1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8	In the Matter of the Educator License of ANTHONY CANTWELL DEFAULT ORDER OF SUSPENSION OF RIGHT TO APPLY FOR AN EDUCATOR LICENSE AND PROBATION
9	On July 13, 2018, the Teacher Standards and Practices Commission (Commission) issued a
10	Notice of Opportunity for Hearing to Anthony Cantwell (Cantwell) in which the Commission charged
11	him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
12	Receipt 7017 0190 0000 6246 5732 to the address on file with the Commission. The Notice
13	designated the Commission file as the record for purposes of proving a prima facie case. The
14	Certified Mail receipt was returned signed to the Commission on July 23, 2018. The regular, first
15	class mail was not returned to the Commission, and is assumed to have been delivered. The Notice of
16	Opportunity for Hearing, dated July 13, 2018, and signed by Anthony Rosilez, Executive Director,
17	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	Cantwell requested a hearing and a hearing was set for October 16, 2019. On October 15, 2019, at
26	6:43 PM, Cantwell withdrew his request for a hearing by email. The Commission, therefore, finds
27	Cantwell to be in default and enters the following findings of fact, conclusions of law, and final order,
28	based on the files and records of the Commission concerning this matter.
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30	FINDINGS OF FACT
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32	1. Anthony Cantwell has been licensed by the Commission since September 18, 1987. Cantwell
33	held a Basic Teaching License, with endorsements in Basic Language Arts (027), Basic
34	Physical Education (019), and Basic Social Studies (027), valid from April 19, 2014 through
35	April 18, 2017. During all relevant times, Cantwell was employed by the Portland Public
36	School District (PPSD).
37	2. On May 19, 2016, the Commission received a report from PPSD indicating Cantwell may have
38	committed an act of gross neglect of duty and/ or gross unfitness. Specifically, Cantwell
30	engaged in unprofessional interactions with coworkers in violation of sevual harassment

- policies. Investigation determined that two female coworkers, Rodriguez and Tina, had complained to PPSD and law enforcement that during the 2015-2016 school year, Cantwell had engaged in personal text messages that made them feel uncomfortable. Rodriguez and Tina reported that the communication had continued after they had requested Cantwell to stop. On September 18, 2016, PPSD issued Cantwell a letter of expectation regarding professional boundaries and PPSD policy on harassment.
 - 3. On July 20, 2017, Cantwell appeared at TSPC for a scheduled investigative interview. Cantwell determined at this interview that he was not prepared to participate in the interview and wished to seek legal counsel. No interview was conducted. On September 29, 2017, the Commission was informed that Cantwell was represented by an attorney. An interview was scheduled for March 1, 2018. Cantwell's attorney was present for the interview, but Cantwell failed to show up at the agreed upon time and location. Another date and time (May 1, 2018) for the required interview was agreed upon. On May 1, 2018, the Commission received an email from Cantwell's attorney advising that Cantwell was declining the Commission's formal request for an interview, with the understanding that failure to participate may constitute a violation of Commission rules and standards.

CONCLUSIONS OF LAW

Cantwell's conduct described in sections two (2) above, 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 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), OAR 584-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and other patrons); and OAR 584-020-0040(4)(l) (Sexual harassment).

Cantwell's conduct described in sections three (3) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p)(Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation).

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

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1	FINAL ORDER
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3	The Commission hereby suspends Anthony Cantwell's right to apply for an Oregon educator
4	license for a period of sixty (60) days, to begin upon the date this order is signed and in effect.
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6	Furthermore, the Commission imposes a two (2) year period of probation upon Cantwell to
7	commence upon reinstatement of his Oregon educator license and subject to the following
8	terms and conditions of probation:
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10	 Cantwell shall comply with the Standards for Competent and Ethical Performance of
11	Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
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13	Violation of any term or condition of probation shall constitute an independent basis for the
14	Commission to revoke Cantwell's Oregon educator license or otherwise impose discipline, after first
15	providing Cantwell with notice and opportunity for hearing.
16	10 th
17	IT IS SO ORDERED THIS/7 to day of October, 2019.
18	TEACHER STANDARDS AND PRACTICES COMMISSION
	By: J. Rosilez
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20	Dr. Anthony Rosilez, Executive Director
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22 23	
24	NOTICE OF APPEAL OR RIGHTS
25 26	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
27	OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
28 29	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.
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