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BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

4 In the Matter of the Teaching)
5 License of)
6) FINAL ORDER
7 THOMAS G. SPARLIN)
8)
9 _____)

10 On July 25, 1995, the Oregon Teacher Standards and Practices Commission
11 (Commission) issued a Notice of Opportunity for Hearing to Thomas G. Sparlin. Mr.
12 Sparlin requested a hearing. On January 16, 1996, the Commission issued an
13 Amended Notice of Opportunity for Hearing and thereafter scheduled a hearing on
14 April 29, 1996. The hearing in this matter was held on April 29 and continued
15 through April 30 and May 1, 1996. The hearing was held before Commissioners
16 David Krug, Jon Hill and Susan Wilcoxon. Mr. Krug presided at the hearing. Mr.
17 Sparlin appeared personally and through his attorney Paul Gamson. The Commission
18 staff was represented by Assistant Attorney General Joe Gordon McKeever.
19 Commission Secretary Charlene Smith assisted the hearing panel.

20 The panel heard testimony from the following witnesses who were called by the
21 Commission: Gerry Baldwin, Amos Baldwin, Tina Baldwin, Bonnie Sparlin, Charles
22 Barker, Lynn Levitt, Michael McCroskey, and Punky Travalini.

23 Mr. Sparlin and T.B. testified as witnesses for Thomas Sparlin.

24 The following documents were offered by the Commission and received into
25 evidence:

- 26 TSPC 1 - Handwritten note from T.B. dated April 22, 1994.
27 TSPC 2 - Handwritten note from T.B. dated Spring of 1994.
28 TSPC 3 - Handwritten note from T.B., undated.
29 TSPC 4 - Handwritten note from Thomas Sparlin, Spring of 1993 or 1994.
30 TSPC 5 - Handwritten note from T.B., April 1993 or 1994.

- 1 TSPC 6 - Copy of motel receipt and credit card receipt dated March 24,
1994.
- 3 TSPC 7 - Phone message receipts dated October 1994.
- 4 TSPC 8 - Letter of reprimand dated October 25, 1994.
- 5 TSPC 9 - Letter from Christina Joham dated September 26, 1994 (P.S. -
6 and letter was not received).
- 7 TSPC 10 - School District complaint signed by Mr. and Mrs. Baldwin dated
8 June 28, 1994.
- 9 TSPC 11 - Portions of deposition of Thomas G. Sparlin dated November 20,
10 1995.
- 11 TSPC 14 - Letter from Mr. McKeever to Mr. Gamson dated April 18, 1996.
- 12 TSPC 15 - Memorandum from Mr. McKeever to Mr. Gamson dated April 23,
13 1996.
- 14 TSPC 16 - Letter from David Myton to Mr. Gamson dated April 23, 1996.
- 15 TSPC 17 - Letter from Mr. Gamson to Mr. Myton dated May 31, 1995.
- 16 TSPC 19 - Diagram of area near Hidden Valley High School.
- 17 TSPC 20 - Diagram of area near Hidden Valley High School.
- 18 TSPC 21 - Diary entry from Tina Baldwin dated October 1993.

19 The following exhibits were offered by Mr. Sparlin and received into evidence:

- 20 T-200 - Notice of Opportunity for Hearing dated July 7, 1995.
- 21 T-201 - Letter from Mr. Gamson to Mr. McKeever dated November 21,
22 1995.
- 23 T-202 - Letter from Mr. McKeever to Mr. Gamson dated November 22,
24 1995.
- 25 T-203 - Motion to Make Charges More Definite and Certain dated
26 December 4, 1995.
- 27 T-204 - Letter from Mr. Gamson to Mr. McKeever dated December 21,
28 1995.

- 1 T-205 - Letter from Mr. McKeever to Mr Gamson dated January 2, 1996.
- 2 T-206 - Letter from Mr. McKeever to Mr. Gamson dated January 16, 1996.
- 3 T-207 - Amended Notice of Opportunity for Hearing dated January 16,
4 1996.
- 5 T-208 - Letter from Mr. Gamson to Mr. McKeever dated January 17, 1996.
- 6 T-209 - Letter from Mr. McKeever to Mr. Gamson dated February 1, 1996.
- 7 T-210 - Letter from Mr. Gamson to Mr. McKeever dated April 22, 1996.
- 8 T-211 - Motion to Make Amended Changes More Definite and Certain
9 dated April 22, 1996.
- 10 T-212 - Notes of Jan Figoni dated June 28, 1994.
- 11 T-213 - Letter from Mr. Barker dated September 2, 1994.
- 12 T-214 - Police investigation report dated October 10, 1994.

