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) DEFAULT ORDER OF Educator License of) REVOCATION OF JACOB ALLEN MCKINNEY) EDUCATOR LICENSE
9	On March 29, 2018, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Jacob Allen McKinney
11	(McKinney) in which the Commission charged him with Gross Neglect of Duty and
12	Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
13	Receipt 7017 0190 0000 6246 9068 to the address on file with the Commission. The
14	Notice designated the Commission file as the record for purposes of proving a prima
15	facie case. The Certified Mail was not returned to the Commission and assumed
16	delivered. The regular first class mail was not returned to the Commission, and assumed
17	delivered. The Notice of Opportunity of Hearing, dated March 29, 2018, and signed by
18	Anthony Rosilez, Executive Director, stated:
19 20 21 22 23 24 25 26	"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."
27 27	McKinney did not request a hearing. The Commission, therefore, finds McKinney to be
28	in default and enters the following findings of fact, conclusions of law, and final order,
29	based on the files and records of the Commission concerning this matter.
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31	FINDINGS OF FACT
32	1. Jacob Allen McKinney has been licensed by the Commission since February 2, 2015.
33	McKinney's Initial I Teaching License, with an endorsement in Multiple Subjects Self
34 35	Contained (ECE, ELE), is valid from February 2, 2015, through August 1, 2018.
36	2. On July 11, 2017, the Commission learned McKinney was under investigation by the
37	Office of Professional Practices / Office of the Superintendent of Public Instruction

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

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3. Investigation determined that on or about June 8, 2014, McKinney was investigated by Customs and Border Agents at the Peace Arch Port of Entry between Canada and the United States. Agents discovered McKinney was in possession of child pornography and later referred McKinney's case to Homeland Security (HS). Subsequent investigations by HS and later the Bellingham Police Department -

including interviews with McKinney - determined that McKinney was in possession of child pornography. McKinney admitted to investigators that he had downloaded

and viewed child pornography using the peer to peer file server BitTorrent.

McKinney told officials he had been viewing and downloading child pornography for approximately six years and had been excited by the fact that it was illegal to do so.

Law enforcement officials did not file criminal charges against McKinney due to the passing of the statute of limitations on the case.

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4. The Washington Office of the Superintendent of Public Instruction conducted a related investigation regarding McKinney's application for employment with the Federal Way Public School District. Investigation determined McKinney had failed to disclose that at the time of application, he was under investigation for the previously mentioned criminal charges. During McKinney's interview with Washington investigators, McKinney again admitted to being in possession of child pornography and failing to disclose that McKinney had been under criminal investigation when McKinney made his employment application. Washington is in the process of taking action against McKinney's Washington Teaching License for violations of Washington standards.

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5. On August 1, 2017, Commission investigators sent McKinney official requests for interviews related to his conduct by certified mail. The certified mail receipt was returned as signed for by McKinney. In addition to the certified letter, investigators 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)(0) 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 day of June, 2018.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
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	By: Anthony J. Rosiles
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9	Dr. Anthony Rosilez, Executive Director
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5	NOTICE OF APPEAL OR RIGHTS
6	NOTICE OF THE ENGINE
7	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
8	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
9	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
20	ORS 183.482 TO THE OREGON COURT OF APPEALS.