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Teacher Standards &  
Practices Commission

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
TEACHER STANDARDS AND PRACTICES COMMISSION**

IN THE MATTER OF: ) **PROPOSED ORDER**  
)  
SEAN M. CALLAHAN ) OAH Case No. 1202754  
) Agency Case No.

**HISTORY OF THE CASE**

On January 30, 2012, the Teacher Standards and Practices Commission (TSPC, or the Commission) issued a Notice of Denial of License Reinstatement<sup>1</sup> to Sean M. Callahan (Respondent).<sup>2</sup> On February 7, 2012, Respondent requested a hearing.

On April 6, 2012, the Commission referred the hearing request to the Office of Administrative Hearings (OAH). Administrative Law Judge (ALJ) Joe Allen was assigned to the case and held a prehearing conference on July 27, 2012, at which time the hearing was scheduled for November 26, 2012. The file was later transferred to ALJ Rick Barber for hearing.

Hearing was held as scheduled on November 26, 2012, in Salem, Oregon. Respondent appeared, representing himself, and testified. The Commission was represented by Senior Assistant Attorney General Raul Ramirez. The Commission called Respondent and Legal Liaison Jeff VanLaanen as witnesses. The record closed on November 26, 2012.

**ISSUE**

Whether Respondent's Application for Reinstatement was properly denied by the Commission.

**EVIDENTIARY RULING**

Exhibits A1 through A14, offered by the Commission, were admitted into evidence without objection. Procedural documents P1 through P11 were also identified for the record.

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<sup>1</sup> The Notice is termed a Notice of Denial of License Reinstatement, but the case actually involves denial of an application for an Initial Teaching License as well. The Restricted Substitute License (which the previous Final Order revoked) would have expired on March 2011.

<sup>2</sup> On November 21, 2012, the Commission issued an Amended Notice to Respondent. (Doc. P11). Respondent agreed to proceed to hearing on the new notice.

## FINDINGS OF FACT

1. On March 17, 2008, Respondent was given a Restricted Substitute Teaching License, restricted to the High Desert Educational Service District (ESD). (Ex. A7).

2. On May 8, 2008, Respondent was assigned to substitute for an English teacher at La Pine High School. He was asked to review and comment upon student writing projects, to be reviewed by the regular teacher before returning the papers to the students. When the regular teacher read the comments Respondent wrote on the paper of one student, he became concerned and reported the comments to the Principal. (Ex. A5 at 4-5).

3. On the student's paper, a story about a pet detective, Respondent wrote:

I don't know whether to praise you for being inside a vicious animal's head so well or to recommend a psychiatrist. The "evil" cat definitely needed more character development, it looks to me like he was put to death for not knowing how to be Christian to a particular church.

You are one scary little dude. I guess I better join your church if I want to live.

Get help if that dog is a reflection of you. I don't think your priest or minister would approve. As public school educators we must respect the 1<sup>st</sup> Amendment which states that "Congress may pass no law respecting the establishment of a religion or prohibit the free exercise thereof." However, in 1986 there was a Supreme Court Justice whom declared that breaches of the 1<sup>st</sup> Amendment will continue to occur on a regular basis and it shouldn't get to courts every time or else religion and government will become suspicious of one another.

I do not like the hostile tone of this paper. If you or your family have something to say over this matter then call me at [number deleted] so I can talk with you personally.

[signature]

I do hope to hear from you, I'm wondering if I need to meet your priest as well.

(Ex. A9 at 4-5).

4. Based upon Respondent's comments on the student's paper, the Commission pursued revocation of Respondent's substitute teaching license. Respondent contested the Commission's decision to revoke his license, and ALJ Bernadette House presided over a contested case hearing on the issue. By Final Order dated April 25, 2011, Respondent's substitute teaching license expired and his right to apply for a Teaching License was revoked for one year, effective May 14, 2010. (Ex. A5).

5. On May 19, 2011, Respondent reapplied for an Initial Teaching License. (Ex. A2). Along with his application, Respondent provided his education records. (Ex. A3).

