

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

4 In the Matter of the Educator License of) DEFAULT ORDER OF
5 NEISHA AIMEE MARTORANA) REVOCATION OF RIGHT TO APPLY
6) FOR AN EDUCATOR LICENSE
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9 On December 21, 2012, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Neisha Aimee Martorana (Martorana) in which the
11 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail
12 and U.S. Certified Mail Receipt 7011 2000 0001 1292 0059 to the address on file with the
13 Commission. The Notice designated the Commission file as the record for purposes of proving a
14 prima facie case. The Certified Mail receipt was returned, signed to the Commission on December
15 26, 2012. The regular mail was not returned to the Commission. The Notice of Opportunity of
16 Hearing, dated December 21, 2012, and signed by Victoria Chamberlain, Executive Director, stated:

17 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF
20 YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE
21 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE
22 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
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24 Martorana did not request a hearing. The Commission, therefore, finds Martorana to be in default
25 and enters the following findings of fact, conclusions of law, and final order, based on the files and
26 records of the Commission concerning this matter.

27 **FINDINGS OF FACT**

- 28 1. On June 27, 2012, Martorana submitted a Form PA-1, Application for Student Teaching or
29 Practicum Report (School Social Worker), as part of Martorana's master's degree student
30 teaching requirement through Portland State University. As part of Martorana's application,
31 Martorana correctly answered "yes" to character questions #8 and #9, due to her June 18, 2008
32 conviction of three counts of Theft 1, a class C felony, and seven counts of Aggravated Theft, a
33 class B felony. In the required explanation of Martorana's "yes" answers, Martorana explains
34 that between the years 2002 and 2006, while employed as an office manager, Martorana stole
35 money (in excess of \$100,000) from her employer to support Martorana's gambling and
36 shopping addictions. Martorana was sentenced to 19 months in prison, \$107,000 in restitution,
37 and five years probation.
38

1 **CONCLUSIONS OF LAW**

2 Martorana's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
3 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
4 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
5 *profession by respecting and obeying the law, exemplifying personal integrity and honesty*): This
6 conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
7 (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of*
8 *conviction by a court whether as the result of guilty plea, no contest plea or any other means*), and
9 OAR 584-020-0040(5) (e) (*Admission of or engaging in acts constituting criminal conduct, even in*
10 *the absence of a conviction*).

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

12 **FINAL ORDER**

13 The Commission hereby revokes Neisha Aimee Martorana's right to apply for an Educator
14 license.

15 IT IS SO ORDERED THIS 21st day of June, 2013.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

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18 By: _____
19 Victoria Chamberlain, Executive Director
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21

22 **NOTICE OF APPEAL OR RIGHTS**

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