

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

| | | |
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| In the Matter of the |) | STIPULATION OF FACTS AND |
| Teaching License of: |) | FINAL ORDER OF SUSPENSION |
| |) | OF RIGHT TO APPLY AND |
| BRIAN CRAIG VOGT. |) | PROBATION |

On or about April 29, 2008, the Teacher Standards and Practices Commission (Commission) received a report indicating possible inappropriate conduct by Brian Craig Vogt, a person holding a Standard Teaching License in the State of Oregon.

After review of the matters alleged, Mr. Vogt and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a thirty (30) day suspension of his license and a two (2) year probationary period.

In the interest of resolving this matter, Mr. Vogt acknowledges that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. Mr. Vogt understands that the Commission will rely upon these findings to suspend his license and waives his right to appeal the suspension or revocation of his license.

By signing below, Mr. Vogt acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final

Order of Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Mr. Vogt nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promises or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

1. The Commission has licensed Mr. Vogt since March 27, 1987. Most recently, Mr. Vogt held a Standard Teaching License with endorsements in Advanced Mathematics, Basic Health Education and Basic Physical Education, issued April 8, 2004 and valid through March 9, 2009. Mr. Vogt did apply to renew this license in a timely manner.

2. On April 29, 2008, Mr. Vogt informed the Commission that he had plead "No Contest" to Theft I. The circumstances leading to the criminal conviction of Mr. Vogt and his wife for conspiring to receive, and receiving public assistance, occurred during September 2004 to June 2006. During the time that Mr. Vogt and his wife received the benefits, Mr. Vogt was

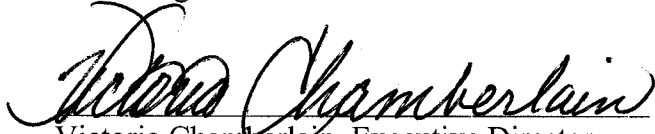
employed by the Oregon Department of Human Services with his primary duties being the determination of individuals to receive public assistance. Because he pled no contest, all other charges against him were dismissed.

IT IS SO STIPULATED:



Brian Vogt

1/7/10
Date



Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

1-28-10
Date

CONCLUSIONS OF LAW

According to the allegations that Mr. Vogt pled no contest to, Mr. Vogt abused a position of trust while employed at DHS, as described in paragraph 2 above. This constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b), OAR 584-020-0040(4)(0) (Substantial deviation from professional standards of ethics set forth in OAR 584-020-0035) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); OAR 584-020-0040(4)(c) (*Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*).

Additionally, the conduct described above constitutes gross unfitness under ORS 342.175(1)(c), violation of OAR 584-020-0040(5)(b) (*Fraud or misrepresentation*); 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.) In determining whether your conduct constitutes gross unfitness, the Commission determined that the criminal allegations against you which you pled no contest to involved conspiring with your wife to unlawfully receive benefits; lying or misrepresenting facts to obtain benefits; using your knowledge of DHS benefits rules to evade eligibility safeguards; and abusing your position of trust with your employer, where you were responsible for determining eligibility for other persons.

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, suspends the right of Brian Craig Vogt to apply for a license for a period of thirty (30) days from the date of this order. Furthermore, the Commission hereby imposes a two (2) year probation on Mr. Vogt, following the successful application and issuance of his license, and subject to the following conditions:


1. Mr. Vogt shall report in writing within ten days to the Executive Director of the Commission any arrest or citation for any felony, misdemeanor, or major traffic violation.
2. Mr. Vogt shall comply with all Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584, and Division 020.
3. Violation of any of the terms of this probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Vogt's teaching license, subject to Mr. Vogt's right to a hearing on the issue of whether he violated

probation.

Issued and dated this 16th day of February, 2010.


TEACHER STANDARDS AND PRACTICES
COMMISSION, STATE OF OREGON

By



Victoria Chamberlain, Executive Director

APPROVED AS TO FORM



Christine Moore, OSB# 060270
Attorney for Brian Vogt