

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the) AMENDED STIPULATION OF
4 Teaching License of) FACTS AND FINAL ORDER OF
5 DOUGLAS TODD KARTUB) SUSPENSION AND PROBATION
6

7 On January 23, 2009, the Commission received a information from the Fern
8 Ridge School District reporting that Douglas Kartub used a school district computer to
9 access sexually explicit materials on the internet. On July 29, 2010, Kartub signed a
10 stipulated agreement that would result in the suspension of his license for a period of 30
11 days. The Commission adopted the Stipulated Agreement at the August 2010 meeting,
12 which was subsequently signed into effect by the Executive Director on August 9, 2010.
13 On August 12, 2010 the Commission became aware that Mr. Kartub continued to work
14 despite the suspension of his license.

15 After review of the matters alleged, Mr. Kartub and the Commission agree that
16 their respective interests, together with the public interest, are best served by a
17 stipulation to certain facts and the lengthening of his suspension by and additional two
18 weeks.

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

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

9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Mr. Kartub since November 5, 1996. Mr. Kartub currently
11 holds a Standard Administrative License, issued March 31, 2007 and valid until March
12 30, 2012.
- 13 2. During all relevant times Mr. Kartub was employed as a principal in the Fern Ridge
14 School District.
- 15 3. On 16 days in the months of September, October and November of 2008, Mr. Kartub
16 used a school district computer to access sexually explicit material on the internet. Said
17 material depicted adults only and was viewed only in a location and at times outside of
18 and away from the presence of any other person or persons, either students or adults.
- 19 4. Mr. Kartub has undergone an evaluation by qualified mental health specialists, the
20 reports from whom have been provided to the Commission. The reports stated that Mr.
21 Kartub fully cooperated in an assessment process, demonstrated responsibility for the
22 conduct of concern and that he is not deemed vulnerable to future re-occurrence.
- 23 5. On July 29, 2010, Kartub signed a stipulated agreement that would result in the
24 suspension of his license for a period of 30 days. The Commission adopted the
25 Stipulated Agreement at the August 2010 meeting, which was subsequently signed into
26 effect by the Executive Director on August 9, 2010.

1 *equipment to receive, store, produce or send sexually explicit materials); and OAR 584-020-*
2 *0040(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment).*

3 Mr. Kartub continued to work following the Suspension of his license and was untruthful
4 with Commission staff regarding the circumstances of his work for the district. This conduct
5 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(c)
6 *(Knowing falsification of any document or knowing misrepresentation directly related to*
7 *licensure, employment, or professional duties); OAR 584-020-0040(4)(k) (Knowing violation of*
8 *any order or rule of the Commission); OAR 584-020-0040(4)(r) (Knowingly working without a*
9 *license) and OAR 584-020-0040(n) as it incorporates OAR 584-020-0010(5) (Use of*
10 *professional judgment).*

11 ORDER

12 The Commission adopts and incorporates herein the above findings of fact and
13 conclusions of law, and based thereon, suspends Mr. Douglas Todd Kartub's Standard
14 Administrative License for an additional (14) days from the date of this order.

15 Furthermore, the Commission places Mr. Kartub on probation for a period of four
16 (4) years from the date of this order subject to the following terms and conditions:

- 17 1. Mr. Kartub has submitted documentation that he has undergone an
18 evaluation by a mental health professional acceptable to the Commission.
19 The evaluator provided a written report to the Commission attesting that: (a)
20 Mr. Kartub is fit to work with children and teenagers, and (b) there is a high
21 probability Mr. Kartub will not use school district equipment to access
22 sexually explicit materials or engage in similar inappropriate behavior. Mr.
23 Kartub shall, at his own initiative and expense, comply with treatment and/or
24 counseling recommended by the individual who completed the evaluation
25 described above. Mr. Kartub shall authorize and sign any consent forms

- 1 necessary for the treatment provider or counselor to furnish records to or
2 discuss Mr. Kartub's treatment with the Commission.
- 3 2. During the period of this probation, Mr. Kartub shall submit to the Executive
4 Director reports of his compliance with the treatment plan. These reports
5 shall be submitted every six (6) months, beginning six months following the
6 date of this order.
- 7 3. Mr. Kartub shall comply with the Standards for Competent and Ethical
8 Performance of Oregon Educators under Oregon Administrative Rules
9 Chapter 584, Division 020.

10 Failure to comply with these terms constitutes an independent basis for the
11 Commission to revoke Mr. Kartub's license or otherwise impose discipline, after first
12 providing him with notice and opportunity for hearing.

13 Issued and dated this 5th day of November, 2010.

14 **TEACHER STANDARDS AND PRACTICES COMMISSION**
15 **STATE OF OREGON**

16 By *Victoria Chamberlain*
17 Victoria Chamberlain, Executive Director
18

19 APPROVED AS TO FORM:

20
21
22 James M. Brown, OSB# 670429 *No longer attorney*
23 Attorney for Douglas Kartub *of record. @ 11-5-10*