13 The Commission adopts and approves the rulings, findings, and conclusions of
14 the hearing panel as set forth below.

15 **EVIDENTIARY RULINGS**

16 1. The panel sustains objections to TSPC Exhibit 13 consisting of a letter
17 dated April 22, 1996 from Cynthia Tucker, LCSW, and chart notes of Ms. Tucker
18 dated October 22, 1993, on the ground that the documents were not disclosed within
19 10 days prior to the hearing in conformance with OAR 584-19-025. The panel also
20 sustains an objection to TSPC Exhibit 18, consisting of notes of Gerry Baldwin, on the
21 same ground.

22 2. Mr. Sparlin's counsel moved to dismiss the hearing or in the alternative
23 to continue the hearing to a later date on the ground that the charges contained in
24 the Amended Notice of Hearing did not sufficiently inform Mr. Sparlin of the specific
25 conduct on which the proposed sanction was based and that the charges did not
26 sufficiently identify the statutes or rules upon which the proposed discipline was
27 based. The amended notice contained a short and plain statement of the matters
28 asserted or charged. Commission rules also provide discovery procedures that Mr.
29 Sparlin could have used to obtain additional information concerning the charges. The

1 panel concludes that the Amended Notice of Hearing complied with the notice
2 requirements of the Oregon Administrative Procedures Act. The motion is denied.

3 3. Mr. Sparlin's counsel moved to dismiss the hearing or in the alternative
4 continue the hearing on the ground that Mr. Sparlin was not provided with a list of
5 witnesses within 10 days prior to the hearing and on the ground that the apartment
6 number for one of the witnesses was incorrect and the telephone number was
7 incorrect for the witnesses employed at the high school.

8 Counsel for the Commission mailed a list of witnesses to Mr. Sparlin on
9 Thursday, April 18, 1996. Mr. Gamson stated that he did not receive the list of
10 witnesses until Monday, April 22, 1996. April 22 is less than 10 days prior to the
11 hearing date. However, on February 1, 1996, Mr. McKeever also provided to Mr.
12 Gamson the names of all the witnesses that were called at the hearing except for Lynn
13 Levitt and Bonnie Sparlin. Mr. Levitt is a custodian at the high school where Mr.
14 Sparlin is employed. The panel concludes that Mr. Sparlin had time to contact Mr.
15 Levitt during the week prior to the hearing. Bonnie Sparlin is the wife of Mr. Sparlin,
16 and Mr. McKeever provided notice in his February 1, 1996 letter to Mr. Gamson that
17 he was considering taking Mrs. Sparlin's deposition. Mr. Sparlin had notice that his
18 wife might be called as a witness, and he did not show that he was prejudiced by
19 receiving the notice less than ten days prior to the hearing date.

20 Mr. Sparlin was also not prejudiced by the fact that the notice contained a
21 wrong telephone number for the Hidden Valley High School where Mr. Sparlin is
22 employed. The correct phone number was readily available to Mr. Sparlin.

23 Mr. Sparlin also had sufficient opportunity to contact Tina Baldwin prior to the
24 hearing. Upon request, Tina Baldwin produced a document that Mr. Sparlin said he
25 would have subpoenaed if he had been given Ms. Baldwin's correct address. Based on
26 the above, Mr. Sparlin's request for dismissal or a continuance is denied.

27 4. Mr. Sparlin's counsel objected to the fact that the Department of Justice
28 served as legal advisor to the Commission and also presented evidence at the hearing
29 in support of the charges in the Amended Notice of Hearing. Mr. Sparlin moved that
30 the hearing be continued until such time as the Commission changes its procedures
31 so that the Department of Justice does not serve the role of both legal advisor and
32 prosecutor. The panel believes that its procedures are consistent with those

1 established for contested case proceedings by state agencies under ORS 183.413 to
2 183.497 and ORS 180.220. The objection is overruled.