6. In 2010, while waiting for the hearing on the revocation notice, Respondent sent four emails to TSPC, all of which the Commission considered important in the 2011 evaluation of his new application. On February 8, 2010, Respondent wrote:

Hello, please consider that by the time I begin training for the Seafaring Union I will have attended 4 psychologist counseling sessions, if that doesn't meet your final requirements please let me know what I can do to get them met within your deadline, and if possible, without interrupting my training for my other line of work. As you know, I cannot apply for education jobs until the State of Oregon has finished the work on me, and nearly a year and four months later I know nothing of your intentions with this Madras incident. I still have no idea whether I can pursue education as a career and if my reputation is damaged. At this point I have to assume that I won't be able to apply for Fall 2010 jobs or any education jobs ever again, but I'm asking you to let me know something before March.

For your information I do go to church now and have cheerfully conformed to the expectations that parents and the Law would expect of teachers. I was hoping this would stop peoples' motivation to destroy my reputation and leave me with nothing but part-time minimum wage work available and tens of thousands of dollars of debt, as well as years of study and degrees wasted. Of course, I do know quite a few people whom would be happy to tell me that "that is what I get for having to come to God the hard way." And I know that's okay. Whether I teach or not, I am a civilized person and not a wild one.

I want to be a teacher if I can. But I have to get another line of work together now if I cannot. My seafaring training begins 29 March. If I am not there on that day then I cannot go until 2011. As a 30 year old man I have to be working either as a teacher or on crippling amount of debt I accrued trying to be a teacher. And I have to know which I'll be doing right now.

I wear a hearing aid and the military is not available to me. As you understand, a person with these kinds of complaints has hardly anything available at all, even though the complaints are not true like with my case. I want to know if the State of Oregon is going to act on it or not. I can't be entirely sure of their motivations to put me in such a position, but I am a white guy, from Bend, in that district, whom has dropped out of a Catholic University and has joined the Free Masons. Later I found out that was a very big deal to a lot of people, and that alone could be too much controversy for me to work in education.

Please take the 5-10 minutes it takes to wrap up my file on the Bend/Lapine student paper comments, and let me know if you are pursuing these ridiculous claims from Madras or not and please let me know by March. I've already put a

lot of money into this Seafaring Union and I'm about to put in a lot more. I want to make sure that the door to education is closed before I do that.

(Ex. A10). Respondent was concerned that the Commission was also investigating an allegation made by 5<sup>th</sup> grade girls in Madras. (Test. of Respondent). The Commission was aware of the Madras allegation, but did pursue any charges against Respondent for that issue. (Test. of VanLaanen).

7. On March 24, 2010, Respondent wrote to the Commission about the upcoming hearing:

I have a couple more questions about my hearing in May. Are you going to be discussing both cases from Madras and HDESD? What is the exact date of the hearing? Is it possible I could be there?

Please consider the following information at the hearing:

The claims from Madras are false. I have been accepted into my Four-Square Church. I constantly tell the Catholics around me that I never hated them for dropping out of Gonzaga and joining the Free Masons. I am confident claims like this will not come up again. Hopefully at your hearing you'll understand that this Madras case is the result of me misrepresenting myself as anti-Christian with the comments on that paper during the highly irritable phases of my quitting smoking phase while working with HDESD. While working in Madras I had children threatening me with I'm going to tell the principal something that isn't true. I never had that in other districts.

\* \* \* \* \*

Again, I understand the mistake I made while with HDESD. I was in a highly irritable phase from quitting smoking, which I believe is also the most difficult I've ever done, and I was also working on the three law tests for Sierra Nevada College. The recurrent theme of the Establishment Clause for the law tests and the advanced stages of nicotine withdrawal led to a one-time incident with HDESD, which also forced the community at large to not accept me as a role model for children. Two years of working part-time at minimum-wage has taught me that it is very important to be accepted by Christians, and that I haven't been a guitar music student in a liberal University for a very long time now.

(Ex. A11).

