

1 BEFORE THE TEACHERS AND STANDARDS AND PRACTICES COMMISSION  
2 OF THE STATE OF OREGON

3 In the Matter of the  
4 Teaching License of  
5 ROBERT G. EMMINGER

STIPULATION OF FACTS, ORDER OF  
PUBLIC REPRIMAND AND PROBATION

6 On or about January 27, 1999, the Teacher Standards and Practices Commission  
7 (Commission) issued a Notice of Opportunity for hearing to Robert G. Emminger (Emminger) in  
8 which the Commission proposed to suspend or revoke his teaching license or otherwise impose  
9 discipline under ORS 342.177. The Commission and Emminger have now reviewed the matters  
10 alleged and agree that their respective interests, together with the public interest, are best served  
11 by a stipulation to certain facts, the imposition of a public reprimand and placement on probation  
12 for a period of two years. This agreement sets forth the facts upon which the parties have agreed  
13 and the sanctions to be imposed. In entering into this Stipulation, Emminger waives his right to  
14 a hearing to contest any of the findings set forth below.

15 **FINDINGS OF FACT**

16 1. Emminger was employed by the Joseph School District as a music teacher for the  
17 1997-98 school year. Emminger held an Emergency Restricted Teaching License with a basic  
18 music endorsement valid September 2, 1997 through September 2, 1999.

19 2. Emminger began his teaching career when in his 40's. Before becoming a  
20 teacher, Emminger was primarily employed as a laborer. Emminger previously taught music in  
21 Lavina and Belt, Montana for a total of two years prior to coming to Joseph.

22 3. Concerns regarding Emminger's performance in Joseph were cited by the Joseph  
23 School Board when Emminger was non-renewed for the 1998-99 school year. On March 7,

1 1998, Ken Lehman, Superintendent of Joseph Public Schools notified the Commission of  
2 concerns he had regarding Emminger's performance.

3 4. On or about July 29, 1997, Emminger submitted a C-1 Application for Licensure  
4 and falsely responded "no" to character question 1 in Section D. Emminger had resigned in lieu  
5 of non-renewal in Belt, Montana. Emminger believed that he should respond "no" to the  
6 question because he believed the basis of non-renewal had nothing to do with licensure matters,  
7 but rather with what he perceived as personality disputes.

8 5. The Commission has substantial evidence that in the fall of 1997, Emminger  
9 inappropriately grabbed and held the arm of female student RB in order to get and hold her  
10 attention. Emminger believed holding her arm was necessary in order to effectively  
11 communicate with RB about a matter of serious concern.

12 6. In December 1997, Emminger mistakenly entered an area that was being used as a  
13 backstage dressing room for a girls dance team. In order to make light of the situation Emminger  
14 made a comment that one or more of the girls took as inappropriate. Emminger did not intend  
15 the comment to be embarrassing.

16 7. During the academic year of 1997-98, Emminger used inappropriate language in  
17 the classroom in the presence of students, including profanity. Emminger agreed he occasionally  
18 used profanity when angered but only in the presence of older students.

19 8. Emminger failed to exhibit appropriate classroom skills when he displayed a  
20 poster regarding safe sex, that could offend younger students; displayed a Christmas story that  
21 utilized offensive humor; and made reference to drug use in his youth. Emminger did not see  
22 these activities as violating licensing standards, but rather he sees them as isolated instances of  
23 misjudgment by an inexperienced teacher.

1 Emminger enters into this Stipulation of Facts with the knowledge that TSPC will adopt  
2 an Order requiring the issuance of a public reprimand, placing Emminger on two years of  
3 probation and imposing additional conditions while on probation. This Stipulation is contingent  
4 upon the approval and adoption of the Order by the Commission. If the Commission does not  
5 adopt this Order, neither Emminger nor the Commission are bound by these stipulations and he  
6 retains all rights to a hearing on the allegations.

7 IT IS SO STIPULATED:

8

9 Robert G. Emminger  
Robert G. Emminger

8-18-99  
Date

10

11 David V. Myton  
David V. Myton  
12 Executive Director

8/30/99  
Date

12

13

### CONCLUSIONS OF LAW

14

15

16

17

The conduct described in paragraph 4 above constitutes a violation of  
OAR 584-020-0040(3)(b); the conduct described in paragraph 5 above constitutes a violation of  
OAR 584-020-0040(4)(d); the conduct described in paragraphs 6, 7 and 8 constitutes a violation  
of OAR 584-020-0040(4)(n).

18

### OPINION

19

20

21

22

In consideration of Emminger's relative newness to the profession and his background as  
a laborer, the Commission concludes that Emminger's failures as described above resulted in  
part from his uncertainty in defining appropriate language and conduct boundaries with students.  
Therefore the Commission believes a sanction of public reprimand and probation is appropriate.

23

///

1 **ORDER**

2 The Commission issues a public reprimand against Emminger. The Findings of Fact,  
3 Conclusions of Law, Opinion and Order herein shall serve as the reprimand. Emminger will be  
4 placed on probation for two years beginning with the date this order is issued, subject to the  
5 following conditions:

6 1. Emminger shall at his own expense obtain training in anger management and  
7 appropriate communications with students. This training will consist of not less than eight hours  
8 and will be completed by December 31, 1999.

9 2. Emminger shall comply with all Commission requirements, including but not  
10 limited to, those articulated in OAR Chapter 584, Division 020- the standards for competent and  
11 ethical performance of Oregon educators.

12 3. Emminger will provide to the Commission such information as requested to  
13 verify that he has complied with the conditions of probation, including a statement from his  
14 employing district that he has complied with the standards for competent and ethical  
15 performance and a statement from the training provider that he has successfully completed the  
16 training identified in paragraph 1.

17 4. Emminger will notify the Commission's Executive Director of any discipline or  
18 investigation occurring during the period of probation.

19 ///

20 ///

21 ///

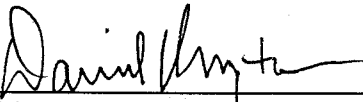
22 ///

23 ///

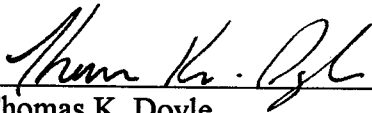
1 Violation of any term of probation shall constitute a basis for the Commission to take  
2 disciplinary action up to and including revoking Emminger's license, after first providing to  
3 Emminger notice and an opportunity for hearing.

4 DATED this 17<sup>th</sup> day of September 1998.

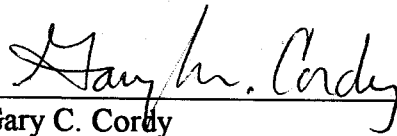
5 TEACHER STANDARDS AND PRACTICES COMMISSION

6   
7 \_\_\_\_\_  
David V. Myton, Executive Director

8 Approved as to Form:

9   
10 \_\_\_\_\_  
Thomas K. Doyle  
Attorney for Emminger

8/23/99  
\_\_\_\_\_ Date

11  
12   
13 \_\_\_\_\_  
Gary C. Cordy  
Attorney for TSPC

8-16-99  
\_\_\_\_\_ Date