

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

4 In the Matter of the Educator) DEFAULT ORDER OF DENIAL OF
5 License of) APPLICATION AND REVOCATION OF
6 BRIAN FRANKLIN LONG) RIGHT TO APPLY
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9 On October 31, 2013, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Brian Franklin Long (Long) in
11 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 2186 to the
13 address on file with the Commission. The Notice designated the Commission file as the
14 record for purposes of proving a prima facie case. The Certified Mail receipt was returned to
15 the Commission "signed" on November 4, 2013. The first class mail was not returned to the
16 Commission. The Notice of Opportunity of Hearing, dated October 31, 2013, and signed by
17 Victoria Chamberlain, Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE."
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26 On December 22, 2013, Long requested a hearing. Knowing that Long was under
27 investigation for alleged misconduct in the State of Arizona, Long's case was placed in "other
28 venue" pending the outcome of the Arizona investigation. On May 9, 2014 the Commission
29 received a letter from Long's attorney advising that Long was withdrawing his application to
30 become a licensed educator in the State of Oregon and withdrawing his request for a
31 hearing. The Commission, therefore, finds Long to be in default and enters the following
32 findings of fact, conclusions of law, and final order, based on the files and records of the
33 Commission concerning this matter.

34 **FINDINGS OF FACT**

- 35 1. The Commission has licensed Long since July 26, 2007. Long previously held an
36 Initial I Teaching License with endorsements in Multiple Subjects (MIDLVL) and
37 Social Studies (HS, ML), was issued on July 26, 2007, and expired on June 24, 2011.

1 On March 21, 2012, TSPC received Long's application for a Substitute Teaching
2 License, which was placed on hold pending the outcome of a professional practices
3 investigation. Long's license status is currently "Expired". During all relevant times,
4 Long was employed by the Holbrook High School, District 3, in the State of Arizona.
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- 6 2. On Long's March 21, 2012, renewal application, Long self-reported being under
7 investigation by the Arizona State Board of Education for possible professional
8 practices violations. The Arizona allegations include allowing a female student to
9 visit Long in his residence on multiple occasions, and Long sending and receiving
10 personal text messages to/from this student. Other Arizona students reported to
11 school administrators that Long and the student were involved in an inappropriate
12 relationship. The Arizona investigation was concluded on April 10, 2014, when Long
13 submitted a notarized affidavit surrendering his Arizona teaching certificate. When
14 finalized, Arizona's investigation alleged that Long had engaged in an inappropriate
15 sexual relationship with an 18-year-old student.
16

17 CONCLUSIONS OF LAW

18 Brian Franklin Long engaged in unprofessional conduct as described above. This
19 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
20 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and
21 OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring*
22 *appropriate adult boundaries with students in conduct and conversations at all times*).

23 According to OAR 584-050-0006(3)(d), The Executive Director may deny issuance of
24 a license, certificate or registration, renewal of a license, certificate or registration; or
25 reinstatement of a license, certificate or registration under the conditions set forth in
26 subsection (3); Notice of denial and right to a hearing may be issued by the Executive
27 Director when any of the following conditions exist: (d) The Executive Director has evidence
28 that the applicant may lack fitness to serve as an educator. The conduct alleged above also
29 fails to establish fitness to hold a teaching license in Oregon as provided under ORS
30 342.143(2) (*good moral character; mental and physical health as the Commission may*
31 *require to establish fitness*).

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2 The Commission's authority to impose discipline in this matter is based upon ORS
3 342.175.

4 **FINAL ORDER**

5 The Commission hereby denies Long's application for licensure and revokes Brian
6 Franklin Long's Right to Apply for an Educator License.

7 IT IS SO ORDERED THIS 29th day of May, 2014.

8 TEACHER STANDARDS AND PRACTICES COMMISSION



9 By: _____
10 Victoria Chamberlain, Executive Director

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12 **NOTICE OF APPEAL OR RIGHTS**

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