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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS, FINAL
4 Licensure of) ORDER OF SUSPENSION OF RIGHT
5 TAMARA ANN MASZK) TO APPLY AND PROBATION

6 On January 26, 2006, the Teacher Standards and Practices Commission (Commission)
7 received a report from Jay Rowell, Superintendent, La Grande School District indicating that
8 Tamara Ann Maszk (Maszk) violated Standards on November 10, 2005, and on January 11,
9 2006, by appearing on duty under the influence of alcohol.

10 After review of the matters alleged, Ms. Maszk and the Commission agree that their
11 respective interests, together with the public interest, are best served by a stipulation to certain
12 facts, the imposition of a sixty (60) day suspension of her right to apply for licensure and a four
13 (4) year probation upon reinstatement of licensure. Ms. Maszk understands that the probation
14 will be subject to specific terms and conditions.

15 This document sets forth the facts upon which the parties have agreed and the
16 stipulated sanction to be imposed. Ms. Maszk stipulates that there is sufficient evidence in the
17 Commission's files and records to support the findings of fact, conclusions of law, and order set
18 forth below.

19 By signing below, Ms. Maszk acknowledges, understands, stipulates, and agrees to the
20 following: (i) she has been fully advised of her rights to notice and a hearing to contest the
21 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
22 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Final Order
23 of Suspension of Right to Apply and Probation (Stipulation and Final Order); (ii) this Stipulation
24 and Final Order is a public document and disclosed to the public upon request by the
25 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and
26 adoption by the Commission. If the Commission does not approve and adopt this Stipulation
and Final Order, then neither Ms. Maszk nor the Commission are bound by the terms herein;

1 (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she
2 voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents
3 to issuance and entry of the Stipulated Final Order below; (vi) she states that no promises or
4 representation has been made to induce her to sign this Stipulation and Final Order; and (vii)
5 she has consulted with an attorney regarding this Stipulation and Final Order and has been fully
6 advised with regard to her rights thereto, or waives any and all rights to consult with an attorney
7 prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated
8 Final Order below.

9 **STIPULATION OF FACTS**

10 1. Ms. Maszk has been licensed by the Commission since July 24, 1990.

11 Ms. Maszk held a Basic Teaching License with Basic Mathematics and Basic Elementary
12 endorsements issued June 10, 2003. Said license expired June 3, 2006.

13 2. Ms. Maszk began teaching for La Grande School District on August 30, 1993. The
14 District terminated Ms. Maszks employment on February 8, 2006.

15 3. On November 10, 2005, Ms. Maszk appeared on duty under the influence of alcohol.
16 Ms. Maszk was placed on administrative leave through the 2005-2006 Christmas break. Ms.
17 Maszk entered into a Last Chance Agreement with the La Grande School District on January 3,
18 2006, and was required to submit to random urinalysis, breathalyzer, or blood tests.

19 4. On January 11, 2006, Ms. Maszk failed an alcohol breathalyzer test administered
20 during the work day, on school grounds, by blowing a .08.

21 5. On March 11, 2006, Ms. Maszk was arrested for DUII in La Grande, Oregon. On
22 April 25, 2006, Ms. Maszk pled guilty and entered into a diversion agreement with the Union
23 County Circuit Court.

24 6. Ms. Maszk recognizes that she has an alcohol dependency problem and has agreed
25 to seek treatment and participate in aftercare as prescribed by her treatment provider.

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2 **CONCLUSION OF LAW**

3 Tamara Ann Maszk violated OAR 584-020-0040(4)(g) by appearing on duty while under
4 the influence of alcohol on November 10, 2005, and January 11, 2006, at Greenwood
5 Elementary School, La Grande School District. This misconduct constitutes Gross Neglect of
6 Duty. Ms. Maszk's alcohol related criminal conduct constitutes Gross Unfitness as defined in
7 OAR 584-020-0040(5)(e). The Commission has the authority to impose discipline in this matter
8 under ORS 342.120 through 342.430 and OAR Chapter 584.

8 **IT IS SO STIPULATED AND AGREED TO:**

9 Tami Maszk
10 Tamara Ann Maszk

1-30-07
Date

11 Victoria Chamberlain
12 Victoria Chamberlain, Executive Director
13 Teacher Standards and Practices Commission

3-6-07
Date

14 **ORDER**

15 The Commission hereby adopts and incorporates herein the above findings of fact and
16 suspends Ms. Maszk's right to apply for licensure for a period of sixty (60) days, effective
17 March 15, 2007, followed by a four (4) year probation upon reinstatement of her teaching
18 license. Ms. Maszk's teaching license shall be reinstated upon application as provided by OAR
19 584-050-0015(3) together with her completion of an alcohol treatment program. The terms of
20 probation are as follows:

21 1. Ms. Maszk shall, at her own initiative and expense, continue to obtain treatment for
22 her alcohol dependency as recommended by her alcohol treatment provider and shall abstain
23 from the consumption of alcohol;

24 2. Ms. Maszk will provide a copy of her treatment plan to the Commission on or before
25 March 15, 2007. Ms. Maszk shall authorize and sign any consent forms as necessary for the
26 treatment provider or counselor to furnish records to discuss Ms. Maszk's treatment with the
Commission.

1 3. During the period of her probation, Ms. Maszk shall submit to the Executive Director
2 of the Commission reports of her compliance with the treatment plan. Ms. Maszk shall provide
3 these reports every six (6) months during her probation on or before: September 15, 2007;
4 March 15, 2008; September 15, 2008; March 15, 2009; September 15, 2009; March 15, 2010;
5 September 15, 2009; and March 15, 2010.

6 4. Ms. Maszk shall report in writing within ten days to the Executive Director of the
7 Commission any arrest or citation for any felony, misdemeanor, major traffic violation or
8 violation of criminal probation; and

9 5. Ms. Maszk shall comply with all Standards for Competent and Ethical Performance
10 under Oregon Administrative Rules Chapter 584, Division 020.

11 If Ms. Maszk does not comply with her treatment plan based on the reports of her
12 treatment provider or as otherwise determined by the Executive Director she shall be in violation
13 of the terms of this probation. Violation of any term or condition of probation shall constitute an
14 independent basis for the Commission to revoke Ms. Maszk's licensure or otherwise impose
15 discipline, after first providing Ms. Maszk with notice and opportunity for hearing.

16 Issued and dated this 19 day of March, 2007.

17 **TEACHER STANDARDS AND PRACTICES COMMISSION**
18 **STATE OF OREGON**

19
20 By: _____
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Victoria Chamberlain
Victoria Chamberlain, Executive Director

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