3 **FINDINGS OF FACT**

4 1. Mr. Sparlin has been employed at the Hidden Valley High School in the
5 Three Rivers School District as a teacher and a coach since 1978.

6 2. T.B. is a former student at the Hidden Valley High School where she
7 graduated at the age of 16 in June 1992. T.B. turned 18 on August 22, 1993. T.B.
8 was a student of Mr. Sparlin during the winter term of her senior year.

9 3. During the 1992-93 school year, T.B. attended Rogue Community
10 College. During the 1993-94 school year T.B. attended Southern Oregon State
11 College.

12 4. During the year following her graduation and before T.B. turned age 18,
13 she developed a friendship with Mr. Sparlin. T.B. regularly visited the high school to
14 see Mr. Sparlin, and the two of them frequently went jogging together. As a result of
15 T.B.'s frequent visits with Mr. Sparlin at the school, there were rumors that Mr.
16 Sparlin and T.B. had a romantic relationship.

17 5. In November 1992, T.B. ran away from her parents' home and was
18 missing for a period of three to four days. The parents testified that T.B. told them in
19 December 1992 that she had contacted Mr. Sparlin during this period, and that Mr.
20 Sparlin had allowed T.B. to sleep in his truck during one afternoon and had given T.B.
21 a ride. The parents also testified that Mr. Sparlin also acknowledged that he had
22 given T.B. a ride and allowed her to sleep in his truck during this timeframe. Mr.
23 Sparlin did not notify or contact the parents about this matter in November 1992.

24 Mr. Sparlin and T.B. denied that they had any contact in November 1992.
25 They further denied in their testimony that either of them had told the parents that
26 T.B. had contacted Mr. Sparlin during this period in November 1992.

27 The panel concludes that the evidence does not conclusively support that
28 contact occurred between T.B. and Mr. Sparlin when T.B. ran away from home in
29 November 1992.

30 6. During the fall of 1992 and early winter of 1993, the mother of T.B.
31 testified that she found numerous notes and other writings by T.B. containing

1 statements such as "T.B. loves Thomas Sparlin," a key chain with Thomas Sparlin's
initials, and similar items indicating a romantic attachment between T.B. and Mr.
3 Sparlin. T.B. testified that she never wrote such romantic notes to Mr. Sparlin during
4 this time period. T.B. testified that her mother's testimony in this regard was false.
5 T.B. acknowledged that she had written four handwritten romantic notices in 1994 to
6 Mr. Sparlin, but she testified that she had only delivered one of the notes to Mr.
7 Sparlin. She testified that these four notes were the only notes of a romantic nature
8 that she had ever written to or about Mr. Sparlin.

9 The panel finds that the Commission did not meet its burden of proof to show
10 that T.B. wrote the notes that her mother testified she had found, except for the four
11 notes that were received into evidence. The panel finds that T.B. delivered only one of
12 the handwritten notes to Mr. Sparlin.

13 7. In January 1993, the parents went to the school to speak with Mr.
14 Sparlin. The parents expressed their concern to Mr. Sparlin concerning the nature of
15 the relationship between Mr. Sparlin and their 17 year-old daughter. Mr. Sparlin
16 denied that there was any romantic or physical relationship between him and T.B.
17 The parents testified that they told Mr. Sparlin that they were concerned that T.B. had
18 the wrong idea about the relationship, that Mr. Sparlin should set T.B. straight to
19 make sure she did not get the wrong idea about the relationship and that they
20 directed Mr. Sparlin to terminate the relationship so that T.B. could more easily
21 develop friendships with people her own age.

22 Mr. Sparlin testified that the parents contacted him and expressed concern
23 about whether there was a physical relationship. Mr. Sparlin denied that there was
24 any physical relationship. Mr. Sparlin stated that the parents did not express any
25 concern about the continuing friendship and did not direct Mr. Sparlin to terminate
26 the friendship.

27 The panel finds that the parents expressed concern to Mr. Sparlin during the
28 January meeting, but the panel is not convinced that the parents specifically directed
29 Mr. Sparlin to terminate the relationship with T.B. Although the parents may have
30 had this expectation, their expectation was not expressed in a manner that was
31 clearly understood by Mr. Sparlin.

