

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

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) SURRENDER AND FINAL ORDER
5 BRIAN WILLIAM MILLER) OF REVOCATION

6 On or about June 17, 2005, the Teacher Standards and Practices Commission
7 (Commission) received a report from Beverly Parsons, Superintendent of South Umpqua School
8 District, indicating that Brian William Miller (Miller) was arrested on June 2, 2005, for ~~Sex Abuse~~ *Harassment*
9 *Intimate Touching ORS 166.065(4) (a)* *BM*
~~in the Third Degree~~ by the Douglas County Sheriff's Department.

10 On June 3, 2005, the Commission received an application for renewal of Mr. Miller's
11 Restricted Transitional Teaching license. On August 2, 2005, the Commission issued a Notice
12 of Denial of Teaching License and Opportunity for Hearing. On August 18, 2005, Mr. Miller
13 requested a hearing.

14 After review of the matters alleged, Mr. Miller and the Commission agree that their
15 respective interests, together with the public interest, are best served by a stipulation to certain
16 facts and surrender of his teaching license as per OAR 584-050-0027.

17 This document sets forth the facts upon which the parties have agreed and the
18 stipulated sanction to be imposed. Mr. Miller stipulates that there is sufficient evidence in the
19 Commission's files and records to support the findings of fact, conclusions of law, and order set
20 forth below.

21 By signing below, Mr. Miller acknowledges, understands, stipulates, and agrees to the
22 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
23 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
24 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Surrender
25 and Order of Revocation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a
26 public document and disclosed to the public upon request by the Commission; (iii) this
27 Stipulation and Final Order is contingent upon and subject to approval and adoption by the

1 Commission. If the Commission does not approve and adopt this Stipulation and Final Order,
2 then neither Mr. Miller nor the Commission are bound by the terms herein; (iv) he has fully read
3 this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any
4 force or duress, enters into this Stipulation and Final Order and consents to issuance and entry
5 of the Stipulated Final Order below; (vi) he states that no promises or representations have
6 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with
7 an attorney regarding this Stipulation and Final Order and has been fully advised with regard to
8 his rights thereto, or waives any and all rights to consult with an attorney prior to entering into
9 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. Mr.
10 Miller understands that the Commission will revoke his teaching license.

11 **STIPULATION OF FACTS**

12 1. Mr. Miller has been licensed by the Commission since August 21, 2001. Mr. Miller
13 held a Restricted Transitional Teaching License issued August 31, 2004. Said license expired
14 on August 31, 2005, with Integrated Science and Multiple Subjects restricted to South Umpqua
15 School District.

16 2. Mr. Miller began contract employment as a Science Teacher with South Umpqua
17 School District on August 28, 2001. Mr. Miller resigned his teaching position in lieu of dismissal
18 effective June 16, 2005.

19 3. On November 7, 2006, Mr. Miller pled no contest and was convicted of three counts
20 of Harassment, Touching Intimate Parts of the Body, ORS 166.654 in the Circuit Court of the
21 State of Oregon for Douglas County. The court sentenced Mr. Miller to serve 10 days in jail,
22 placed him on two years probation and required that he undergo sex offender evaluation and
23 treatment.

24 4. The Convictions are a result of Mr. Miller's physical contact with a female student.
25 One condition of Mr. Miller's two year probation is that he have, "No contact with minor females
26 and shall not frequent places where minor females congregate without another adult present."

1 IT IS SO STIPULATED AND AGREED TO:

2 *Brian Miller*
3 Brian William Miller

1/17/07
Date

4 *Victoria Chamberlain*
5 Victoria Chamberlain, Executive Director
6 Teacher Standards and Practices Commission

1-8-07
Date

7 CONCLUSION OF LAW

8 Brian William Miller's convictions for Harassment, Touching Intimate Parts of the Body,
9 ~~ORS 166.654~~ **166.055(4) A**, constitute Gross Unfitness pursuant to OAR 584-020-0040(5)(c) and OAR 584-
10 020-0040(5)(e). Mr. Miller's conduct in this matter also constitutes Gross Neglect of Duty in
11 violation of OAR 584-020-0040(4)(f). The Commission has the authority to impose discipline in
12 this matter is under ORS 342.120 through 342.430 and OAR Chapter 584.

13 FINAL ORDER

14 The Commission hereby adopts and incorporates herein the above findings of fact and
15 conclusion of law, based thereon, hereby accepts the surrender of Mr. Miller's Restricted
16 Transitional Teaching License and orders the revocation of the licensure of Brian William Miller.

17 Issued and dated this 20 day of February, 2007.

18 TEACHER STANDARDS AND PRACTICES COMMISSION
19 STATE OF OREGON

20
21 By *Victoria Chamberlain*
22 Victoria Chamberlain, Executive Director

23 *Ralph Wiser* 2/11/07
24
25 Ralph Wiser OSB# 81423
26 Attorney for Brian William Miller

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