arrested and charged
17 with Assault IV (domestic), Menacing (domestic), Unlawful
18 Possession of a Weapon, Interfering with a Police Animal and
19 general Menacing.

20 14. Mr. Mares-Hudinchia received a conditional release from
21 custody while awaiting adjudication of the charges. A condition of
22 the release was that he stay away from his wife and his residence.
23 On May 16, 1995, while intoxicated, Mr. Mares-Hudinchia violated
24 the terms of the conditional release by appearing at his house.
25 Mrs. Mares-Hudinchia called the police.

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1 15. On June 16, 1995, Mr. Mares-Hudinchia pleaded guilty to
2 Assault IV and Resisting Arrest (both class A misdemeanors) and
3 Violation of a Conditional Release. The court suspended Mr. Mares-
4 Hudinchia's sentence with the condition that he be placed on
5 probation for 36 months, complete alcohol counseling and not
6 consume alcohol. For violating the terms of the conditional
7 release, the court sentenced Mr. Mares-Hudinchia to 45 days in
8 Marion County Jail with credit for time served.

9 16. Although Mr. Mares-Hudinchia recently completed a three-
10 week residential alcohol treatment program in December, 1995, he
11 continues to have trouble controlling his drinking problem. Two
12 days after being released from the treatment program, Mr. Mares-
13 Hudinchia failed to report to his probation officer. On follow-up,
14 the probation officer found Mr. Mares-Hudinchia in his home
15 intoxicated. A breath test revealed a blood alcohol level of .188.
16 Mr. Mares-Hudinchia admitted drinking approximately one gallon of
17 wine that morning. Mr. Mares-Hudinchia was arrested for violating
18 the conditions of his probation and sentenced to 120 days in jail.

19 17. This Stipulation and the proposed order are contingent
20 upon approval by the full Commission at the Commission's next
21 meeting. If the Commission does not approve this Stipulation, the
22 matter will be returned for a hearing, and neither Mares-Hudinchia
23 nor the Commission shall be bound by any matters in this
24 Stipulation.

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1 CONCLUSIONS OF LAW

2 Mr. Mares-Hudinchia's actions constitute gross unfitness under
3 ORS 342.175 and OAR 580-20-040 such as to render Mares-Hudinchia
4 unfit to hold a license.

5 The parties acknowledge that upon surrender of his license and
6 execution of this Stipulation, the Commission will enter an Order
7 revoking Mares-Hudinchia's teaching license.

8 IT IS SO STIPULATED:

9
10 Joedy Mares-Hudinchia
11 Joedy Mares-Hudinchia

May 26, 96
Date

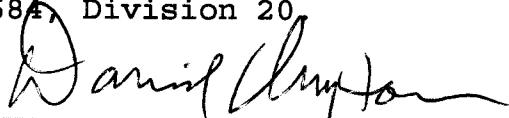
12 David V. Myton
13 David V. Myton, Executive Secretary
14 Teacher Standards and Practices Commission

6/6/96
Date

1 **SURRENDER OF LICENSE AND ORDER**

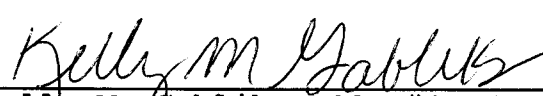
2 1. The Commission accepts Mr. Mares-Hudinchia's voluntary
3 surrender of his Oregon teaching license.

4 2. The Commission also revokes Mr. Mares-Hudinchia's
5 teaching license as provided under OAR 584-20-040 and 584-50-027.
6 Under ORS 342.175(3), any person whose license has been revoked may
7 apply to the Commission for reinstatement after one year from the
8 date of revocation. If Mr. Mares-Hudinchia should apply for
9 reinstatement at some future date, the Commission will expect, at a
10 minimum, that Mares-Hudinchia provide evidence establishing that he
11 is taking appropriate steps and has made appropriate changes which
12 ensure: that he has gained control of his medical problems, and
13 his alcohol use will no longer affect his ability to serve as an
14 educator; and that he has the ability to comply with all Standards
15 for Competent and Ethical Performance of Oregon Educators and OAR
16 584, Division 20.

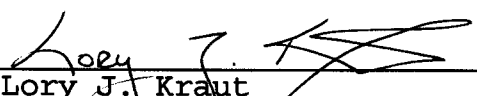
17 
18 David V. Myton, Executive Secretary
19 Teacher Standards and Practices Commission

6/6/96
Date

20 APPROVED AS TO FORM:

21 By: 
22 Kelly M. Gabliks, OSB #88166
23 Assistant Attorney General

5/30/96
Date

24 By: 
25 Lory J. Kraut
26 Attorney for Joedy Mares-Hudinchia

21 May 1996
Date

26 KMG:kmg:ros\KMG0269.PLE