1 8. T.B.'s mother testified that in January 1993 T.B. failed to return home
2 as scheduled from a school event. T.B.'s mother testified that she found T.B. at the
3 high school parking lot alone with Mr. Sparlin at about 1:00 am. T.B. and Mr. Sparlin
4 testified that it was only about 11:30 pm., and other people were in the parking lot at
5 the time.

6 In the absence of other supporting evidence, the panel finds there is insufficient
7 evidence to establish that Mr. Sparlin testified falsely concerning this event.

8 9. T.B.'s mother testified that in March 1993 she found out that T.B. had
9 signed up to be a student in a CPR class that Mr. Sparlin intended to take. T.B. was
10 already a certified instructor qualified to teach CPR. T.B.'s mother testified that she
11 called Mr. Sparlin and objected to the fact that Mr. Sparlin was taking a CPR class
12 with T.B. T.B.'s mother also testified that she reiterated her request that the
13 relationship should be terminated and believed that Mr. Sparlin's continuing contacts
14 with T.B. indicated that he was not following through on his agreement to terminate
15 the relationship. Mr. Sparlin testified that he did not recall having any conversation
16 at all with T.B.'s mother in March 1993 concerning this matter.

17 The panel finds there is insufficient evidence that a conversation occurred in
18 March 1993 in which T.B.'s mother cautioned Mr. Sparlin about the CPR class.

19 10. In April 1993, T.B. left home without her parents' permission and
20 attempted to move into a house with a friend in Grants Pass. The parents searched
21 for T.B. and found T.B. near the high school. When the parents confronted T.B., she
22 ran away from them up a side road that leads to Mr. Sparlin's house. The side road
23 also leads to a foot trail that connects to a local market. T.B. testified that she
24 followed the foot trail.

25 The parents went to Mr. Sparlin's house and asked about T.B. Mr. Sparlin
26 informed the parents that he had not seen T.B. Mr. Sparlin testified that he did not
27 see T.B. at any time on that day. T.B.'s sister, Tina Baldwin, testified that T.B.
28 confided in her that she had in fact spent time with Mr. Sparlin on that day at his
29 home, and that T.B. hid in Mr. Sparlin's home when the parents came looking for her
30 there. T.B. testified that she did not have contact with Mr. Sparlin on that day.

31 The panel finds there is no corroborating evidence to support Tina Baldwin's
32 hearsay testimony as to what occurred, and there is therefore insufficient evidence of

1 contact between Mr. Sparlin and T.B. on the day she ran away from home in April
2 1993.

3 11. In the spring of 1993 or 1994, T.B. gave Mr. Sparlin a romantic note.
4 Bonnie Sparlin, Mr. Sparlin's wife, testified that she found the note in Mr. Sparlin's
5 backpack.

6 In a deposition dated November 20, 1995, Mr. Sparlin testified under oath as
7 follows:

8 Q. You were here when [T.B.] testified concerning the notes and copies of
9 those. There were several notes she had written. Did you receive any of those
10 notes?

11 A. (from Mr. Sparlin). No.

12 Q. And did you receive any other notes or letters from her during the year
13 following her graduation from high school?

14 A. No.

15 Q. How about during any subsequent times?

16 A. No.

17 At the hearing, Mr. Sparlin testified that he had forgotten about receiving the
18 note from T.B. when he gave the above testimony. Mr. Sparlin initially testified at the
19 hearing that he had not remembered receiving the note until he heard his wife testify
20 about receiving the note in her testimony. Later in his testimony at the hearing, Mr.
21 Sparlin stated that he had not remembered receiving the note from T.B. until the
22 period just before the hearing.

23 In this note, T.B. repeatedly stated that she loved Mr. Sparlin and that she is
24 looking forward to spending her life with him. The note clearly displays emotional and
25 romantic feelings from T.B. to Mr. Sparlin.

26 Mr. Sparlin testified that he talked to T.B. after receiving the note and told her
27 that her feelings were inappropriate.

28 The panel finds that Mr. Sparlin did not inform T.B.'s parents, his supervisor or
29 any other person of the fact that he had received this note from T.B. The panel also
30 finds that Mr. Sparlin did not testify truthfully on his November deposition regarding
31 the note.

