

BEFORE THE  
TEACHER STANDARDS AND PRACTICES COMMISSION  
STATE OF OREGON

In the Matter of the Application)  
for Teaching License of: )  
 )  
TONY LEE BROWN, ) FINAL ORDER  
 ) (By Default)  
 )  
 )

On February 26, 1996, Tony Lee Brown (Brown) filed an application with the Teacher Standards and Practices Commission (Commission) for an Oregon teaching license. In his application, Brown informed the Commission that he had been convicted of the crime of stalking in California. The Commission conducted an investigation and on July 12, 1996, took action to deny Brown's application. On August 5, 1996, the Commission issued a Notice of Opportunity for Hearing to Brown. Brown requested a hearing on August 19, 1996. The Commission scheduled a hearing for October 10, 1996, at 9 a.m. in Salem, Oregon and informed Brown of the date and location of the hearing on September 4, 1996. The Commission appointed a three-member panel to conduct the hearing.

At approximately 8:40 a.m. on October 10, Brown left a telephone message at the Commission offices stating that Brown was not prepared for the hearing and requesting a postponement of the hearing.

Brown's request for postponement is denied. Brown was provided notice of the charges against him on August 5, 1996. He

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1 was advised of the date, time and place of the hearing on  
2 September 4. He was provided copies of documents related to the  
3 evidence against him on September 4 and again on September 30.  
4 These documents included copies of court documents and copies of  
5 police reports related to the charges against him. The  
6 Commission finds that Brown did not make a timely request for a  
7 postponement, and he did not state sufficient grounds to allow a  
8 postponement.

9 Brown did not appear at the hearing on October 10, 1996.  
10 The Commission finds Brown to be in default. The Commission  
11 makes the following findings of fact and conclusions of law based  
12 on the record of this case consisting of the files and records of  
13 the Commission in this matter.

14 FINDINGS OF FACT

15 1. Brown applied for a basic Oregon teaching license with  
16 an endorsement in physical education on February 26, 1996.

17 2. On October 26, 1990, the Superior Court of San  
18 Bernadino County, California granted a restraining order against  
19 Brown. The restraining order prohibited Brown from contacting,  
20 molesting, attacking, striking, threatening, sexually assaulting,  
21 battering, telephoning or disturbing the peace of Adriana  
22 Armstrong or her two minor children. The order further required  
23 Brown to immediately move from Armstrong's residence at 14535  
24 Flathead Road, Apple Valley, California. Brown was also required  
25 under the order to stay at least 500 yards from Ms. Armstrong and  
26 her residence.

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1           3.    On July 19, 1991, Brown was arrested for violating the  
2   restraining order by going to Armstrong's home without her  
3   permission and subjecting her to verbal abuse.

4           4.    On April 20, 1992, Armstrong reported to the police  
5   that Brown had stolen items from Armstrong's garage.  
6   Subsequently on November 18, 1992, the police carried out a  
7   search warrant at Brown's home and found the property that  
8   Armstrong had reported stolen.

9           5.    On May 23, 1992, Brown entered Armstrong's home without  
10   her permission by breaking through the front door. While in the  
11   house, Brown got into a physical altercation with a male visitor  
12   in Armstrong's home.

13          6.    On July 20, 1992, Brown was arrested for violation of  
14   the restraining order for coming to Ms. Armstrong's home and  
15   refusing to leave.

16          7.    On September 10, 1992, Brown was arrested for "spousal  
17   abuse." On this occasion, Brown came to Armstrong's home at  
18   8 a.m. in the morning. Brown entered the home without permission  
19   and confronted Armstrong in her bedroom, where he subjected  
20   Armstrong to physical abuse by striking her on the face and body  
21   and stuffing a towel into Armstrong's mouth.

22          8.    On October 15, 1992, Brown was arrested for the crime  
23   of stalking for coming to Armstrong's house without her  
24   permission, ringing the door bell and running away from the  
25   house.

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1           9.    On October 19, 1992, Brown was again arrested for  
2 making harassing telephone calls to Armstrong soon after he was  
3 released from custody on the arrest for the stalking offense.

4           10.   Brown entered a guilty plea to the crime of stalking.  
5 Under California law, a person is guilty of this crime who  
6 willfully, maliciously and repeatedly follows or harasses another  
7 person and who makes a credible threat with the intent to place  
8 that person in reasonable fear of his or her safety. This crime  
9 is a felony under California law when committed while there is a  
10 restraining order in place.

11          11.   On May 18, 1993, Brown was sentenced to two years in  
12 prison by the Superior Court of San Bernadino, California. Brown  
13 has now completed his prison sentence and is currently still on  
14 parole.

15                               ULTIMATE FINDING OF FACT

16          12.   Brown repeatedly violated a restraining order by  
17 harassing and physically assaulting Adriana Armstrong. Brown was  
18 convicted of the felony crime of stalking on May 18, 1993.

19                               CONCLUSION OF LAW

20          13.   Brown's conduct constitutes gross neglect of duty under  
21 OAR 584-20-040 and Brown has failed to demonstrate good moral  
22 character as required by ORS 342.143 for persons applying for an  
23 Oregon teaching license.

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ORDER

The application for an Oregon teaching license of Tony Lee Brown is hereby DENIED.

Dated this 10<sup>th</sup> day of December, 1996.

TEACHER STANDARDS AND PRACTICES COMMISSION



David V. Myton, Executive Secretary

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

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