

1 in the state of Washington. The Commission learned McKinney was the subject of
2 both a criminal and administrative investigation related to the possession of child
3 pornography.

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- 5 3. Investigation determined that on or about June 8, 2014, McKinney was investigated
6 by Customs and Border Agents at the Peace Arch Port of Entry between Canada and
7 the United States. Agents discovered McKinney was in possession of child
8 pornography and later referred McKinney's case to Homeland Security (HS).
9 Subsequent investigations by HS and later the Bellingham Police Department -
10 including interviews with McKinney - determined that McKinney was in possession
11 of child pornography. McKinney admitted to investigators that he had downloaded
12 and viewed child pornography using the peer to peer file server BitTorrent.
13 McKinney told officials he had been viewing and downloading child pornography for
14 approximately six years and had been excited by the fact that it was illegal to do so.
15 Law enforcement officials did not file criminal charges against McKinney due to the
16 passing of the statute of limitations on the case.
- 17
- 18 4. The Washington Office of the Superintendent of Public Instruction conducted a
19 related investigation regarding McKinney's application for employment with the
20 Federal Way Public School District. Investigation determined McKinney had failed
21 to disclose that at the time of application, he was under investigation for the
22 previously mentioned criminal charges. During McKinney's interview with
23 Washington investigators, McKinney again admitted to being in possession of child
24 pornography and failing to disclose that McKinney had been under criminal
25 investigation when McKinney made his employment application. Washington is in
26 the process of taking action against McKinney's Washington Teaching License for
27 violations of Washington standards.
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- 29 5. On August 1, 2017, Commission investigators sent McKinney official requests for
30 interviews related to his conduct by certified mail. The certified mail receipt was
31 returned as signed for by McKinney. In addition to the certified letter, investigators
32 also advised McKinney of their request to interview McKinney and the consequences

1 for failing to cooperate by sending McKinney email. McKinney failed to respond to
2 investigator's requests for cooperation as required by rule.
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4 **CONCLUSIONS OF LAW**

5 Jacob McKinney's conduct described in sections 2 through 5 above constitutes
6 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
7 incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-
8 0040(4)(c)(Falsification of any document or knowing misrepresentation directly related
9 to licensure, employment, or professional duties); OAR 584-020-0040(4)(k)(Violation
10 of any rule or order of the Commission); OAR 584-020-0040(4)(p)(Subject to the
11 exercise of any legal right or privilege, failure or refusal by an educator under
12 investigation to respond to requests for information, to furnish documents or to
13 participate in interviews with a Commission representative relating to a Commission
14 investigation); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
15 0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law,
16 exemplifying personal integrity and honesty). Additionally, McKinney's conduct
17 constitutes "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-
18 0040(3)(d) as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct
19 which renders an educator unqualified to perform his or her professional
20 responsibilities"); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts
21 constituting criminal conduct, even in the absence of a conviction).
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23 The Commission's authority to impose discipline in this matter is based upon
24 ORS 342.175.
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1 **FINAL ORDER**

2 The Commission hereby revokes Jacob Allen McKinney’s Oregon educator
3 license.

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

5 TEACHER STANDARDS AND PRACTICES COMMISSION

6
7
8 By: 
9 Dr. Anthony Rosilez, Executive Director

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15 NOTICE OF APPEAL OR RIGHTS

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