1 12. Within a month or two after Mr. Sparlin received a romantic note from
2 T.B., he wrote a note to T.B. that contained "I love you" statements and reference to
3 an intimate meeting. This note by Mr. Sparlin could easily have been perceived as a
4 follow up note to the romantic note that T.B. had sent to Mr. Sparlin.

5 13. During the 1992-93 school year, T.B. told Mr. Sparlin that rumors had
6 been circulated about the school that students and staff suspected a romantic
7 relationship between Mr. Sparlin and T.B. Mr. Sparlin took no action to stem these
8 rumors.

9 14. During the 1993-94 school year, T.B. again informed Mr. Sparlin that
10 rumors were circulating in the school community concerning the relationship of Mr.
11 Sparlin and T.B. Although Mr. Sparlin was aware of these rumors, he took no action
12 to stem the rumors.

13 15. In March 1994, Mr. Sparlin and T.B. went together to the Timbers Motel
14 in Ashland, Oregon. Mr. Sparlin registered as a guest at the motel listing two persons
15 as the number of occupants. T.B. paid the cost of the motel on T.B.'s credit card.
16 T.B.'s mother found the motel receipt and the credit card receipt in the trash that T.B.
17 had left to be thrown away.

18 T.B.'s mother testified that when she first confronted T.B. about the receipts,
19 T.B. initially told her that Mr. Sparlin had requested T.B. to pay for the motel room
20 because he had lost his money. In her testimony, T.B. denied that she had given this
21 explanation to her mother.

22 Mr. Sparlin and T.B. testified that T.B. had requested Mr. Sparlin to register at
23 the motel because T.B. wanted to have a party with her friends from college and high
24 school, and T.B. believed that the employees of the motel would be reluctant to rent a
25 room to her. T.B. and Mr. Sparlin denied that they had spent time together in the
26 motel room.

27 The panel concludes that the evidence does not conclusively support that T.B.
28 and Mr. Sparlin spent time together alone in the motel room. The panel also
29 concludes that Mr. Sparlin did knowingly rent a motel room to be used by
30 unchaperoned teenagers, at least one of which was his former student.

31 16. In May 1994, Mr. Sparlin attended a state track meet in Eugene, Oregon
32 on behalf of the school. He had a student athlete under his supervision. During the

1 hours between 10:30 pm on May 26, and approximately 5:00 am on May 27, Mr.
2 Sparlin was gone from his motel room where he was staying with another coach. Mr.
3 Sparlin testified that he spent the evening drinking at a bar and then later walking the
4 streets and drinking coffee in a restaurant.

5 T.B.'s mother testified that she attempted to contact T.B. beginning at about
6 noon on Thursday, May 26, and was unable to reach her and had no contact with her
7 until late in the morning on the following Friday, May 27. T.B. acknowledged writing
8 a note during this time period in which she stated in part:

9 "I have really missed you. It started when you walked out of the room
10 Friday morning. I wanted to go with you. I almost went back to Eugene
11 Friday - I wanted to somehow find you, I love you so much."

12 The note was found by T.B.'s mother in T.B.'s truck. T.B.'s mother also
13 testified that she found in the truck directions to the motel where Mr. Sparlin was
14 staying. T.B. denied that she had delivered the note to Mr. Sparlin and denied writing
15 or knowing anything about the written directions to the motel.

16 T.B. testified that she was in Eugene earlier in the week, but she and Mr.
17 Sparlin denied that T.B. was in Eugene at the same time as Mr. Sparlin or that they
18 had any contact when Mr. Sparlin went to Eugene.

19 The panel finds there is insufficient evidence to support a conclusion that Mr.
20 Sparlin and T.B. had contact during the time Mr. Sparlin was in Eugene.

21 Based upon Mr. Sparlin's own testimony, the panel finds that Mr. Sparlin
22 neglected his duty when he left the motel in Eugene with no clear indication of where
23 he was going or how he might be contacted, engaged in heavy drinking to the point of
24 intoxication, and was disoriented to the point he was unable to return to his motel
25 room until the early morning hours.

26 17. On September 24, 1994, Mr. Sparlin was directed in writing by his
27 employing school district that "[u]nder no condition will you have contact with [T.B.]
28 while at Hidden Valley High School and will not meet with [T.B.] on school grounds.
29 The panel finds that Mr. Sparlin violated this directive by allowing T.B. to contact him
30 by telephone at the school in October 1994 and engaging in at least one telephone call
31 of up to 15 minutes in length.

