

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

In the Matter of the)
Teaching License of)
DURANT BROWN)
)
)

STIPULATION OF FACTS
PUBLIC REPRIMAND AND ORDER
OF PROBATION

On March 21, 1997, the Teacher Standards and Practices Commission issued an Investigation Report and Recommendation that there was sufficient evidence to charge Durant Brown with a violation of Standards for Competent and Ethical Performance of Oregon Educators and to warrant a hearing in the circumstances related to Mr. Brown's convictions in 1975 for Forgery and Theft, in 1976 for Parole Violation and 1994 for Theft. Mr. Brown also violated Standards by answering the character questions on the Application for Licensure "no" indicating he had no arrests or convictions. In conjunction with the Notice of Opportunity for Hearing, the Executive Secretary proposed to Mr. Brown a Stipulation and Order as follows. After review of the matters alleged the parties have agreed that their respective interests, together with the public interest, are best served by a Stipulation to certain facts and the imposition of a reprimand and a period of probation. This agreement sets forth the facts upon which the parties have agreed and the sanction to be imposed, and the basis for the Commission's Order.

STIPULATED FINDINGS OF FACT

Durant Brown and the Commission agree that the following facts are true:

1. Durant Brown holds a Professional Technical Teaching License for construction valid in Canby School District from September 4, 1996 to March 4, 1997. The expiration date was extended 60 days making it valid until May 4, 1997.
2. On or about August 30, 1996, Brown made an application for licensure and submitted fingerprint cards as required. Brown answered "no" to all character questions on Section D of the Application Form C-1. A report from the FBI indicated that Brown had convictions in December 1975 for Forgery I and Theft II, September 1975 for Forgery I and May 1976 for Probation Violation. The report also listed an arrest on March 31, 1994 for Theft II, however no disposition of this arrest was listed.
3. On request, Brown provided certified true copies of the court dispositions and his explanation of the events leading up to each arrest along with an explanation as to why he failed to report the convictions on his C-1 Application Form. Brown explained that the three arrests and convictions in 1975-76 were not separate, but stemmed from a single case of Theft to which he pled guilty and was given three years' probation. He was convicted for Probation Violation because he left the United States without permission from his probation officer.

- 1 4. Brown also provided an explanation of the March 1994 arrest and conviction
2 for Theft II. Although he admitted to theft of a Nintendo game, he failed to
3 provide a fully credible explanation of the circumstances under which he left
4 the store without paying for the game.
- 5 5. Brown explained his failure to report these crimes on his application form
6 stating that he "felt they had been removed from his record and did not have
7 any relevance to teaching building construction."
- 8 6. Brown has been employed at Canby School District since August 1996 and has
9 performed to the district's satisfaction during this school year.

10 The parties acknowledge that upon execution of this Stipulation the Commission will
11 enter an Order of Public Reprimand and period of probation with respect to Brown's
12 teaching license. This Stipulation is contingent upon approval and adoption of the
13 Order by the Commission. If the Commission does not adopt this Order, neither
14 Durant Brown nor the Commission are bound by these stipulations and Mr. Brown
15 retains all rights to a hearing on the allegations.

16 IT IS SO STIPULATED:

17 Durant A. Brown 4-9-97
18 Durant Brown Date

19 David V. Myton Apr 2, 1997
20 David V. Myton, Executive Secretary Date
21 Teacher Standards and Practices Commission

22 ULTIMATE FINDINGS OF FACT

23 CONCLUSIONS OF LAW

24 Brown's conduct constitutes a violation of Standards for Competent and Ethical
25 Performance of Oregon Educators under OAR 584-20-040(3)(a) and (4)(c).

26 DISCUSSION

27 The Commission finds that Brown's failure to report 1975-76 convictions for Theft,
28 Forgery, and Probation Violation because he believed they were removed from his
29 record does not constitute justification for his answers of "no" to questions on prior
30 convictions. However, the Commission agrees that the length of time that has elapsed

1 since these convictions makes them relatively insignificant with regard to teaching
2 building construction in 1996-97.

3 Brown's failure to report his arrest and convictions for theft of a Nintendo game in
4 1994 is a substantially more egregious violation of Standards. His failure to candidly
5 and fully disclose the circumstances regarding his arrest on leaving the store without
6 paying for the game raises further concern about Brown's fitness to serve as an
7 educator. The public has high expectations regarding the integrity of teachers and
8 Brown's behavior fails to meet that test. For these reasons the Commission elects to
9 impose a public reprimand and relatively long period of probation as sanctions for
10 Brown's actions.

11 ORDER

- 12 1. The Commission imposes a Public Reprimand on Durant Brown and this Order
13 shall serve as the reprimand.
- 14 2. The Commission places Brown on probation for a period of three years
15 commencing on the date of the Commission's approval of this Order and
16 subject to the following conditions:
- 17 (a) Brown shall violate no law;
- 18 (b) Brown shall comply with all Standards for Competent and Ethical
19 Performance of Oregon Educators under OAR 584, Division 20.

20 Violation of any terms of Brown's probation shall constitute a basis for the
21 Commission to charge Brown with further violation of the Standards for Competent
22 and Ethical Performance of Oregon Educators, after first providing Brown notice and
23 opportunity for hearing on the issue of whether he violated his probation.

24 Dated this 21st day of May, 1997.

25 TEACHER STANDARDS AND PRACTICES COMMISSION

26 By: David V. Myton
27 David V. Myton, Executive Secretary

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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U. S. First Class Mail and U.S. Certified Mail with Return Receipt Requested to:

DURANT BROWN
31744 SE JUDD ROAD
EAGLE CREEK OR 97022

Dated this 21st day of May, 1997.

By: 
Charlene A. Smith
Secretary to the Commission