8. On April 2, 2010, Respondent again wrote to TSPC:

I have opted not to contact you over the phone. I thought I'd write one last time to clarify that things have calmed down much since my membership at a Foursquare Church. It has been no less than 3 years since anybody has felt a need

to frighten or threaten me. I really don't want to call these kids liars or say it was all a Catholic Church scandal, but I wasn't looking at any kids in any funny way. Please consider the motive people had to remove me from education over not considering me a Christian role model. I am happy to provide the community with the role model they want. I'm ready to teach, and I have faith that this type of thing will never occur again. These events have made me one of those rare people that want to spend their entire careers teaching in the remote Alaskan Bush. And of course I never even think about smoking a cigarette. If God can pull through for me with this then I will take the time learning a lot of Alaskan Native language and cultural history. It will help with the fact that I'm a white guy from the fraternity with the absurd rumor that they control the world. Hopefully they'll like me more than the Warm Springs Tribe, of whom I must confess complete ignorance of.

(Ex. A12).

9. On April 19, 2010, Respondent sent another email to the Commission, which stated in part:

I have some more information I want you to consider for your investigation. Apparently I stirred up a lot of controversy in my community by not being a part of a church. It is controversy I want to avoid in the future. I was involved with the Free Masons for awhile, I joined after dropping out of Gonzaga, it was clear to me that they had plans to make me a priest. When I joined the Masons and read a lot of wizard books it caused some radical misconceptions about my fraternity. I always kept that stuff out of the classroom of course, but parents were teaching their kids stuff about me.

I was a music major at the University of Oregon. The same radicals that bombed the ROTC building all those years ago are still in Eugene and they used to come up and talk to me.

I no longer read those books and I go to church. What people want is what people get as long as it's legal, and hopefully God will give me a chance to pay off the loans with the job I piled them up for. For a hard of hearing guy like me, education is the best career possible. There was a lot of familiar faces from Gonzaga at Sierra Nevada College. I even had one guy come into some classes when it was half over and tell me his name was Jim Caviezel (the actor from the Mel Gibson Jesus film) and that he's a Nazi. The teachers names that knew this guy were [VA] and [DD]. I already invested so much already I didn't drop out and go home, although the Masons were expecting me to.

I don't mind calling those girls who said those things liars, but I am trying to tone down the controversy I have always had with different religious groups. Those kids told me after their break that they always go to the office to work during this time, that's how I let them out of the class. Shortly after I was informed I

wouldn't be substituting for JCSD. I almost quit working for them on my first day when I saw my Catholic high youth pastor Mary Evers working as a secretary, whom told me her name was Allison Downing. During my time at JCSD several students were threatening me with I'm going to tell the principal something that isn't true. I reported this to the principal of the middle school Ken Clark, but didn't expect him to do much because he knew his secretary was my old youth pastor. I was sort of dating one of their Catholic members named [A], they were saying I'm a Catholic hating Mason from the North of Ireland if I didn't be nice to her, but I don't know her real name because they tell me all sorts of stuff. I don't know what their misconception of our fraternity is but apparently I am very exciting to them.

The plumber man whom has followed me around since University of Oregon also made his appearance that day. He really wanted me Protestant in high school and college. He made a video with the faculty at Dilworth Middle School when I was student teaching there. I don't want to go into detail here, but I don't think that faculty would be willing to talk to him at all if they knew what kind of people that man is involved with.

Sometimes these people speak Spanish to me too. One customer (who looked so much like the teacher I was subbing for the day I got fired from JCSD), at Safeway asked me if I had any fish called Boca Gardi (Watch your mouth), and I get emails from the North Star District of Alaska from a lady named Mucha Maria, or a lot of Mary.

That's fine. I don't mind be around Catholics and working with them. I'm sure things won't be so tense since I'm part of a Christian Church now.

My parents are partly involved too. They are Catholic, although I do love them of course, I know they have beliefs that I just never really understood, and they are doing what they are doing to get themselves to heaven. I happen to be much more comfortable and happier in my Four-Square Church, and this is something most Catholics accept considering their current media portrayal.

