

BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

In the Matter of the Teaching)
License of)
PATRICK LESTER MCMAHON) STIPULATION, PUBLIC
) REPRIMAND AND ORDER
) OF PROBATION
)
)
)

On March 19, 1998, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Patrick Lester McMahon. Mr. McMahon, through his attorney, requested a hearing to contest the allegations in the Notice. After a review of the matters alleged, the Commission and Mr. McMahon have agreed that their respective interests and the public interest are best served by a stipulation to certain facts, a public reprimand and an order of probation. This agreement sets forth the facts on which the Commission and Mr. McMahon have agreed, the sanction to be imposed and the Commission's order.

This Stipulation is subject to review and approval by the full Commission. If the Commission fails to approve the Stipulation and Proposed Order as written, any waiver of rights by Mr. McMahon is revoked and any statements contained in this Stipulation may not be used by the Commission or Mr. McMahon for any reason.

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STIPULATED FACTS

Mr. McMahon and the Commission stipulate as follows:

1. Mr. McMahon holds a basic Oregon teaching license with an endorsement in Elementary Education.

2. Mr. McMahon was employed as an elementary teacher with the Springfield School District for approximately 27 years until October 14, 1997, when he resigned his position with the District. Prior to September 1997, Mr. McMahon demonstrated a good teaching record and had satisfactory to excellent evaluations.

3. On several occasions in September and October 1997, Mr. McMahon without authorization used a computer owned by the district and located at his school site to access adult pornographic materials.

4. There is no evidence that any student viewed any of the pornographic materials that were accessed by Mr. McMahon.

5. Subsequent to his resignation from the district, Mr. McMahon underwent a psychological evaluation by C. Kirk Johnson, Ph.D, a psychologist licensed in Washington and certified to conduct sex offender evaluations. Dr. Johnson conducted an evaluation which consisted of personal interviews, administration of certain standardized tests and a review of computer logs and materials downloaded from Mr. McMahon's computer. Based on this evaluation, Dr. Johnson concluded that

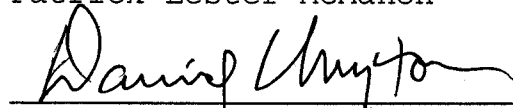
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Mr. McMahon does not have a sexual dysfunction or a sexual disorder, that Mr. McMahon is not considered to be a sexual risk to children and that Mr. McMahon's conduct in this case was situational and very unlikely to reoccur in the future.


Patrick Lester McMahon

8-15-98
Date


David V. Myton, Executive Director
Teacher Standards and Practices Commission

8/26/98
Date

CONCLUSION OF LAW

Mr. McMahon used school computer equipment to access adult pornographic materials in violation of school policy and in violation of OAR 584-020-0040(4)(a).

DISCUSSION

The Commission views Mr. McMahon's conduct as a serious offense that in many instances would require a more serious sanction. In imposing a sanction in this case, the Commission takes into account the following factors: (1) Mr. McMahon is a long time teacher with a satisfactory, if not exemplary record. (2) No school children were exposed to the pornographic materials. (3) Dr. Johnson's evaluation concludes that Mr. McMahon does not have a sexual disorder, presents no threat to children and is very unlikely to engage in similar behavior in the future.

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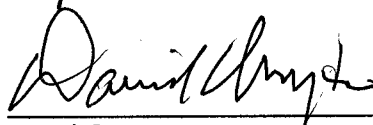
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ORDER

The Commission imposes a public reprimand, and this Order shall serve as the public reprimand. Mr. McMahon is placed on probation for a period of two years from the date of this order, subject to the conditions that he comply with all Standards of Competent and Ethical Performance under OAR 584, Div. 20.

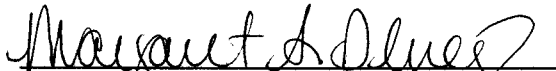
Failure to comply with any condition of probation shall be a basis in itself for discipline, up to and including revocation of Mr. McMahon's teaching license, and subject to Mr. McMahon's right to a hearing on the issue of whether he violated his probation.

DATED this 24th day of Sept 1998.



David V. Myton, Executive Director

APPROVED AS TO FORM:



Margaret Olney Of Attorneys
for Patrick Lester McMahon

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