1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the)DEFAULT ORDER OFEducator License of)REVOCATION OFTYLER R. CIENFUEGOS)LICENSURE
8	On July 14, 2023, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Tyler R. Cienfuegos
10	(Cienfuegos) in which the Commission charged him with Gross Neglect of Duty and/or
11	Gross Unfitness. The Notice was sent via U.S. First-Class Mail and U.S. Certified Mail
12	Receipt 7022 1670 0001 3576 6858 to the address on file with the Commission. The
13	Notice designated the Commission file as the record for purposes of proving a prima
14	facie case. The return receipt for the Notice sent Certified Mail was signed on July 17,
15	2023, and returned to the Commission. The regular First-Class mail was not returned to
16	the Commission, and assumed delivered. The Notice of Opportunity of Hearing, dated
17	July 14, 2023, and signed by Anthony Rosilez, Executive Director, stated:
18 19 20 21 22 23 24 25 26 27	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
27	Cienfuegos did not request a hearing. The Commission, therefore, finds Cienfuegos to be
29	in default and enters the following findings of fact, conclusions of law, and final order,
30	based on the files and records of the Commission concerning this matter.
31	
32	FINDINGS OF FACT
33	1. The Commission has licensed Cienfuegos since June 2, 2017. Cienfuegos holds a
34	Preliminary Teaching License, with endorsements in English to Speakers of
35	Other Languages (PK-12) and English Language Arts (PK-12), valid from

1		February 19, 2021, through February 18, 2024. During all relevant times,
2		Cienfuegos was employed by the Medford School District (MSD).
3		
4	2.	On December 16, 2021, the Commission received a report from the MSD
5		indicating Cienfuegos was arrested and charged with criminal conduct that could
6		constitute a violation of Commission rules. The specific information reported was
7		that Cienfuegos was arrested on multiple felony and misdemeanor counts
8		relating to sexual abuse.
9		
10	3.	Law enforcement investigation determined Cienfuegos developed a close
11		relationship with a minor-aged female student at South Medford High School
12		during the 2020-21 school year. In late January or early February 2021,
13		Cienfuegos engaged in sexual activity with the student off campus. On several
14		unspecified dates in 2021, Cienfuegos met with the student off campus and
15		engaged in sexual activity which included oral sex by both parties and vaginal
16		intercourse.
17		
18	4.	On December 10, 2021, Cienfuegos was arrested and charged with eight (8)
19		felony counts of Sexual Abuse in the Second Degree, five (5) felony counts of
20		Sexual Abuse in the Third Degree, and ten (10) misdemeanor counts of
21		Contributing to the Delinquency of a Minor. On January 26, 2022, Cienfuegos
22		was indicted on nine (9) felony counts of Sexual Abuse in the Second Degree and
23		one (1) felony count of Luring a minor. On May 26, 2022, by plea agreement,
24		Cienfuegos was convicted of two (2) felony counts of Sexual Abuse in the Second
25		Degree. On May 26, 2022, Cienfuegos was sentenced to a total of twenty-six (26)
26		months in prison, required to register as a sex offender, given post-prison
27		supervision for five (5) years, and required to pay restitution.
28		
29		CONCLUSIONS OF LAW
30		Tyler R. Cienfuegos' criminal convictions as described in section four (4) above,
31		tute gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
32	0040(	(4)(n) as it incorporates OAR 584-020-0010(5) ( <i>Use professional judgment</i> ); and

2 for a license or charter school registration to any applicant or educator who, has been 3 convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of 4 any of those crimes if convicted in another jurisdiction), including ORS 163.425 Sexual 5 Abuse in the Second Degree. This conduct also constitutes gross unfitness in violation of 6 ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, 7 state, or local law. A conviction includes any final judgment of conviction by a court 8 whether as the result of guilty plea, no contest plea or any other means); OAR 584-9 020-0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even 10 11 in the absence of a conviction conviction). 12 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards 13 and Practices Commission must revoke Cienfuegos' license and/or his right to apply for a license based on Cienfuegos' conviction of any of the crimes listed in ORS 14

OAR 584-020-0040(1) (The Commission will deny, revoke or deny the right to apply

342.143(3)(a), or the substantial equivalent of any of those crimes, or convicted of
attempt to commit such crimes as defined in ORS 161.405.

Cienfuegos' conduct underlying his conviction, as described in section three (3) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*).

23 Additionally, Cienfuegos' criminal conviction and conduct related to his conviction constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-24 25 0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional 26 responsibilities); OAR 584-020-0040(4)(f) (Any sexual conduct with a student) as 27 defined by OAR 584-020-0005(5); and OAR 584-020-0040(4)(0) as it incorporates 28 OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in 29 conduct and conversations at all times). 30 The Commission's authority to impose discipline in this matter is based upon 31

32 ORS 342.175.

1

1	FINAL ORDER
2	The Commission hereby revokes Tyler R. Cienfuegos' Oregon Educator license.
3	0.0
4	IT IS SO ORDERED THIS <u>30</u> day of August, 2023.
5	
6	TEACHER STANDARDS AND PRACTICES COMMISSION
7 8	By: Dr. Anthony Rosilez, Executive Director
8 9	DI. Anthony Rosnez, Executive Director
10 11 12	NOTICE OF APPEAL OR RIGHTS
12 13 14 15 16	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.