OF THE STATE OF OREGON

3	In the Matter of the)	STIPULATION OF FACTS,
4	Teaching License of)	FINAL ORDER OF SUSPENSION
5	NICOLASA MOHS	ý	

On or about November 17, 2005, the Executive Director approved an internal memo, as a result of news reports, to initiate an investigation into whether Nicolasa Mohs violated Standards.

After review of the matters alleged, Ms. Mohs and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a thirty (30) day suspension of licensure.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Ms. Mohs stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Ms. Mohs acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Order of Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Ms. Mohs nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promises or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted

with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Ms. Mohs nor the Commission are bound by these Stipulations and Ms. Mohs retains all rights to a hearing on the allegations.

STIPULATION OF FACTS

- 1. Ms. Mohs has been licensed by the Commission since September 22, 1994. Ms. Mohs holds a Standard Teaching License with Basic ESOL/Bilingual and Standard Spanish endorsements, issued January 6, 2004, valid through December 28, 2008; a Standard Administrative License with a Standard Administrator endorsement, issued January 15, 2002, valid through December 28, 2008; and a Standard Personnel Service License with a Standard Counselor endorsement, issued December 23, 2003, valid through December 18, 2007.
- 2. On August 2, 2003 the Willamette Education Service District (WESD) hired Ms. Mohs as the Director of the Region 16 Migrant Education Program. WESD suspended Ms. Mohs as the Director on or about June 10, 2005 pending the outcome of their investigation into her conduct. Ms. Mohs subsequently resigned the position on or about September 30, 2005.
- 3. WESD rehired Ms. Mohs as an independent contractor. WESD subsequently terminated Ms. Mohs as an independent contractor in November of 2005 because her work failed to meet expectations.
- 4. WESD Assistant Superintendent, Dave Novotney conducted an investigation into the many allegations and complaints regarding Ms. Mohs's employment. That report grouped the complaints and ethical violations into two general categories: Creating a Hostile Working Environment and WESD Policy, Federal/State Grant, Ethics Violations.

5. In her position as Director of Migrant Education, Ms. Mohs hired relatives without		
following procedures for reporting potential conflicts of interest. Ms. Mohs also submitted		
reimbursements for items not approved by WESD policy.		
6. In May and June of 2005 ten employees of the District reported harassment by Ms.		
Mohs to Dr. Novotney. These complaints were investigated by WESD and formed part of the		
basis for the decision to terminate Ms. Mohs' employment.		
7. Both the Government Standards and Practices Commission (GSPC) and WESD		
investigated Ms. Mohs' alleged violations of WESD, State and Federal Grant requirements.		
GPSC Concluded Ms. Moh's committed 18 violations of ORS 244.040(1) (a), prohibiting public		
officials from obtaining gain from their position; and 10 violations of ORS 244.120(1) (c), failure		
to properly handle conflicts of interest.		
8. The conduct Ms. Mohs engaged in also constitutes violations of Standards for		
Competent and Ethical Performance of Oregon Educators, Chapter 584, Division 020.		
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IT IS SO STIPULATED AND AGREED TO:		
Nicolasa Mohs $\frac{5-17-07}{\text{Date}}$		
Date		
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Victoria Chamberlain, Executive Director Date Teacher Standards and Practices Commission		
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1 **CONCLUSION OF LAW** Nicolasa Mohs' failure to follow WESD policy and violation of GSPC standards constitute 3 a failure to use professional judgment, OAR 584-020-0010(5); failure to use proper skill in 4 supervision, OAR 584-020-0020(3)(d); failure to demonstrate proper communication skills, OAR 5 584-020-0030(3); and failure to exemplify personal integrity and honest, OAR 584-020-6 0035(3)(a), (b). 7 **FINAL ORDER** 8 The Commission adopts and incorporates herein the above findings of fact and 9 conclusion of law, based thereon, hereby suspends the Administrative License of Nicolasa 10 Mohs for a period of thirty (30) days effective May 18, 2007. At the end of this suspension 11 period Ms, Mohs' Administrative Licenses will be reinstated upon submission of a complete 12 application and fees pursuant to OAR 584-050-0015(3). 13 Issued and dated this ______ day of May, 2007. 15 TEACHER STANDARDS AND PRACTICES COMMISSION

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