

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) REVOCATION OF RIGHT TO
6 HELEN JEAN KOCIEMBA) APPLY FOR EDUCATOR LICENSE
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9 On December 9, 2013, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Helen Jean Kociemba
11 (Kociemba) in which the Commission charged her with Gross Neglect of Duty. The Notice
12 was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 5019
13 to the address on file with the Commission. The Notice designated the Commission file as
14 the record for purposes of proving a prima facie case. The Certified Mail was returned to the
15 Commission "Not Deliverable / Unable to forward". The first class mail was not returned to
16 the Commission. Kociemba contacted the commission, asked some clarifying questions, and
17 advised she would advise of her decision on how she wanted to proceed. Kociemba was
18 reminded of her 21 day time period before defaulting, Kociemba never re-contacted the
19 commission. The Notice of Opportunity of Hearing, dated December 9, 2013, and signed by
20 Victoria Chamberlain, Executive Director, stated:

21 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
22 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
23 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
24 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
25 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
26 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
27 YOUR LICENSE OR OTHER DISCIPLINE."
28

29 Kociemba did not request a hearing. The Commission, therefore, finds Kociemba to be in
30 default and enters the following findings of fact, conclusions of law, and final order, based
31 on the files and records of the Commission concerning this matter.

32 **FINDINGS OF FACT**

- 33 1. Kociemba has never been licensed as a teacher in Oregon. Kociemba made application
34 for Student Teaching on May 17, 2013. As part of her application, the Commission
35 received Kociemba's disclosure of her 2012 arrest and conviction of Theft in the First
36 degree, a Felony crime. Kociemba answered "Yes" to application character questions

1 numbered eight and nine in her application. Kociemba submitted court documents and a
2 written explanation for her "Yes" answers as required.

- 3
- 4 2. In Kociemba's written explanation, Kociemba described the event as a onetime mistake
5 where she succumbed to pressure of two Macy's customers. Kociemba indicated that as
6 an employee of Macy's, she had agreed to fraudulently scan a \$10 off discount coupon for
7 these two customers who had been repeatedly requesting that Kociemba do so over a
8 period of time. Kociemba also indicated that she finally agreed to scan the coupon for
9 them because of Macy's policy that "The customer is always right". Kociemba's written
10 explanation clearly portrays the incident as a onetime event. The court documents
11 Kociemba provided included mention of restitution to Macy's in the amount of
12 \$3,730.12; a figure that did not appear to coincide with Kociemba's written explanation.
13 Police reports were acquired and investigators determined that Kociemba had scanned
14 the mentioned coupon in a matter of approximately 213 separate transactions over
15 multiple dates, sometimes scanning the coupon multiple times and manually overriding
16 the register. The documents also indicated that Kociemba admitted to under-ringing
17 merchandise and giving the two customers items for free on occasion. Kociemba's
18 written explanation does not match the true account of the incident in question, making
19 this part of Kociemba's application a falsification and misrepresentation of the facts.

20 CONCLUSIONS OF LAW

21 Kociemba's conduct described above constitutes gross neglect of duty in violation of
22 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
23 (*Use professional judgment*); and OAR 584-020-0040(4)(c) (*Knowing falsification of any*
24 *document or knowing misrepresentation directly related to licensure, employment, or*
25 *professional duties*).

26

27 The Commission's authority to impose discipline in this matter is based upon ORS
28 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes Helen Jean Kociemba's Right to Apply for an
3 Educator License.

4 IT IS SO ORDERED THIS 11th day of February, 2014.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



6 By: _____
7 Victoria Chamberlain, Executive Director
8

9 **NOTICE OF APPEAL OR RIGHTS**

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11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
12 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
13 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
14 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.