IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:	)	**Case No. 17-78**
Jose D. Ortiz,	)	**License No. 1013706**
Respondent.	)	**FINAL ORDER**

1. The Respondent holds a Standard License (FOLDER #1013706) with endorsements to teach 5-12 Spanish. Respondent's license is current and will next expire on September 30, 2021. Respondent also holds a Coaching Authorization which is current and will next expire on October 13, 2019.

2. During all material events of this case, Respondent was employed with the Ottumwa Community School District.

3. On May 9, 2017, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On June 15, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

4. Investigation revealed that during the 2016-2017 school year, Respondent had a sexual relationship with a student. Investigation further revealed that Respondent drank alcohol with a student.

5. On April 26, 2018, Respondent pled guilty to Sexual Exploitation by a School Employee, an aggravated misdemeanor, in violation of Iowa Code sections 709.15(3)(a)(2)(c) and 709.15(5)(b). On May 31, 2018, Respondent was sentenced to imprisonment in the county jail for a period of 120 days and a fine of $625.

6. The Board charged Respondent with having been charged and convicted of a disqualifying criminal offense, in violation of 282 Iowa Administrative Code rule 25.3(1)(b)(1); having sexual involvement or indecent contact with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(c); sexual exploitation of a minor, in violation of 282 Iowa Administrative Code rule 25.3(1)(d); committing or soliciting any sexual or otherwise indecent act with a student or any minor, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(3); soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule

25.3(1)(e)(4); furnishing alcohol to any student or knowingly allowing a student to consume alcohol in the Respondent's presence, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(5).

7. Pursuant to Board rule, a practitioner may voluntarily surrender the practitioner's license if the practitioner waives the right to hearing before the Board and notifies the Board of the intent to accept a permanent revocation of the practitioner's license. Upon receipt of a voluntary surrender, "[t]he Board may issue an order permanently revoking the practitioner license . . .." 282 I.A.C. 11.4(6).

8. On August 23, 2018, the Respondent filed a Surrender of Practitioner License and Waiver of Formal Hearing form. The voluntary surrender was presented to and accepted by the Board at a meeting held on October 5, 2018.

ORDER

THEREFORE, the Board acknowledges the Respondent's voluntary surrender of his practitioner license and incorporates his action into this Order by attaching a copy of the surrender to this Order. In accordance with this filing, all licenses issued by the Board to the Respondent and his privilege to practice in Iowa are **PERMANENTLY REVOKED** with no possibility of reinstatement.

Dated this 5th day of October, 2018.

Dr. Ann Lebo, Executive Director
On behalf of the Board

Copies to:

Jose D. Ortiz (first-class mail)
RESPONDENT

Peter Stiefel (electronic mail)
ATTORNEY FOR RESPONDENT

Allison Schmidt (electronic mail)
ATTORNEY FOR STATE

STATE of IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building
Des Moines, IA 50319-0147

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
AUG 23 2018

SURRENDER OF PRACTITIONER LICENSE AND WAIVER OF FORMAL HEARING Before the IOWA BOARD OF EDUCATIONAL EXAMINERS

I, Jose D. Ortiz (BoEE Folder No. 1013706), swear and affirm under oath:

that I am the Respondent in a case currently before the Iowa Board of Educational Examiners;

that I currently hold a valid or expired Iowa practitioner's license;

that I have been informed of and understand the nature of the proceedings before the Board and have received a copy of the complaint filed against me and the applicable rules (282 Iowa Administrative Code, Chapters 11 and 25);

that I am aware of the Board's legal authority to exonerate, warn, or reprimand me as a licensed individual, following a Board investigation into allegations of conduct violative of Board criteria, and of the Board's authority to suspend or revoke my license for conduct violative of Board criteria;

that I understand that I have an opportunity to be heard and to contest the allegations against me in formal hearing before the Board; and that by waiving the formal hearing, I waive my right to challenge the allegations against me in the complaint, and as a consequence, my privilege to teach, administer, coach, and/or otherwise practice as a licensee in Iowa will be permanently revoked with no possibility of reinstatement;

that I understand that the Board will notify the NASDTEC (National Association of State Directors of Teacher Education & Certification) National Clearinghouse that my license has been revoked and that other state teacher licensing boards will have access to this information.

HAVING ACKNOWLEDGED MY RIGHTS AS OUTLINED ABOVE, I hereby formally waive my right to a hearing before the Board and request that my license to teach, administer, coach, and/or otherwise practice as a licensee of the Board of Educational Examiners in Iowa be revoked. I affirm that my decision is made voluntarily and knowingly.

Practitioner signature

8-8-18
Date

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of	)	Case No. 17-78
	)	Folder No. 1013706
JOSE D. ORTIZ,	)	
	)	**NOTICE OF HEARING**
Respondent.	)	**AND STATEMENT OF CHARGES**

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Tuesday, September 4, 2018, before Administrative Law Judge Laura Lockard, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 1:00 p.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 1:00 p.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Allison Schmidt
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-3395

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Ann Lebo, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Schmidt at (515) 281-3395.

B. SECTIONS OF STATUES AND RULES INVOLVED

Count I

7. Respondent is charged with having been convicted of a disqualifying criminal offense, in violation of 282 Iowa Administrative Code rule 25.3(1)(b)(1).

Count II

8. Respondent is charged with having sexual involvement or indecent contact with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(c).

Count III

9. Respondent is charged with sexual exploitation of a minor, in violation of 282 Iowa Administrative Code rule 25.3(1)(d).

Count IV

10. Respondent is charged with committing or soliciting any sexual or otherwise indecent act with a student or any minor, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(3).

Count V

11. Respondent is charged with soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4) .

Count VI

12. Respondent is charged with furnishing alcohol to any student or knowingly allowing a student to consume alcohol in the Respondent's presence, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(5).

C. JURISDICTION AND LEGAL AUTHORITY

13. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

14. Respondent holds a STANDARD LICENSE (FOLDER # 1013706) with the following endorsement: 5-12 Spanish. This license is current and will next expire on September 30, 2021. Respondent also holds a COACHING AUTHORIZATION, which is current and will next expire on October 13, 2019.

15. During all material events of this case, Respondent was employed with the Ottumwa Community School District.

16. On May 9, 2017, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On June 15, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

17. Investigation revealed that during the 2016-2017 school year, Respondent had a sexual relationship with a student.

18. Investigation further revealed that Respondent drank alcohol with a student.

19. On April 26, 2018, Respondent pled guilty to Sexual Exploitation by a School

Employee, an aggravated misdemeanor, in violation of Iowa Code sections 709.15(3)(a)(2)(c) and 709.15(5)(b). On May 31, 2018, Respondent was sentenced to imprisonment in the county jail for a period of 120 days and a fine of $625.

E. SETTLEMENT

20. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 18th day of July, 2018.

Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Jose Ortiz (first-class mail)
RESPONDENT

Peter Stiefel (electronic mail)
ATTORNEY FOR RESPONDENT

Allison Schmidt (electronic mail)
ATTORNEY FOR STATE