

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the)	DEFAULT ORDER OF
Educator License of)	REVOCATION AND REVOCATION
)	OF RIGHT
ANDRES R CAPUTO)	TO APPLY FOR LICENSURE

On March 29, 2018, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Andres Caputo (Caputo) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7017 0190 0000 6246 9006 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail was returned to the Commission signed on April 5, 2018. The regular first class mail was not returned to the Commission, and assumed delivered. The Notice of Opportunity of Hearing, dated March 29, 2018, and signed by Anthony Rosilez, Executive Director, stated:

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

Caputo did not request a hearing. The Commission, therefore, finds Caputo to be in 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.

FINDINGS OF FACT

1. Andres Caputo has been licensed by the Commission since February 14, 2002. Caputo’s Initial II Teaching License; with endorsements in Basic Mathematics (ML), Middle School Language Arts (ML), Multiple Subjects (MIDLVL), Social Studies (HS, ML), and Special Education (ML/HS, ECE/ELE); was valid from July 31, 2014, through August 5, 2017. On January 22, 2016, Caputo made application for renewal of his license. Caputo’s application was incomplete, and he failed to make a complete

1 application in the time frame provided. As a result, Caputo's Oregon educator's
2 license expired. During all relevant times, Caputo was employed by the McMinnville
3 School District.

- 4 2. On June 20, 2016, the Commission received a report from the McMinnville School
5 District advising that Caputo was under investigation for viewing explicit images of
6 children. On June 22, 2016, the Clackamas County Sheriff's Office also reported this
7 information to the Commission. Investigation determined that while law
8 enforcement investigated several Oregon based computers that were sharing child
9 pornography over the internet, they became aware that a computer belonging to
10 Caputo was involved in the sharing. Officials were able to download 11 complete files
11 from Caputo's computer that contained images of the sexual performance of a child.

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13 A search warrant was executed and law enforcement located computer hardware
14 belonging to Caputo that contained hundreds of images and videos that depicted
15 minors engaged in sexually explicit conduct or poses. During a subsequent interview
16 with police, Caputo admitted to downloading child pornography since he was the age
17 of 17, approximately back to 1998.

- 18
19 3. Caputo was arrested and charged with 20 counts of Encouraging Child Sexual Abuse
20 in the First Degree. On December 14, 2017, Caputo pled guilty to, and was convicted
21 of two counts of Encouraging Child Sexual Abuse in the First Degree, ORS 163.684, a
22 class B Felony. As part of Caputo's plea agreement, Caputo was sentenced to 366
23 days of incarceration, three years' post-prison supervision, followed by five years of
24 probation. Caputo was also required to register as a sex offender.

25 26 **CONCLUSIONS OF LAW**

27 Andres Caputo's criminal convictions constitute gross neglect of duty in violation
28 of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
29 0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission*
30 *will deny, revoke or deny the right to apply for a license or charter school registration*
31 *to any applicant or educator who, has been convicted of any of the crimes listed in ORS*
32 *342.143, or the substantial equivalent of any of those crimes if convicted in another*

1 *jurisdiction*), including *ORS 163.684 – Encouraging Child Sexual Abuse in the First*
2 *Degree*. This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c);
3 OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A*
4 *conviction includes any final judgment of conviction by a court whether as the result of*
5 *guilty plea, no contest plea or any other means*); OAR 584-020-0040(5)(d)
6 (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-0040(5)(e)
7 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of*
8 *a conviction*).

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

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15 Furthermore, the conduct underlying Caputo’s indictments and convictions
16 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
17 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
18 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity*
19 *of the profession by respecting and obeying the law, exemplifying personal integrity*
20 *and honesty*). Additionally, Caputo’s criminal convictions and conduct related to
21 Caputo’s convictions constitute “gross unfitness” in violation of ORS 342.175(1)(c); OAR
22 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is*
23 *any conduct which renders an educator unqualified to perform his or her professional*
24 *responsibilities*).

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26 The Commission’s authority to impose discipline in this matter is based upon
27 ORS 342.175.

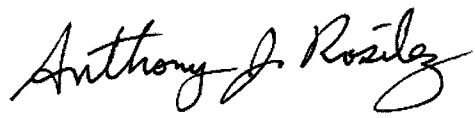
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29 **FINAL ORDER**

30 The Commission hereby revokes Andres Caputo’s Oregon educator license and
31 his right to apply for an Oregon educator license.

1 IT IS SO ORDERED THIS 1st day of June, 2018.

2 TEACHER STANDARDS AND PRACTICES COMMISSION

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By: 
Dr. Anthony Rosilez, Executive Director

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NOTICE OF APPEAL OR RIGHTS

14 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
15 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
16 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
17 ORS 183.482 TO THE OREGON COURT OF APPEALS.