1 2 3		BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	Edu	he Matter of the) DEFAULT ORDER OF REVOCATION AND REVOCATION OF RIGHT TO APPLY
8		On February 5, 2016, the Teacher Standards and Practices Commission
9	(Co	mmission) issued a Notice of Opportunity for Hearing to Patrick Michael Kanealey
0	(Ka	nealey) in which the Commission charged him with Gross Neglect of Duty and Gross
1	Uni	fitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
12	701	5 0640 0004 7539 6892 to the address on file with the Commission. The Notice
13		signated the Commission file as the record for purposes of proving a prima facie case.
14	The	e Certified Mail receipt was returned "Undeliverable, unable to forward" to the
15	Cor	mmission on February 16, 2016. The regular mail was not returned to the
16		mmission. The Notice of Opportunity of Hearing, dated February 5, 2016, and signed
17	by '	Victoria Chamberlain, Executive Director, stated:
18 19 20 21 22 23 24		"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."
25 26	Ka	nealey did not request a hearing. The Commission, therefore, finds Kanealey to be in
27		fault and enters the following findings of fact, conclusions of law, and final order,
28		sed on the files and records of the Commission concerning this matter.
29		
30		FINDINGS OF FACT
31	1.	Patrick Michael Kanealey has been licensed by the Commission since May 14, 1997.
32		Kanealey's Initial II Teaching License, with an endorsement in Social Studies (HS), is
33		valid from December 27, 2013, through December 24, 2016. During all relevant
34		times, Kanealey was employed by the Portland Public School District.
35	2.	On February 5, 2015, Kanealey pled guilty and was subsequently convicted in the
36		Multnomah County Circuit Court of one count of Attempt to Commit a Crime, ORS

	161.405(2)(e); i.e. Patronize a Prostitute, (ORS 167.008), charged as a class B
	misdemeanor. Kanealey was sentenced to five days in jail.
3.	Kanealey's conviction arose from allegations that included Kanealey attempting to
	pay a fee, and / or trade drugs (methamphetamine) to engage in sexual activity. On
	or about May 1, 2014, unknown to Kanealey at the time, Kanealey contacted a private
	"sting" operation called EPIK from an advertisement in a publication known for
	being used to promote prostitution. EPIK members referred Kanealey's inquiry to
	law enforcement. On May 9, 2014, law enforcement interviewed Kanealey. Kanealey
	admitted to police that he frequently used backpage.com and his registration at "TnA
	Board" to seek prostitutes. Kanealey told police he would meet with the "escort" he
	contacted and exchange around \$140 – \$150 dollars for sex. On or about January 22,
	2015, Kanealey was investigated again for possible prostitution related crimes. Police
	reports indicate that Kanealey had repeatedly employed a prostitute(s), exchanging
	money and /or methamphetamine for sexual activities. During Kanealey's interview
	3.

CONCLUSIONS OF LAW

methamphetamine. Kanealey was arrested for two counts of Patronizing a Prostitute.

with police, Kanealey also admitted to having a drug problem, smoking

Kanealey'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)(ll) (*ORS 167.008 – Patronizing A Prostitute*). 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); OAR 584-020-0040(5)(d) (<i>Commission of an act listed in OAR* 584-020-0040(1)); 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 Kanealey's license and Kanealey's right to apply for a license based on his conviction of any of the crimes listed in ORS 342.143(3)(a), or

1	the substantial equivalent of any of those crimes.
2	
3	Furthermore, the conduct underlying Kanealey's indictments and conviction
4	constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
5	0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR
6	584-020-0040(4)(k)(Violation of any order or rule of the Commission); and OAR 584-
7	020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a)(Maintain the dignity of the
8	profession by respecting and obeying the law, exemplifying personal integrity and
9	honesty). Additionally, your conviction and conduct related to your conviction
10	constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a)
11	and (d) as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct which
12	renders an educator unqualified to perform his or her professional responsibilities").
13	The Commission's authority to impose discipline in this matter is based upon ORS
14	342.175.
15	FINAL ORDER
16	The Commission hereby revokes Patrick Michael Kanealey's educator license and
17	revokes his right to apply for an educator license.
18	IT IS SO ORDERED THIS 23 rd day of May, 20 16.
19	TEACHER STANDARDS AND PRACTICES COMMISSION
20 21	
	By:
22	By:
23 24	Victoria Chamberiani, Executive Director
25	
26 27	NOTICE OF APPEAL OR RIGHTS
28	
29 30	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
31	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
32	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:

Patrick Michael Kanealey

Dated this 23 rolday of May, 20/4.

By: Sty Shelden

Patty Shelden

Investigative Assistant