1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
5 6 7 8	In the Matter of the Educator License of BRIAN FRANKLIN LONG)  DEFAULT ORDER OF DENIAL OF APPLICATION AND REVOCATION OF RIGHT TO APPLY
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 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
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.

On March 21, 2012, TSPC received Long's application for a Substitute Teaching
License, which was placed on hold pending the outcome of a professional practices
investigation. Long's license status is currently "Expired". During all relevant times,
Long was employed by the Holbrook High School, District 3, in the State of Arizona.

2. On Long's March 21, 2012, renewal application, Long self-reported being under investigation by the Arizona State Board of Education for possible professional practices violations. The Arizona allegations include allowing a female student to visit Long in his residence on multiple occasions, and Long sending and receiving personal text messages to/from this student. Other Arizona students reported to school administrators that Long and the student were involved in an inappropriate relationship. The Arizona investigation was concluded on April 10, 2014, when Long submitted a notarized affidavit surrendering his Arizona teaching certificate. When finalized, Arizona's investigation alleged that Long had engaged in an inappropriate sexual relationship with an 18-year-old student.

## CONCLUSIONS OF LAW

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

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

## CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Brian Franklin Long 1245 Edgewater Lane Cottage Grove, OR 97424-3114

Dated this \_\_\_\_\_\_day of May, 2014.

Investigative Assistant