BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATED FINAL ORDER 4 Licensure of 5 KYLE JOSEPH MALISZEWSKI) 6 On January 23, 2004, the Commission issued a Notice of Opportunity for Hearing to Mr. 7 Maliszewski alleging misconduct under ORS 342.175. Mr. Maliszewski timely requested a 8 hearing in the matter. The Commission also issued an Amended Notice of Opportunity for 9 Hearing on May 23, 2006, and a Second Amended Notice of Opportunity for Hearing on July 17, 10 11 2006 on the same allegations of misconduct. After review of the matters alleged, Mr. Maliszewski and the Commission agree that their 12 respective interests, together with the public interest, are best served by entering into a 13 stipulated order whereby Mr. Maliszewski agrees not to apply for a teaching license for a period 14 15 of 10 years. By entering into this stipulated order, Mr. Maliszewski neither admits nor denies the 16 allegations in the Commission's notices, but acknowledges that there is sufficient evidence for 17 18 the Commission to impose a sanction. By signing below, Mr. Maliszewski acknowledges, understands, stipulates, and agrees to 19 the following: (i) he has been fully advised of his rights to notice and a hearing to contest the 20 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 21 such rights and any rights to appeal or otherwise challenge this Stipulated Final Order; (ii) this 22 Stipulation and Final Order is a public document and disclosed to the public upon request by the 23 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and 24 adoption by the Commission. If the Commission does not approve and adopt this Stipulation 25 and Final Order, then neither Mr. Maliszewski nor the Commission are bound by the terms 26

herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v)

27

1	he voluntarily	, without any force or duress, enters into this Stipulation and Final Order and
2	consents to i	ssuance and entry of the Stipulated Final Order below; (vi) he states that no
3	promises or	representation has been made to induce him to sign this Stipulation and Final
4	Order; and (v	rii) he has consulted with his attorney Karen Zorn (OSB# 85374) regarding this
5	Stipulation and Final Order and has been fully advised with regard to his rights thereto prior to	
6	entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final	
7	Order below.	
8		
9		STIPULATION OF FACTS
10	1.	Mr. Maliszewski obtained a Transitional Teaching License on August 10, 2001.
11	The license	expired on August 10, 2004.
12	2.	On April 30, 2002, Mr. Maliszewski was indicted on 1 count of Sexual Penetration
13	I; 1 count of	Sexual Abuse I; 3 counts of Sexual Abuse II; 1 count of Sexual Abuse III; 1 count o
14	Rape 1; and	1 count of Sodomy 1.
15	3.	Local newspapers published articles related to the charges against Mr.
16	Maliszewski.	
17	4.	On October 16, 2002, all charges were dismissed by the Linn County Circuit
18	Court.	
19	5.	The conduct related to the indictment occurred while Mr. Maliszewski held a
20	TSPC license	∋.
21		
22		CONCLUSIONS OF LAW
23	·1.	Mr. Maliszewski's conduct as outlined above is morally incompatible with
24	behavior exp	ected of educators in the public school system and is subject to sanctions under
25	ORS chapter	342 and OAR 584-020-0040(4) and (5).

Page 2 - STIPULATED FINAL ORDER (Maliszewski)

- 1	II IS SU STIPULATED AND AGREED TO:
2 3 4 5 6 7 8 9 10 11 12 13	12-4-06 Date
14	STIPULATED FINAL ORDER
15	Now therefore, based on the preceding Findings of Fact and Conclusions of Law, the
16	parties hereby stipulate to entry of a Final Order as follows:
17	1. Mr. Maliszewski hereby surrenders his right to apply for any teaching license issues by
18	the Commission for a period of ten years from the date of this order.
19	2. The Commission hereby accepts Mr. Maliszewski's surrender of his right to apply for a
20	teaching license pursuant to ORS 342.175(1)(b) and (c) and OAR 584-050-0027(2).
21 22 23 24 25	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
26	It is so gradered this // day of Muary, 2006
27 28	By <u>Alland Mamuellan</u> Victoria Chamberlain, Executive Director