BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
SEP 07 2022

In the matter of:	)	DIA No. 22DOEBEE0030
	)	BOEE Case No. 21-116
HOLDEN MINCO MILLER,	)	
Folder # 1113363	)	DIA No. 22DOEBEE0031
Respondent.	)	BOEE No. 21-123
	)	
	)	**SETTLEMENT AGREEMENT**
	)	**AND FINAL ORDER**

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a Substitute Authorization (FOLDER # 1113363). The license is current and set to expire May 31, 2026.

2. During all material events of this case, Respondent was employed as a Substitute Teacher with the Audubon Community School District or licensed as a Substitute Teacher for the State of Iowa.

3. On September 23, 2021, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics and opened BOEE Case No. 21-116.

4. On October 5, 2021, the Board of Educational Examiners received a second complaint against Respondent alleging a violation of the Code of Ethics, and opened BOEE Case No. 21-123.

5. On December 10, 2021, the Board found probable cause to proceed to hearing in both cases based upon the facts set forth in paragraphs 6 & 7 below.

6. On September 17, 2021 Respondent engaged in inappropriate conversations while subbing for a senior sociology class. The topics of conversation included heroin, explicit language, and gang signs.

7. On August 19, 2021, Respondent was convicted of Assault Causing Bodily Injury or Mental Illness, a serious misdemeanor, and sentenced to one year of jail suspended, two years of on probation, required completion of a sex offender treatment program, and prohibition of a firearm.

SETTLEMENT AGREEMENT

8. This Settlement Agreement and Final Order constitutes the final resolution of two contested case proceedings and shall have the force and effect of a disciplinary order entered following contested case hearings.

9. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a PUBLIC REPRIMAND for violations under both cases.

b. Respondent accepts a SUSPENSION of his license(s) for a minimum of SIX (6) YEARS for violation of Iowa Administrative Code rule 25.3(1)(b)(2) and a minimum of THREE (3) MONTH suspension for violation of Iowa Administrative Code rule 25.3(8)(a). The suspensions shall run concurrently. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent agrees he is not eligible for reinstatement or to apply for other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (c), (d), and (e) below.

c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement and within ONE YEAR of the Board's acceptance of this Settlement Agreement and Final Order. These hours cannot be used to fulfill continuing education requirements.

d. Respondent agrees to undergo a risk evaluation from an SOTP certified professional. Respondent must seek prior approval of the selected evaluator from the Board's Executive Director. This evaluation must

include an assessment of his ability to establish and maintain appropriate teacher-student boundaries and address the specific concerns from the investigation. The evaluator must also speak with Dr. Tatman prior to the evaluation. Respondent shall provide the professional a copy of the complaint, the investigative files, this Settlement Agreement and Final Order, and sign a release for the professional to speak with Dr. Tatman prior to the evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment or training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

e. Respondent agrees to comply with all probation requirements from Marion County Case No. AGCR030380 or will be subject to further sanctions for his failure to comply with those requirements.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that the Statements of Charges, and the Settlement Agreement and Final Order are public records, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

9/7/22
Date

HOLDEN MINCO MILLER, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent's license is SUSPENDED for a minimum of SIX (6) YEARS for Case No. 22-123 and a minimum of THREE (3) MONTHS for Case No. 22-116. The suspensions shall run concurrently from the date of this Order. Respondent bears the burden upon request for reinstatement to prove that the reasons for suspension no longer exist and that it will be in the public interest to reinstate his license. Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of paragraphs (3), (4), and (5) below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course within ONE (1) YEAR from the date of this Order. These educational hours shall not be used to fulfill required continuing education hours.

4. Respondent shall undergo a risk evaluation from an approved SOTP certified professional. Respondent must seek prior approval of the selected evaluator from the Board's Executive Director. This evaluation must include an assessment of his ability to establish and maintain appropriate teacher-student boundaries and address the specific concerns from the investigations. The evaluator must also speak with Dr. Tatman prior to the evaluation. Respondent shall provide the professional a copy of the complaint, the investigative files, this Settlement Agreement and Final Order, and sign a release for the professional to speak with Dr. Tatman prior to the evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

5. Respondent shall comply with all probation requirements from Marion County Case No. AGCR030380 or will be subject to further sanctions for his failure to comply with those requirements.

6. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 14th day of October, 2022.

Michael Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Holden Miller
RESPONDENT

Kristi A. Traynor
ATTORNEY FOR THE STATE

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of	)	Case Nos. 21-116
	)	Folder No. 1113363
HOLDEN MINCO MILLER,	)	
	)	**NOTICE OF HEARING**
Respondent.	)	**AND STATEMENT OF CHARGES**

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Monday, July 25, 2022, before Administrative Law Judge David Lindgren acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. at the Department of Inspections and Appeals, Wallace State Office Bldg., Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. Please report to the main floor atrium (2nd floor) and call 515-281-6468 upon your arrival for assistance.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Kristi A. Traynor
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-5309

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Michael Cavin, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Traynor at (515) 281-5309.

B. SECTIONS OF STATUES AND RULES INVOLVED

Count I

7. Respondent is charged with willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa, in violation of 282 Iowa Administrative Code rule 25.3(8)(a).

C. JURISDICTION AND LEGAL AUTHORITY

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

9. Respondent holds a SUBSTITUTE AUTHORIZATION (FOLDER # 1113363). This license is current and will next expire on May 31, 2026.

10. During all material events of this case, Respondent was employed as a Substitute Teacher with the Audubon Community School District.

11. On September 23, 2021, the Board of Educational Examiners received a complaint against Respondent alleging various violations.

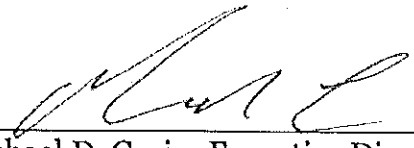
12. On December 10, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

13. Investigation revealed that while substitute teaching, Respondent discussed drug use and giving a child up for adoption, played obscenity filled music, showed gang symbols to a student, used obscene language, and failed to follow substitute teaching plans.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 21st day of March, 2022.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Holden Minco Miller (first-class mail and certified mail)
RESPONDENT

Kristi A. Traynor (electronic mail)
ATTORNEY FOR THE STATE