1
2 **ULTIMATE FINDINGS OF FACT**

3 1. Mr. Sparlin received a romantic letter from T.B. and did not contact
4 T.B.'s parents, his principal or any other school official, and he did not refer T.B. to a
5 counselor or any other person.

6 2. Mr. Sparlin testified untruthfully under oath in a deposition taken on
7 November 20, 1995, when he denied that he had ever received a romantic letter from
8 T.B.

9 3. Mr. Sparlin wrote an overly personal note to T.B. shortly after he had
10 received the romantic note from T.B.

11 4. Mr. Sparlin violated a directive of his employer that he have no contact
12 with T.B. while he was at the school and that he not meet T.B. on school grounds.

13 **CONCLUSIONS OF LAW**

14 1. Mr. Sparlin violated OAR 584-20-010(4)(c) by knowingly misrepresenting
15 that he had never received any notes of a romantic nature from T.B. This violation
16 standing alone is a sufficient basis for the sanction imposed in this case.

17 2. Mr. Sparlin engaged in gross neglect of duty under OAR 584-20-040(4)
18 and violated 584-20-010(5) when, in the context of his relationship with T.B, which
19 began prior to her reaching the age of 18, he received a romantic letter from T.B. and
20 did not report this fact to T.B.'s parents, school officials or a counselor and shortly
21 thereafter wrote an overly personal and inappropriate note to T.B.

22 3. Mr. Sparlin violated OAR 584-20-035 (2) when he violated a directive of
23 his supervisor that he have no contact with T.B. while on duty at the school.

24 **DISCUSSION**

25 The panel finds that the Commission did not meet its burden of proof in the
26 charge of a romantic or sexual relationship between Mr. Sparlin and T.B., at least
27 during periods before T.B. turned age 18. Both Mr. Sparlin and T.B. denied the
28 existence of such a relationship. The other evidence is indirect, circumstantial and
29 subject to differing interpretations.

30 The panel is also not persuaded that the parents of T.B. gave Mr. Sparlin a
31 clear directive in the winter and spring of 1993 to stay away from T.B. One basis for
this conclusion is that the parents took no further action, such as a complaint to the

1 school district, when T.B. and Mr. Sparlin continued to see each other during the year
2 1993.

3 Mr. Sparlin also engaged in other conduct that was clearly unprofessional and
4 showed extremely poor judgment. For example, (1) he left his duty while supervising
5 a student in a school function and spent the night and early morning drinking to the
6 point of intoxication; (2) he rented a motel room so that teenagers could have an
7 unsupervised party, and at least some of these teenagers were Mr. Sparlin's former
8 students; and (3) he developed a close friendship with T.B., a former student, during
9 periods when T.B. was under the age of 18, and he did nothing to limit the friendship
10 or to speak with his supervisors when he was aware of rumors in the community that
11 he and T.B. were involved in a romantic relationship. The rumors persisted over a
12 two-year period, and Mr. Sparlin was informed of these rumors at least twice. During
13 this time, Mr. Sparlin had ample opportunity to take appropriate action. However,
14 these matters were not identified in the notice of hearing and are not a basis for any
15 findings that Mr. Sparlin violated professional standards.

16 The panel considers Mr. Sparlin's deliberate misrepresentation about receiving
17 a romantic note from T.B. to be a very serious violation. The facts concerning this
18 violation alone, and without consideration of the other violations, constitute a
19 sufficient basis to support the sanction imposed under this order. Mr. Sparlin
20 testified to this matter under oath. The testimony concerned an issue that was at the
21 core of this case. Mr. Sparlin had maintained to the Commission that he never
22 received any notes or anything else that gave him any indication that T.B. had
23 romantic feelings towards him. His position was that if he had received such notes,
24 he would have taken immediate action to let T.B. know that her feelings for him were
25 inappropriate and not reciprocated. (See, Exhibit 17, letter from Mr. Sparlin's
26 attorney dated May 31, 1995). The panel does not find it believable that Mr. Sparlin
27 would have forgotten about something this important. It is more believable that Mr.
28 Sparlin only admitted receiving the letter when he found out that this wife would
29 come forward with the fact that she had found it. He engaged in deception about
30 receiving the letter because he knew its existence would be damaging to his position
31 that he never had more than a friendship with T.B.

