

1 or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he
2 has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised
3 with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to
4 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order
5 below.

6 **STIPULATION OF FACTS**

- 7 1) Maraia has been licensed as an educator in Oregon since January 21, 1988. Maraia holds a Basic
8 Teaching License, with endorsements in Basic Mathematics (O19) and Basic Physical Education
9 (O19), valid from August 7, 2014, through August 6, 2017. During all relevant times, Maraia was
10 employed by the Forest Grove School District.
- 11 2) On September 1, 2015, the Commission was made aware that Maraia had been arrested on August
12 31, 2015, on charges related to allegations of patronizing a prostitute and methamphetamine
13 possession. The Commission was further made aware that Maraia pled guilty to other charges
14 related to possession of controlled substances and entered into diversion, stemming from an
15 incident on or about late May 2015. Maraia's conduct was referred to Professional Standards for
16 investigation.
- 17 3) Investigation determined that on May 29, 2015, police responded to a car parked in the middle of an
18 intersection with the driver apparently asleep. Police contacted Maraia as the operator of the vehicle,
19 discovered various prescribed medications, mixed together and not properly labeled. Police also
20 discovered a glass meth pipe, containing methamphetamine residue. Probable cause was established that
21 Maraia had been operating the vehicle while under the influence of one or more controlled substances.
22 Maraia indicated to commission investigators that he had accidentally taken a prescribed sleeping aid
23 instead of another prescribed medication. Maraia was arrested for three counts of Possession of a
24 Controlled Substance, and Driving Under the Influence of Intoxicants (DUII).
- 25 On July 20, 2015, Maraia was convicted of Attempt to Commit a class C Felony (ORS 161.405 (2)(d)
26 (Possession of Controlled Substance ORS 475.752(3)(b)), a class A misdemeanor. Maraia was sentenced

1 to two years' probation. Records indicate Maraia was granted a diversion agreement for the DUII, but
2 after being arrested again in August 2015, Maraia's DUII diversion was amended, and Maraia was
3 convicted of the original DUII charge. Maraia was sentenced to an additional 48 hours jail time, one year
4 probation, and Maraia's driver's license was suspended for two years.

5 On or about August 28, 2015, Maraia was contacted by police on a traffic stop. Subsequent investigation
6 determined that Maraia was in the company of a nude dancer who informed police that Maraia had
7 solicited her for sex in exchange for money and drugs. Police located prescription medication in Maraia's
8 vehicle without being in a prescription bottle, however Maraia had valid prescriptions for the medicine.
9 Maraia told police he had a meth pipe and methamphetamine in the trunk of his vehicle, which officers
10 located and secured. Police located messages on Maraia's cell phone indicating Maraia had engaged in
11 conversations regarding drug activities and a potential sexual encounter. Maraia was arrested and
12 charged with Possession of Methamphetamine and Patronizing a Prostitute.

13 On January 14, 2016, Maraia pled guilty to the charge of Possession of Methamphetamines, ORS 475.894
14 and was granted a Conditional Discharge (Diversion). Maraia was sentenced to 36 months' probation,
15 participation in the Sanction Treatment Opportunity Program(STOP) and ordered to comply with all
16 requirements of the STOP program. The charge of Patronizing a Prostitute was dismissed.

17
18 As a result of Maraia's criminal activity, the Forest Grove School District recommended his
19 dismissal. On December 14, 2015, Maraia resigned his employment with the school district in lieu
20 of termination. Maraia has successfully completed a substance abuse treatment program, has
21 been participating in individual addiction therapy since October 7, 2016, and has attended the
22 Sexaholics Anonymous 12-step program since approximately December 2016.

23 ///
24 ///
25 ///
26 ///

1 IT IS SO STIPULATED:

2 Michael T. Marais

3 Michael T. Marais

8/29/17

Date

4 Trent Danowski

5 Trent Danowski, Co-Interim Executive Director
6 Teacher Standards and Practices Commission

September 12, 2017

Date

7 **CONCLUSIONS OF LAW**

8 Michael T Marais's conduct described in section three above constitutes gross neglect of duty
9 in violation of ORS 342.175(1)(b) and (d); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
10 0010(5) (*Use professional judgment*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-
11 020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law,*
12 *exemplifying personal integrity and honesty*). This conduct also constitutes gross unfitness in
13 violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of, or engaging in acts*
14 *constituting criminal conduct, even in the absence of a conviction*). Specifically, Marais's conduct
15 constituted Commercial sexual solicitation as defined in ORS 167.008(1), Possession of
16 Methamphetamines, as defined in ORS 475.894, attempt to Commit a class C Felony (ORS 161.405
17 (2)(d) (Possession of Controlled Substance ORS 475.752(3)(b), and Driving Under the Influence of
18 Intoxicants (DUII).

19 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

20 **ORDER**

21 The Commission hereby adopts and incorporates herein the above stipulation of facts,
22 conclusions of law, and based thereon hereby imposes a one (1) year suspension upon Marais's
23 Oregon educator license as follows:

24 Michael T Marais's Oregon educator license is hereby suspended for one (1) year following the
25 adoption of this order.

26 Furthermore, the Commission imposes a period of four (4) years of probation upon Marais's
27 Oregon educator license to commence upon reinstatement of his license and subject to the following
28 terms and conditions of probation:

- 29 1. Marais shall comply with the Standards for Competent and Ethical Performance of Oregon

1 Educators under Oregon Administrative Rules Chapter 584, Division 020.

- 2 2. Maraia will continue attending individual therapy relating to addictive behavior/impulse
3 control and the Sexaholics Anonymous 12-step program, as recommended by his therapist,
4 with written reports to TSPC every 6 months during the suspension period and every 12
5 months during the probation period regarding progress in these areas.

6
7 Violation of any term or condition of probation shall constitute an independent basis for the
8 Commission to revoke Maraia's educator license or otherwise impose discipline, after first providing
9 Maraia with notice and opportunity for hearing.

10
11
12 IT IS SO ORDERED this 9th day of November, 2017.

13 TEACHER STANDARDS AND PRACTICES COMMISSION

14
15 By: Trent Danowski
16 Trent Danowski, Co-Interim Executive Director