

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

4 In the Matter of the) DEFAULT ORDER OF
5 Educator License of) REVOCATION OF LICENSURE
6 JOHNATHAN S. SUTHERLAND)
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10 On July 23, 2024, August 1, 2024, and August 12, 2024, the Teacher Standards
11 and Practices Commission (Commission) issued three (3) separate Notice of
12 Opportunity for Hearing documents to Johnathan Sutherland, (Sutherland) in which
13 the Commission charged him with Gross Neglect of Duty and /or Gross Unfitness. The
14 Notices were sent via U.S. First Class Mail and U.S. Certified Mail to any addresses on
15 file with the Commission as well as updated addresses located via updated records
16 searches. Sutherland did not respond to these requests. On September 9, 2024, the
17 Commission issued a fourth (4) Notice of Opportunity for Hearing to Sutherland to his
18 email address on file with the Commission. The Notice designated the Commission file
19 as the record for purposes of proving a prima facie case. The Notice through email was
20 confirmed as received by Sutherland. The Notice of Opportunity of Hearing, dated
21 August 12, 2024, and signed by Melissa Goff, Interim Executive Director, stated:
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23 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
24 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
25 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
26 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,
27 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR
28 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT
29 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF
30 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
31 YOUR LICENSE OR OTHER DISCIPLINE.”
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33 On September 25, 2024, Sutherland electronically responded requesting that this
34 matter be resolved via a Default Order. The Commission, therefore, finds Sutherland to
35 be in default and enters the following findings of fact, conclusions of law, and final
36 order, based on the files and records of the Commission concerning this matter.
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FINDING OF FACT

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2 1. The Commission has licensed Sutherland since May 7, 2018. Sutherland held a
3 Preliminary Teaching License, with endorsements in English Language Arts (PK-12),
4 and Physical Education (PK-12) valid on May 8, 2019, expiring on October 17, 2022.
5 During all relevant times, Sutherland was employed by the Lincoln County School
6 District (LCSD) and assigned to the Lincoln County School District Sam Case
7 Elementary School as a physical education teacher.
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- 9 2. On September 1, 2022, the Commission received a report from the LCSD indicating
10 Sutherland may have committed acts of gross neglect of duty and/or gross unfitness.
11 Specifically, it was alleged that Sutherland failed to maintain appropriate boundaries
12 with a twelve (12) year-old male student by counseling them on highly emotional
13 subjects, communicating outside of school hours, asking the student to visit
14 Sutherland at his residence, providing gifts, and telling the student that Sutherland
15 loved them.
16
- 17 3. On October 31, 2022, the Commission received an additional report from the Oregon
18 Office of Training Investigations and Safety (OTIS) indicating Sutherland may have
19 committed additional acts of gross neglect of duty and/or gross unfitness.
20 Specifically, it was alleged that Sutherland was criminally arrested by the Newport
21 Police Department and charged with multiple counts of a Class B felony related to
22 the possession and distribution of child pornographic material. It was documented
23 that Sutherland was in possession of at least 16 illicit images of child sexualized
24 material between February 1, 2020, and September 31, 2020.
25
- 26 4. Investigation found that during the 2018-2019 academic year Sutherland learned a
27 male student experienced historical sexual abuse and was exhibiting signs of trauma
28 while transitioning genders. Sutherland communicated to the student and other
29 staff that Sutherland wanted to be a mentor for this student by providing them
30 support. Sutherland subsequently communicated with the student in person on
31 campus beginning approximately September 2019, and then via the social media
32 application “Instagram” on August 9, 2020. Sutherland made statements both