1 Mr. Sparlin should have reported receiving the note to his supervisor. Even if
2 the letter was received after T.B. had turned 18, the panel believes Mr. Sparlin should
3 have informed his supervisor and T.B.'s parents because Mr. Sparlin was aware that
4 the parents had expressed concern about the relationship.

5 Mr. Sparlin's actions were compounded by the fact that he wrote a note to T.B.
6 shortly after receiving the romantic note from her. His note states "I love you" and
7 contains other very personal expressions of affection. Instead of taking reasonable
8 actions to insure that the relationship would not be misperceived by T.B. or others,
9 Mr. Sparlin further compounded the problem by writing a note that, under the
10 circumstances, was highly inappropriate and overly personal.

11 The facts in this case concern much more than a relationship between two
12 consenting adults. When determining gross neglect of duty, Mr. Sparlin's conduct
13 must be considered in the context of earlier events and in the context of his
14 professional responsibilities both inside and outside the classroom. First, T.B. was a
15 former student of Mr. Sparlin. Second, Mr. Sparlin was aware of rumors in the school
16 community that he had developed an intimate relationship with T.B. during periods
17 when T.B. was under age 18. Third, T.B.'s parents had requested a meeting with Mr.
18 Sparlin during which they expressed their concern about whether a romantic
19 relationship existed between their 17 year-old daughter and Mr. Sparlin. In light of
20 these factors Mr. Sparlin exercised gross neglect of duty and poor professional
21 judgment when he did not inform T.B.'s parents or any school officials about T.B.'s
22 letter and again when he wrote an inappropriate letter back to T.B.

23 Although the panel does not find sufficient proof that sexual contact occurred
24 between Mr. Sparlin and T.B. during any period when T.B. was a student or was
25 under the age of 18, the panel does conclude that Mr. Sparlin ignored many signals
26 that should have been obvious to him as a professional. Although the parents did not
27 give a clear directive to Mr. Sparlin, they did express concern about his relationship
28 with T.B. who was under age 18. Mr. Sparlin acknowledged that there were rumors
29 around the school regarding the relationship. He also acknowledged, after the fact,
30 that T.B. sent him a romantic letter. Yet he reported none of this to a supervisor and
31 took no other reasonable action to insure the relationship was not misperceived by
32 T.B. or others in the community.

1
2 **ORDER**

3 Based on the foregoing, the Commission orders that the teaching license of
4 Thomas G. Sparlin be suspended for a period of 30 days from July 12, 1996. At the
5 end of the suspension, Mr. Sparlin's license may, on application, be reinstated on a
6 probationary basis for a period of two years subject to the following conditions:

- 7 1) That Mr. Sparlin obey all laws,
8 2) that he comply with all standards of competent and ethical performance
9 under OAR 584, Division 20,
10 3) that he enter into no inappropriate relationships with female students or
11 females under the age of 18, and
12 4) that he comply with any request by a parent and/or guardian that he cease
13 or limit social contact(s) with the parent's and/or guardian's minor child.

14 DATED this 24 day of July, 1996.

15 TEACHER STANDARDS AND PRACTICES COMMISSION
16 State of Oregon

17 By: David V. Myton
18 David V. Myton, Executive Secretary

19 JGM/DVM/cs

20 **NOTICE OF APPEAL OR RIGHTS**

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

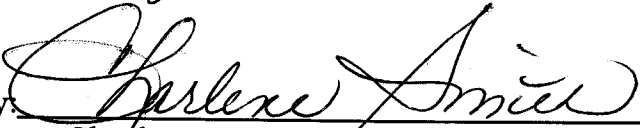
CERTIFICATE OF MAILING

2 I hereby certify that I served the foregoing order mailing a true copy thereof, certified
3 by me as such, by U. S. Certified Mail, with Return Receipt Requested addressed to
4 attorney for Thomas G. Sparlin:

5 PAUL GAMSON
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9 Dated this 24th day of July, 1996.

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By: 
Charlene A. Smith
Secretary to the Commission