1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON				
4 5	In the Mat Educator 1	License of)	DEFAULT ORDER OF REVOCATION AND REVOCATION	
6 7	BRETT G.	. ANDRY)	OF RIGHT TO APPLY FOR LICENSURE	
8	On December 23, 2021, the Teacher Standards and Practices Commission (Commission)				
9	issued a N	sued a Notice of Opportunity for Hearing to Brett G. Andry (Andry) in which the Commission			
10	charged hi	harged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First			
11	Class Mail and U.S. Certified Mail Receipt 7021 0350 0000 8183 8138 to the address on file with the				
12	Commission. The Notice designated the Commission file as the record for purposes of proving a				
13	prima facie case. The Notice sent Certified Mail was returned signed on December 31, 2021. The				
14	regular First-Class mail was not returned to the Commission and assumed delivered. The Notice of				
15	Opportunity of Hearing, dated December 23, 2021, and signed by Anthony Rosilez, Executive				
16	Director, stated:				
17 18 19 20 21 22 23 24 25 26 27	"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, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."				
28	the following findings of fact, conclusions of law, and final order, based on the files and records of the				
29	Commission concerning this matter.				
30	Commission	on concerning this matter.			
31			FINDING	S OF FACT	
32	1.	Brett G. Andry has been lie		e Commission since July 25, 2016. Andry holds a	
33		•	•	dorsements in Social Studies (PK-12) and Business	
34		•	•	E) (PK-12), valid from January 30, 2019, through	
35		August 26, 2022.	-		
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37	2.	On September 2, 2020, the	e Commissio	on received information reporting Andry was	
38		arrested on August 25, 202	20, for felony	y counts of criminal conduct that could constitute a	
39		violation of Commission r	ules. The info	ormation reported indicated the charges filed	
40		against Andry ware Online	Sevual Com	untion of a Minor and Luring a Minor	

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- 3. Law enforcement investigation determined that between March 5, 2020, and August 25, 2020, for the purposes of arousing or gratifying Andry's sexual desire, Andry knowingly used online communications to solicit who he thought was a minor to engage in sexual contact or sexually explicit conduct and agreed to meet or offered to meet the minor. It was also determined during the same time period, Andry knowingly furnished to a person he thought was a minor, visual representations, an explicit verbal description and/or a narrative account of sexual conduct for the purpose of inducing the minor to engage in sexual conduct. The minor in this matter was an undercover law enforcement officer conducting an undercover operation targeting adults seeking minors for sex or soliciting child pornography.
- 4. On September 2, 2020, Andry was indicted on one (1) felony count of Online Sexual Corruption of a Child in the Second Degree, and one (1) felony count of Luring a Minor. On September 22, 2021, by plea agreement, Andry was convicted of one misdemeanor count - reduced by the DA - of ORS 167.057 Luring a Minor. On September 22, 2021, Andry was sentenced to jail for three hundred and sixty-two (362) days, bench probation for one (1) year, and fined.

CONCLUSIONS OF LAW

Brett G. Andry's criminal conviction as described in section four (4) above, constitute 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); and OAR 584-020-0040(1) (The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction), including ORS 167.057 Luring a Minor. This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means); OAR 584-020-0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

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

1	those crimes, or convicted of attempt to commit such crimes as defined in ORS 161.405.				
2	Andry's conduct underlying his conviction, as described in section three (3) above, constitutes				
3	gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates				
4	OAR 584-020-0010(5) (<i>Use professional judgment</i>); and OAR 584-020-0040(4)(0) as it				
5	incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and				
6	obeying the law, exemplifying personal integrity and honesty).				
7	Additionally, Andry's criminal conviction and conduct related to his conviction constitute				
8	"gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by				
9	OAR 584-020-0040 (5) (Gross unfitness is any conduct which renders an educator unqualified to				
10	perform his or her professional responsibilities).				
11	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.				
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13	FINAL ORDER				
14	The Commission hereby revokes Brett G. Andry's Oregon educator license and revokes his				
15	right to apply for an Oregon educator license.				
16	sh.				
17	IT IS SO ORDERED THIS day of March 2022.				
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19	TEACHER STANDARDS AND PRACTICES COMMISSION				
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	By:				
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23	Dr. Anthony Rosilez, Executive Director				
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27	NOTICE OF APPEAL OR RIGHTS				
28	VOLUMENT DE MONTHE MONTHE MONTHE DE MANTE AND DE MANTE AN				
29 30	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF				
31	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO				
32	THE OREGON COURT OF APPEALS.				