1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON		
5 6 7 8	In the Matter of the Educator License of BRETT H. CUNNINGHAM	)	DEFAULT ORDER OF REVOCATION
9	On July 28, 2022, th	e Teacher Standard	s and Practices Commission
10	(Commission) issued a Not	ice of Opportunity f	or Hearing to Brett H. Cunningham,
11	(Cunningham) in which the	e Commission charg	ed him with Gross Neglect of Duty and
12	/or Gross Unfitness. The N	otice was sent via U	S. First Class Mail and U.S. Certified
13	Mail Receipt 7019 2970 00	00 4904 2093 to the	e address on file with the Commission.
14	The Notice designated the O	Commission file as t	he record for purposes of proving a prima
15	facie case. Neither the regu	lar first-class mail n	or the Certified Mail were returned to the
16	Commission, and both were	e assumed delivered	. The Notice of Opportunity of Hearing,
17	dated February 13, 2023, ar	nd signed by Anthor	ny Rosilez, Executive Director, stated:
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19 20 21 22 23 24 25 26 27 28 29	PERIOD, YOUR RICE UNLESS YOUR FAIT REASONABLE CON WITHDRAW YOUR AT A HEARING, OR APPEAR AT HEARI DEFAULT WHICH IT YOUR LICENSE OR	SHT TO A HEARING LURE TO REQUES' TROL. IF YOU DO REQUEST FOR HE NOTIFY THE COMMISS MAY INCLUDE THE OTHER DISCIPLING.	RECEIVED WITHIN THIS 21-DAY S SHALL BE CONSIDERED WAIVED T A HEARING WAS BEYOND YOUR NOT REQUEST A HEARING, CARING, OR IF YOU FAIL TO APPEAR IMISSION THAT YOU WILL NOT SION WILL ADOPT AN ORDER OF E REVOCATION OR SUSPENSION OF NE." o response from Cunningham. The
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31		_	e in default and enters the following der, based on the files and records of the
32	Commission concerning th		der, based on the mes and records of the
33	Commission concerning in	is matter.	
34		FINDING O	F FACT
35	1. The Commission has		am since October 24, 2014. Cunningham
36			License with endorsements in
37	•	•	The license was issued on February 21,
38	•		uring all relevant times, Cunningham
	-	J	

was employed by the Hillsboro School District (HSD).

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2. On May 8, 2020, TSPC received a Misconduct Report from the HSD regarding Cunningham, teacher at Orenco Elementary School. The report alleges that the Oregon Department of Justice (DOJ) received a cyber-tip from Google that Cunningham had engaged in illegal internet activity. The report indicated that a subpoena had been issued for Cunningham's electronic devices in conjunction with an investigation for allegedly downloading and uploading child pornography.

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31 32 3. Investigation by the HSD and the DOJ determined that Cunningham downloaded multiple images of minor aged children engaged in sexual acts. Additionally, two images discovered during the investigation had been taken in the Orenco Elementary School bathroom. The first photo was of young kindergarten aged student with his pants pulled down using the urinal. The image showed the child's bare buttocks. A second imagine was of Cunningham, taking a selfie in the mirror with his pants pulled down and his genitals exposed. The photo is clearly of Cunningham and was obviously taken in the Orenco Elementary School bathroom because of the visible and unique tile pattern shown in the photo. The photos had been taken on or about September 14, 2020. Further investigation determined that Cunningham had shared a large volume of communication with a 6th grade student who had repeatedly been caught trying to sneak into his classroom before and after school. Additionally, a review of your Google search history revealed searches for pornography of young males engaging in sexual acts with older males some of which were images or videos depicting male students and teachers engaging in sexual acts. Cunningham resigned from the HSD on September 14, 2020. On January 21, 2022, Cunningham pled guilty to and was convicted of two counts of Encouraging Child Sexual Abuse in the first-degree, ORS 163.684, in Multnomah County Circuit Court. Cunningham was sentenced to 16 months incarceration and 3 years post-prison supervision. On February 11, 2022, Cunningham also pled guilty and was convicted of one count of Encouraging Child Sexual Abuse in the first-degree ORS 163-684, and one count

1	of Invasion of Privacy in the first-degree, ORS 163.701 in Washington County		
2	Circuit Court. Cunningham was sentenced to 16 months incarceration and 3 years		
3	post-prison supervision. The sentences in Multnomah and Washington County		
4	Circuit Courts were ordered to be served concurrently.		
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6	4. On April 21, 2022, TSPC investigative staff requested that Cunningham		
7	participate in an interview relating to these charges. On May 2, 2022,		
8	Cunningham's attorney, Josephine Townsend, informed TSPC that Cunningham		
9	would not be participating in an interview with the Commission.		
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11	Under ORS 342.175(2) and OAR 584, Division 020, the Commission		
12	will deny, revoke or deny the right to apply for a license or charter school		
13	registration to any applicant or educator who, has been convicted of any		
14	of the crimes listed in ORS 342.143, or the substantial equivalent of any of		
15	those crimes if convicted in another jurisdiction or convicted of attempt to		
16	commit such crimes as defined in 161.405.		
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18	CONCLUSIONS OF LAW		
19	Under ORS 342.175(2) and OAR 584, Division 020, the Commission will deny,		
20	revoke or deny the right to apply for a license or charter school registration to any		
21	applicant or educator who, has been convicted of any of the crimes listed in ORS		
22	342.143, or the substantial equivalent of any of those crimes if convicted in another		
23	jurisdiction or convicted of attempt to commit such crimes as defined in 161.405.		
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25	The Commission's authority to impose discipline in this matter is based upon ORS		
26	342.175.		
27	FINAL ORDER		
28	The Commission hereby permanently revokes Cunningham's teaching license.		
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1	IT IS SO ORDERED THIS 18 day of July, 2023.
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3	TEACHER STANDARDS AND PRACTICES COMMISSION
4	By: Anthony of Rosiles
5	Dr. Anthony Rosilez, Executive Director
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7	NOTICE OF APPEAL OR RIGHTS
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9	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
10	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
11	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
12	ORS 183.482 TO THE OREGON COURT OF APPEALS.