In spite of all this, I understand there's no bringing too much religion into school. I'll tell students and faculty I'm Christian if they ask but other than that I won't discuss religion. I understand that parents really want a Christian role model and I understand the laws too. I am tolerant of those who are intolerant of me. Most of the people I knew growing up happened to be extremists and drug-addicts and I'll never get rid of them. I'm sure you can imagine the devastating [e]ffects that would have on some kids trying to better themselves in environments like that if you assume I'm anything like them. Other kids with hearing disabilities need me to have a chance to do my job too. For this letter, I could have cleared this computer from keystroke recorders and web monitors you can find online, but I chose not to.

These people have taught me pacifism. Some that followed me around were very anti-Catholic. It got a lot worse when I shared my mother's view of sympathy for the Irish Republican Army. That is not something I share with my mother. I'm just a guy trying to make most of the people happy most of the time. For a time I thought that meant staying away from religion; I was wrong. I don't have any police record at all.

Look, they got what they want. The Catholics wanted me to get back with Jesus and the Protestants were trying to convert me since high school. The television tells me I can worship whatever deity I choose and face no interference from the government, but I'm not willing to go there. Everybody's happy now. If you investigate these claims I am making, you'll find they are all true.

If it makes any difference I don't really like Masonry that much. I often wonder if the newer members had any other reason to join than to be rude to me, and I don't have enough piercings and tattoos to fit in anyways.

(Ex. A13).

10. Respondent completed an eight-hour anger management course on March 23, 2011. (Ex. A3 at 12). Respondent sought treatment from Elizabeth Conway, MS, LPC, in January 2010, and counseled with her and underwent ongoing therapy between that time and March 2011. Ms. Conway did not have all of the information from the school district nor from the Commission when she treated Respondent. (*Id.* at 10).

11. Respondent has not been evaluated by a psychologist. (Test. of Respondent).

### CONCLUSION OF LAW

Respondent's Application for Reinstatement was properly denied by the Commission.

### OPINION

The Commission contends that Respondent's application for licensure should be denied because he has failed to show the requisite fitness to hold a license. Although Respondent generally has the burden to establish that he possesses the requisite qualifications and fitness to hold a teaching license, TSPC is the proponent of the position that he is unfit and must present evidence in support of its claim. ORS 183.450(2). It must prove its case by a preponderance of the evidence. *Sobel v. Board of Pharmacy*, 130 Or App 374, 379 (1994), *rev den* 320 Or 588 (1995) (standard of proof under the Administrative Procedures Act is preponderance of evidence absent legislation adopting a different standard). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely true than not. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390 (1987).

OAR 584-050-0006 states in part:



## Criteria for Denying Issuance or Reinstatement of Licenses

(1) The Executive Director may deny issuance of a license, certificate or registration, renewal of a license, certificate or registration; or reinstatement of a license, certificate or registration under the conditions set forth in subsection (3) below.

\* \* \* \* \*

(3) Notice of denial and right to a hearing may be issued by the Executive Director when any of the following conditions exist:

\* \* \* \* \*

(d) The Executive Director has evidence that the applicant may lack fitness to serve as an educator[.]

Under this administrative rule, the Executive Director must determine whether an applicant has the requisite qualifications to be a teacher, including physical and mental fitness. The Commission contends that Respondent has failed to establish that he is mentally fit to teach.

**Evidence of Unfitness.** The Commission's denial in this case is based on the nature of Respondent's communications in the events leading up to the previous hearing. In the written comments to the student in La Pine and in his emails to the Commission, Respondent's comments were often bizarre and provided information that not only failed to address the Commission's concerns but actually added to them. As the Commission noted in the Amended Proposed Order:

Licensee filed four emails with the Commission that the Commission considers exceptions to the Proposed Order. Licensee's email of March 24, 2010, explained that the comments were the result of him representing himself as an anti-Christian. He appeared to justify the conduct by indicating that he was going through quitting smoking and that children in the district threatened to tell the principal things about him that were not true. He also explained that he has now learned that it is important to be accepted by Christians. Licensee's email of April 2 also raised issues about religion and about things "calming down" since joining the Foursquare church. He implied that people removed him from education because he was not a Christian role model, but that he was now ready to teach and was willing to be a role model that "they want."

