BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 4 In the Matter of the DEFAULT ORDER OF 5 REVOCATION OF RIGHT) **Educator License of** 6 CHRISTOPHER ADAMS LOESEL) TO APPLY 7 8 On September 15, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Christopher Adams Loesel 9 (Loesel) in which the Commission charged him with Gross Neglect of Duty and Gross 10 Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 11 7012 1010 0003 2804 4739 to the address on file with the Commission. The Notice 12 designated the Commission file as the record for purposes of proving a prima facie case. 13 The Certified Mail was returned "Unclaimed", and the regular mail was not returned to 14 the Commission. The Notice of Opportunity of Hearing, dated September 15, 2014, and 15 signed by Victoria Chamberlain, Executive Director, stated: 16 17 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED 18 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 19 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF 20 YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN 21 ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR 22 23 SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." 24 Loesel did not request a hearing. The Commission, therefore, finds Loesel to be in 25 26 default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter. 27 28 FINDINGS OF FACT 1. David L. Loesel has been licensed by the Commission since December 18, 2006. 29 Loesel's Initial I Teaching License with endorsements in General Business (HS, ML) 30 and Multiple Subjects (MIDLVL), was issued May 14, 2010, and expired on October 31 32 22, 2013. 2. On July 22, 2014, in US Federal District Court, Loesel plead guilty and was convicted 33 of one count of Distribution of Child Pornography 18 USC §§ 2252A(a)(2) and (b)(1). 34 This federal crime is the substantial equivalent to current Oregon laws ORS 163.684, 35 Encouraging Child Sex Abuse in the First Degree, and ORS 163.688, Possession of 36

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materials depicting sexually explicit conduct of a child in the first degree. Loesel was

sentenced to a total of five years in prison, followed by a period of probation, and required to register as a sex offender.

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3. Loesel's convictions arose from allegations that included Loesel having possession of child pornography material and sharing this material over a peer to peer network via Loesel's computer system.

CONCLUSIONS OF LAW

Loesel's convictions 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(1) (The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction or convicted of attempt to commit such crimes as defined in 161.405. Evaluation of substantially equivalent crimes or attempts to commit crimes will be based on Oregon laws in effect at the time of the conviction, regardless of the jurisdiction in which the conviction occurred); OAR 584-020-0040(3)(a) (The Commission may initiate proceedings to suspend or revoke the license or registration of an educator under ORS 342.175 or deny a license or registration to an applicant under 342.143 who has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and Practices Commission must revoke Loesel's license and Loesel's right to apply for a license based on Loesel's conviction of any of the crimes listed in ORS 342.143(3)(a), or the substantial equivalent of any of those crimes.

Furthermore, the conduct underlying Loesel's convictions constitutes gross

1	neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
2	incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-
3	0040(4)(k)(Violation of any rule or order of the Commission); and OAR 584-020-
4	0040(4)(0) as it incorporates OAR 584-020-0035(3)(a)(Maintain the dignity of the
5	profession by respecting and obeying the law, exemplifying personal integrity and
6	honesty). Additionally, your conviction and conduct related to your conviction
7	constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a)
8	and (d) as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct which
9	renders an educator unqualified to perform his or her professional responsibilities").
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11	The Commission's authority to impose discipline in this matter is based upon ORS
12	342.175.
13	FINAL ORDER
14	The Commission hereby revokes Christopher Adams Loesel's right to apply for
15	licensure.
16	IT IS SO ORDERED THIS 31 Aday of October, 2014.
17	TEACHER STANDARDS AND PRACTICES COMMISSION
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	Tutora Kamberlain
20	Bv:
21 22	Victoria Chamberlain, Executive Director
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24	NOWIGE OF APPEAL OF BIGUMS
25 26	NOTICE OF APPEAL OR RIGHTS
27	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
28	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
29 30	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183,482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

David L Loesel 5153 SE 17th Terrace Gresham, OR 97080-2972

Dated this ____31 Lday of October 2014.

Patty kiddell

Investigative Assistant