

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
 2 OF THE STATE OF OREGON
 3

4 In the Matter of the)
 5 Educator License of)
 6)
 7 JEFFREY SCOTT MILLER) TO APPLY FOR LICENSURE

8
 9 On August 16, 2017, the Teacher Standards and Practices Commission
 10 (Commission) issued a Notice of Opportunity for Hearing to Jeffrey Scott Miller (Miller)
 11 in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness.
 12 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 1370
 13 0000 0901 8894 to the address on file with the Commission. The Notice designated the
 14 Commission file as the record for purposes of proving a prima facie case. The Certified
 15 Mail was returned to the Commission, “Return to Sender, Refused”. The regular first
 16 class mail was not returned to the Commission, and assumed delivered. The Notice of
 17 Opportunity for Hearing, dated August 16, 2017, and signed by Trent Danowski, Co-
 18 Interim Executive Director, stated:

19 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
 20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
 21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
 22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF
 23 YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN
 24 ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR
 25 SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”
 26

27 Miller did not request a hearing. The Commission, therefore, finds Miller to be in
 28 default and enters the following findings of fact, conclusions of law, and final order,
 29 based on the files and records of the Commission concerning this matter.

30 **FINDINGS OF FACT**

- 31 1. Jeffrey Scott Miller has been licensed by the Commission since June 30, 1983.
 32 Miller held a Standard Teaching License, with an endorsement in Standard Social
 33 Studies (o20), which was valid from May 6, 2010, through May 5, 2015.
 34
 35 2. On August 22, 2016, the Commission received police reports from the Astoria Police
 36 Department (APD) indicating that Miller was arrested on a charge of Public
 37 Indecency on July 20, 2016.

- 1 3. According to court records, on March 2, 2017, the Clatsop County Circuit Court
2 accepted Miller’s plea of “No contest” and subsequently convicted Miller of the
3 offense of “Public Indecency”, ORS 163.465(2)(a), a class A Misdemeanor. Miller
4 was sentenced in part, to 10 days in jail, 18 months of probation supervision, and
5 other general conditions.
- 6 4. Miller’s criminal charges and subsequent conviction arose from allegations that on
7 or about July 30, 2016, Miller was laying on a public sidewalk, naked on a towel
8 while masturbating. Two victims observed Miller’s conduct as they drove along the
9 roadway and reported Miller’s conduct to police. The victims were able to
10 photograph Miller’s conduct and identified him as the suspect to police.
11

12 CONCLUSIONS OF LAW

13 Jeffrey Scott Miller’s criminal conviction constitute gross neglect of duty in
14 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
15 020-0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The*
16 *Commission will deny, revoke or deny the right to apply for a license or charter school*
17 *registration to any applicant or educator who, has been convicted of any of the crimes*
18 *listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted*
19 *in another jurisdiction*), including OAR 584-020-0040(1) (t) (*ORS 163.465 –Public*
20 *Indecency*). This conduct also constitutes gross unfitness in ORS 342.175(1)(c); OAR
21 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A*
22 *conviction includes any final judgment of conviction by a court whether as the result of*
23 *guilty plea, no contest plea or any other means*); OAR 584-020-0040(5)(d)
24 (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-0040(5)(e)
25 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of*
26 *a conviction*).
27

28 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
29 and Practices Commission must revoke Miller’s license and Miller’s right to apply for a
30 license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the
31 substantial equivalent of any of those crimes.

1 Furthermore, the conduct underlying Miller’s indictments and convictions
2 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
3 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
4 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); and OAR 584-
5 020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of*
6 *the profession by respecting and obeying the law, exemplifying personal integrity and*
7 *honesty*). Additionally, Miller’s conviction and conduct related to Miller’s conviction
8 constitute “gross unfitness” in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c)
9 and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which*
10 *renders an educator unqualified to perform his or her professional responsibilities*).
11

12 The Commission’s authority to impose discipline in this matter is based upon ORS
13 342.175.
14

15 **FINAL ORDER**

16 The Commission hereby revokes Jeffrey Scott Miller’s teaching license and his
17 right to apply for licensure.

18 IT IS SO ORDERED THIS 25th day of October, 2017.

19 TEACHER STANDARDS AND PRACTICES COMMISSION
20



21 By: _____
22 Trent Danowski, Co-Interim Executive Director
23
24
25
26

27 **NOTICE OF APPEAL OR RIGHTS**
28

29 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
30 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
31 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
32 ORS 183.482 TO THE OREGON COURT OF APPEALS.