

1 24 months of supervised probation and required to register as a sex offender upon
2 Maggiano's release.

- 3 3. Maggiano's conviction arose from allegations that on or about July 18, 2015,
4 Maggiano subjected a student, under the age of 18, to sexual contact (Oral Sex).

5 CONCLUSIONS OF LAW

6 Maggiano's convictions constitutes gross neglect of duty in violation of ORS
7 342.175(1)(b);, OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
8 *professional judgment*); and OAR 584-020-0040(1)(n) (*ORS 163.425 –Sexual Abuse in*
9 *the Second Degree*). This conduct also constitutes gross unfitness in violation of ORS
10 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
11 *criminal conduct, even in the absence of a conviction*).

12
13 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
14 and Practices Commission must revoke Maggiano's license and Maggiano's right to
15 apply for a license based on his conviction of any of the crimes listed in ORS
16 342.143(3)(a), or the substantial equivalent of any of those crimes. Additionally,
17 Maggiano's convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c),
18 OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) ("*Gross*
19 *unfitness is any conduct which renders an educator unqualified to perform his or her*
20 *professional responsibilities*").

21
22 Furthermore, the conduct underlying Maggiano's indictments and conviction
23 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
24 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
25 584-020-0040(1)(n) (*ORS 163.425 –Sexual Abuse in the Second Degree*). This conduct
26 also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-
27 0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction*
28 *includes any final judgment of conviction by a court whether as the result of guilty*
29 *plea, no contest plea or any other means*); OAR 584-020-0040(5)(d) (*Commission of*
30 *an act listed in OAR 584-020-0040(1)*); and OAR 584-020-0040(5)(e) (*Admission of or*
31 *engaging in acts constituting criminal conduct, even in the absence of a conviction*).

1
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 23rd day of May, 2016.

8 TEACHER STANDARDS AND PRACTICES COMMISSION

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10



11 By: _____
12 Victoria Chamberlain, Executive Director

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16 **NOTICE OF APPEAL OR RIGHTS**

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18 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
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 23rd day of May, 2016.

By: *Patty Sheldon*
Patty Sheldon
Investigative Assistant