

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the	)	DEFAULT ORDER OF
Educator License of	)	REVOCATION OF RIGHT
CHRISTOPHER ADAMS LOESEL	)	TO APPLY

On September 15, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Christopher Adams Loesel (Loesel) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 4739 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail was returned “Unclaimed”, and the regular mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated September 15, 2014, and signed by Victoria Chamberlain, Executive Director, stated:

**“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.”**

Loesel did not request a hearing. The Commission, therefore, finds Loesel to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

## FINDINGS OF FACT

1. David L. Loesel has been licensed by the Commission since December 18, 2006. Loesel's Initial I Teaching License with endorsements in General Business (HS, ML) and Multiple Subjects (MIDLVL), was issued May 14, 2010, and expired on October 22, 2013.
2. On July 22, 2014, in US Federal District Court, Loesel plead guilty and was convicted of one count of Distribution of Child Pornography 18 USC §§ 2252A(a)(2) and (b)(1). This federal crime is the substantial equivalent to current Oregon laws ORS 163.684, Encouraging Child Sex Abuse in the First Degree, and ORS 163.688, Possession of materials depicting sexually explicit conduct of a child in the first degree. Loesel was

1 sentenced to a total of five years in prison, followed by a period of probation, and  
2 required to register as a sex offender.

- 3 3. Loesel's convictions arose from allegations that included Loesel having possession of  
4 child pornography material and sharing this material over a peer to peer network via  
5 Loesel's computer system.

### 6 CONCLUSIONS OF LAW

7 Loesel's convictions constitutes gross neglect of duty in violation of ORS  
8 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
9 *professional judgment*); OAR 584-020-0040(1) (*The Commission will deny, revoke or*  
10 *deny the right to apply for a license or charter school registration to any applicant or*  
11 *educator who, has been convicted of any of the crimes listed in ORS 342.143, or the*  
12 *substantial equivalent of any of those crimes if convicted in another jurisdiction or*  
13 *convicted of attempt to commit such crimes as defined in 161.405. Evaluation of*  
14 *substantially equivalent crimes or attempts to commit crimes will be based on Oregon*  
15 *laws in effect at the time of the conviction, regardless of the jurisdiction in which the*  
16 *conviction occurred*); OAR 584-020-0040(3)(a) (*The Commission may initiate*  
17 *proceedings to suspend or revoke the license or registration of an educator under ORS*  
18 *342.175 or deny a license or registration to an applicant under 342.143 who has been*  
19 *convicted of a crime not listed in section (1) of this rule, if the Commission finds that the*  
20 *nature of the act or acts constituting the crime for which the educator was convicted*  
21 *render the educator unfit to hold a license*). This conduct also constitutes gross  
22 unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of*  
23 *violating any federal, state, or local law. A conviction includes any final judgment of*  
24 *conviction by a court whether as the result of guilty plea, no contest plea or any other*  
25 *means*); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*  
26 *criminal conduct, even in the absence of a conviction*).

27 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards  
28 and Practices Commission must revoke Loesel's license and Loesel's right to apply for a  
29 license based on Loesel's conviction of any of the crimes listed in ORS 342.143(3)(a), or  
30 the substantial equivalent of any of those crimes.

31 Furthermore, the conduct underlying Loesel's convictions constitutes gross

1 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
2 incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-  
3 0040(4)(k) (*Violation of any rule or order of the Commission*); and OAR 584-020-  
4 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*  
5 *profession by respecting and obeying the law, exemplifying personal integrity and*  
6 *honesty*). Additionally, your conviction and conduct related to your conviction  
7 constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a)  
8 and (d) as defined by OAR 584-020-0040 (5) (*"Gross unfitness is any conduct which*  
9 *renders an educator unqualified to perform his or her professional responsibilities"*).  
10


11 The Commission's authority to impose discipline in this matter is based upon ORS  
12 342.175.

13 **FINAL ORDER**

14 The Commission hereby revokes Christopher Adams Loesel's right to apply for  
15 licensure.

16 IT IS SO ORDERED THIS 31<sup>st</sup> day of October, 2014.

17 TEACHER STANDARDS AND PRACTICES COMMISSION  
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20 By:   
21 Victoria Chamberlain, Executive Director  
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25 **NOTICE OF APPEAL OR RIGHTS**  
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27 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY  
28 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE  
29 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF  
30 ORS 183.482 TO THE OREGON COURT OF APPEALS.