1 electronically and in person to the student saying “*I love you*” and “*I miss you*”.
2 Sutherland electronically asked the student to discuss their previous sexual assault
3 history and self-harm behaviors. Sutherland discussed the physical appearance of his
4 wife’s body with the student and asked the student if they had undergone any
5 surgical procedures or hormone therapy during gender reassignment. Sutherland
6 invited the student to his personal residence and provided them directions to his
7 house. Sutherland invited the student for coffee. On an unknown date Sutherland
8 walked the student to a business after school. Records indicate Sutherland also
9 communicated with the student about similar personal topics via the district email
10 system between April 22, 2020, and July 20, 2020. During Sutherland’s interview
11 with TSPC, Sutherland admitted to engaging in the above communication with the
12 student and claimed he had a history of assisting children who were transitioning
13 from one gender to the other and that Sutherland felt he could be a mentor. LCSD
14 investigation found that Sutherland’s actions violated LCSD electronic
15 communications policy “*GCAB-Inappropriate communication with a student about*
16 *non-school related matters*; as well as LCSD policies regarding “*suspected sexual*
17 *conduct with students*” and “*GBNAA-Communicating with a student through*
18 *contact information gained as an agent of the district, not directed by an*
19 *administrator*”.

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- 21 5. On September 1, 2022, Sutherland was issued a letter of reprimand by the LCSD.
22
- 23 6. Investigation found that while employed with LCSD, the Newport Police Department
24 received a report from the Oregon Department of Justice ICAC (Internet Crimes
25 Against Children) task force indicating Sutherland had accessed sexually explicit
26 images of children online. Subsequent criminal investigation and forensic
27 examination of Sutherland’s personal Apple iPhone located thirty-one (31) illicit
28 images of child pornographic material from the internet between February 20, 2020,
29 and January 21, 2022. This included an image of a 9–10-year-old female posed in a
30 sexually explicit pose, to which Sutherland downloaded and distributed to other
31 parties on the internet. On October 7, 2022, Sutherland was criminally arrested for
32 thirty-five (35) counts of the crimes of Encouraging Child Sexual Abuse in the First

1 Degree and Encouraging Child Sexual Abuse in the Second Degree. However, on
2 December 18, 2023, the Lincoln County Circuit Court granted the defense motion to
3 suppress search warrant material in the criminal case and all criminal arrest charges
4 were dismissed. During Sutherland’s Commission interview, Sutherland admitted to
5 engaging in the above conduct that would have otherwise led to a criminal
6 conviction. Sutherland admitted to downloading and distributing child pornographic
7 material. Sutherland admitted he communicated with various anonymous persons
8 via an online chat program called “ChatIW” between February 20, 2020, and
9 January 21, 2022, and agreed to locate various child pornographic images for these
10 persons. Sutherland admitted this included him downloading and distributing
11 approximately “50-60” images ranging from nude photographs of children to photos
12 of children engaged in sexual acts with adults or “animal torture”.

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14 7. On October 24, 2022, Sutherland submitted his resignation to the LCSD in lieu of
15 termination.

16 17 **CONCLUSIONS OF LAW**

18 *By engaging in the above conduct in paragraph four (4) Sutherland engaged in*
19 *gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it*
20 *incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-*
21 *0020(2)(d) (Skill in the supervision of students), OAR 584-020-0025(2)(b) (Using and*
22 *maintaining district property, equipment, and materials appropriately), OAR 584-*
23 *020-0025(2)(e) (Using district lawful and reasonable rules and regulations), OAR*
24 *584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) “Not*
25 *demonstrating or expressing professionally inappropriate interest in a student’s*
26 *personal life”, and OAR 584-020-0035(1)(c)(D) “Honoring appropriate adult*
27 *boundaries with students in conduct and conversations at all times”.*

28 *By engaging in the above conduct in paragraph six (6) Sutherland engaged in*
29 *gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it*
30 *incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-*
31 *0025(2)(e) (Using district lawful and reasonable rules and regulations). This conduct*
32 *also constitutes gross unfitness in violation of ORS 342.175(1)(c); and OAR 584-020-*

1 0040(5)(e) "Admission of or engaging in acts constituting criminal conduct, even in
2 the absence of a conviction".

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

5 **FINAL ORDER**

6 The Commission hereby revokes Sutherland's Oregon teaching license and
7 revokes Sutherland's right to apply for future licensure.

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9 IT IS SO ORDERED THIS 24 day of October, 2024.

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11 TEACHER STANDARDS AND PRACTICES COMMISSION



12 By: _____
13 Cristina Edgar, Director of Professional Practices

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NOTICE OF APPEAL OR RIGHTS

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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.