

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

3
4 In the Matter of the) DEFAULT ORDER
5 Teaching License of) OF REVOCATION
6 NOLAN BRYANT HEINZ) OF RIGHT TO APPLY
7

8 On October 4, 2011, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Nolan Bryant Heinz (Heinz) in which the
10 Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(n) as
11 it incorporates OAR 584-020-0010(1), OAR 584-020-0010(5); OAR 584-020-0040(4)(o) as it
12 incorporates OAR 584-020-0035(3)(a) and gross unfitness in violation of ORS 342.175(1)(c);
13 OAR 584-020-0040(5)(c). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
14 Receipt 7010 2780 0000 2187 7086 to the address on file with the Commission. Heinz signed
15 for the certified mail on or about October 17, 2011. The Notice of Opportunity of Hearing, dated
16 October 4, 2011, and signed by Victoria Chamberlain, Executive Director, stated:

17 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL.
20 IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A
21 HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY
22 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER
23 DISCIPLINE.”
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25 Heinz did not request a hearing. The Commission, therefore, finds Heinz to be in default and
26 enters the following findings of fact, conclusions of law and order, based on the files and records
27 of the Commission concerning this matter.

28 **FINDINGS OF FACT**

- 29 1. Heinz has been licensed as a teacher in Oregon since July 10, 2007. Heinz’s most recent
30 license was an Initial I Teaching License with endorsements in Language Arts (HS, ML),
31 Multiple Subjects (MIDLVL), and a Conditional Assignment Permit for Social Studies
32 (HS/ML), valid July 10, 2007, expired on May 24, 2011. During all relevant times, Heinz was
33 employed by the Eugene School District 4J.

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- 1 2. On November 21, 2010, it was reported that Heinz approached an adult female student at
2 the University of Oregon and groped her near a darkened stairwell. The university student
3 reported that Heinz grabbed and squeezed her buttock, placed his hand on her belt and her
4 groin outside her clothing. When she yelled to stop, Heinz fled the area.
- 5 3. Campus police located and detained Heinz a short time later. The university student then
6 identified Heinz as the man who had accosted her.
- 7 4. On March 21, 2011, in the Lane County Circuit Court, Heinz pled guilty to one count of
8 Sexual Harassment (ORS 166.065(4)(a)).
- 9 5. As part of the conviction, Heinz was ordered to resign his position at Kennedy Middle School
10 in the Eugene School District, and surrender his Oregon Teaching License.

11 **CONCLUSIONS OF LAW**

12 Nolan Bryant Heinz's above described conduct constitutes gross neglect of duty in
13 violation of OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the*
14 *worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (Use
15 professional judgment); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)
16 (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying*
17 *personal integrity and honesty*). This conduct also constitutes gross unfitness in violation of
18 ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
19 *local law. A conviction includes any final judgment of conviction by a court whether as the*
20 *result of guilty plea, no contest plea or any other means*).

21 The Commission's authority to impose discipline in this matter is based upon ORS
22 342.175.

23 **FINAL ORDER**

24 The Commission hereby revokes Nolan Bryant Heinz's Right to Apply for an Oregon
25 Teaching License.

26 IT IS SO ORDERED THIS 17th day of January, 2012.

27 TEACHER STANDARDS AND PRACTICES COMMISSION

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30 By: 
31 Victoria Chamberlain, Executive Director
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NOTICE OF APPEAL OR RIGHTS

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.

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:

Nolan Bryant Heinz
235 Marche Chase Dr Apt 19-G
Eugene, Oregon 97401

Dated this 20th day of January, 2012.

By: *Patty Liddell*
Patty Liddell
Investigative Assistant