

SUBJECT: Consideration of Review for **Brian Mellott**, Case No. **C-2012-070-R**

SUBMITTED BY: Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education

MANAGEMENT TEAM REVIEW: May 2, 2013

BACKGROUND INFORMATION:

Brian Mellott applied for a Substitute Certificate on August 6, 2012.

On his application for certification he answered “yes” to the having been arrested for any offense for which he was fingerprinted.

Mr. Mellott disclosed the following arrests:

- October 2003, arrest for Driving Under the Influence (pled guilty)
- July 2010, arrest for Driving Under the Influence of Marijuana (pled guilty)
- August 2010, arrest for Driving Under the Influence of Marijuana (pled guilty)

Mr. Mellott was advised that his application required a review by the Professional Practices Advisory Committee (“PPAC”) of the State Board of Education (“State Board”).

On January 8, 2013, and April 9, 2013, the PPAC conducted a review of Mr. Mellott’s application. Mr. Mellott advised the committee that he no longer uses Marijuana and has been sober since his last arrest in August, 2010. He provided certification of completion of substance abuse counseling and the results of two recent drug tests, February 20, 2013, and April 5, 2013.

The PPAC found that **Brian Mellott** engaged in the following conduct:

- October 2003, arrest for Driving Under the Influence (pled guilty)
- July 2010, arrest for Driving Under the Influence of Marijuana (pled guilty)
- August 2010, arrest for Driving Under the Influence of Marijuana (pled guilty)

The PPAC found the following mitigating factors:

- Letters of recommendation from individuals aware of the conduct.
- Evidence of contrition and rehabilitation including drug tests, completion of 72 hours of substance abuse counseling, and modified letters of recommendation.
- Candor before the committee

The PPAC found the following aggravating factors:

- Number of similar incidents over a seven-year period
- Proximity in time of the two most recent incidents

By a vote of 4 to 0, the PPAC recommended that the State Board **grant **Brian Mellott****’s application for certification.

BOARD ACTION REQUESTED: INFORMATION ACTION/DESCRIBED BELOW:

That the Board accept(s) the findings of facts, conclusions of law, and the recommendation of the PPAC to **grant Brian Mellott's** application for certification.

ATTACHMENTS: YES NO