Licensee's explanations for his conduct are not persuasive, but in fact raise more concerns about his state of mind when he wrote the statements on the student's paper.

(Ex. A5 at 11).

In addition to the comments made on the student's paper in 2008, Respondent's comments in the four emails contained many statements that concerned the Commission. They include:

- Repeated comments that he now goes to church to "conform to the expectations [of] parents and the Law;"
- Telling the Commission he was a "white guy, from Bend \* \* \* who has dropped out of a Catholic University and joined the Free Masons;"
- "I constantly tell the Catholics around me that I never hated them for dropping out of Gonzaga and joining the Free Masons."
- "Two years of working part-time at minimum-wage has taught me that it is very important to be accepted by Christians, and that I haven't been a guitar music student in a liberal University for a very long time now."
- "These events have made me one of those rare people that want to spend their entire careers teaching in the remote Alaskan Bush. And of course I never even think about smoking a cigarette."
- "It will help with the fact that I'm a white guy from the fraternity with the absurd rumor that they control the world. Hopefully they'll like me more than the Warm Springs Tribe, of whom I must confess complete ignorance of."
- "I almost quit working for them on my first day when I saw my Catholic high youth pastor, Mary Evers working as a secretary, whom told me her name was Allison Downing."
- "Sometimes these people speak Spanish to me too. One customer (who looked so much like the teacher I was subbing for the day I got fired from JCSD), at Safeway asked me if I had any fish called Boca Gardi (Watch your mouth), and I get emails from the North Star District of Alaska from a lady named Much Maria, or a lot of Mary."
- "Look, they got what they want. The Catholics wanted me to get back with Jesus and the Protestants were trying to convert me since high school. The television tells me I can worship whatever deity I choose and face no interference from the government, but I'm not willing to go there."

These comments from Respondent's emails are troubling because they are often bizarre, and because they suggest that (at the time they were written) Respondent believed that he had to accept or conform to a religious faith in order to be a licensed educator. They suggest such a level of disorganized thought that the Commission saw the need for a psychological evaluation to determine whether Respondent is mentally fit to teach.

At hearing, Respondent acknowledged that his comments on the student's paper and in the emails were a mistake on his part. During the investigation, he wanted to do whatever he could to convince the Commission that he was deserving of a teaching license. His emails, he acknowledges now, arose from anxiety and paranoia, and a sense of being persecuted. His ability to testify about those matters at hearing suggests that he has gained some self-perspective on those issues.

However, the Commission is charged with making sure any person with a teaching license possesses the requisite fitness, both physical and mental, to teach. Although Respondent *may* possess such fitness, the record in this hearing does not establish, by a preponderance of the evidence, that he is so qualified. Respondent needs, at the least, a full psychological evaluation by an expert acceptable to the Commission, to determine whether he is fit to teach.

Respondent treated with a counselor in 2010 and 2011, after the episode with the student's paper and the allegations made by students in Madras. Unfortunately, Ms. Conway is not a psychologist and did not (as far as this record shows) perform any of the tests that would address Respondent's fitness to teach children. The Commission has met its burden as the proponent of the position that Respondent may be mentally unfit to teach, and Respondent has failed to establish that he has the requisite fitness to hold a teaching license at this time.

### ORDER

I propose the Teacher Standards and Practices Commission issue the following order:

That the Amended Notice dated November 21, 2012 be **AFFIRMED**.

Rick Barber

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Administrative Law Judge  
Office of Administrative Hearings

### EXCEPTIONS

The proposed order is the Administrative Law Judge's recommendation to the Teacher Standards and Practices Commission. If you disagree with any part of this proposed order, you may file written objections, called "exceptions," to the proposed order and present written argument in support of your exceptions. Written argument and exceptions must be filed **within fourteen (14) days after mailing of the proposed order** with the:

Teacher Standards and Practices Commission  
250 Division Street NE  
Salem OR 97301

The Commission need not allow oral argument. The Executive Director may permit oral argument in those cases in which the Director believes oral argument may be appropriate or helpful to the Commissioners in making a final determination. If oral argument is allowed, the Commission will inform you of the time and place for presenting oral argument.