



days from the date of the Commission's letter. Having received no such filings, the Commission considered Petitioner's petition at its March 16, 2015 meeting.<sup>1</sup>

In all reinstatement cases, the applicant bears the burden of establishing that the relief sought is just and proper. 22 Pa. Code § 233.14(e)(2). While the determination of what constitutes "just and proper" can only be defined within the context of the factual pattern of any one specific case, the Commission focuses its inquiry in six broad areas: the applicant's conduct which resulted in the loss of his teaching certification; other past relevant conduct of the applicant; consideration of criminal conduct; the applicant's current attitude about the past conduct; rehabilitative efforts; and references.

Within this framework, the Commission evaluated the petition and supporting documentation as well as the Department's response to the petition. After a careful review, the Commission determined that it is just and proper to reinstate Petitioner's educator certification.

### **CONDUCT WHICH LED TO SUSPENSION**

On November 10, 2007, Petitioner was involved in an argument with a friend during which he struck his friend in the mouth. Petitioner was intoxicated at the time of the incident. As a result, on May 27, 2008, Petitioner was convicted of Assault in the 3<sup>rd</sup> Degree in the Chenango Town Court in Broome County, New York. On January 23, 2010, Petitioner entered his ex-wife's garage (the former marital residence) after learning that another man was staying at the house while his children were there. Petitioner banged on the door and demanded that the man leave or that his ex-wife give

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<sup>1</sup> Petitioner waived a hearing and asked that the Commission consider his petition directly. While the Commission did not receive a formal response from the District, Petitioner did submit letters of reference from several of his colleagues at the District, including the principal of the middle school where Petitioner teaches.

him the children. In the process, Petitioner caused damage to the door. He was convicted of Destruction of Property and Entering Property with Intent to Damage on February 25, 2010 in Chesterfield, Virginia as a result. According to Petitioner, his actions at his ex-wife's home were prompted by his use of alcohol and fears over his children's welfare.

On November 26, 2012, Petitioner executed a settlement agreement with the Department in which he agreed to the suspension of his educator certification.

### **OTHER PAST RELEVANT CONDUCT**

The Commission is unaware of any other past conduct that is relevant to Petitioner's reinstatement petition.

### **CURRENT ATTITUDE TOWARD PAST CONDUCT**

Petitioner accepts responsibility for his conduct and has expressed genuine remorse for the impact that his actions had on his family and friends. Petitioner's misconduct stemmed from his struggle with alcohol and the dissolution of his marriage. He has been very forthright about his struggle, his ongoing rehabilitation and his acquired insight into his behavior.

### **REHABILITATION EFFORTS**

Following the incident in Virginia, Respondent sought treatment for his alcohol addiction and states that he has maintained over five years of sobriety. Petitioner recognizes how his drinking contributed to his very poor judgment and appears to be genuinely committed to maintaining his sobriety. Petitioner also submitted evidence of his successful completion of anger management. Petitioner has been working successfully with students in his capacity as an eighth-grade English teacher and as a mentor for at-risk

students. In addition, he has paid restitution and successfully completed his sentence in both of the criminal cases.

### **LETTERS OF REFERENCE**

The letters of support submitted by Petitioner attest to his character, his recovery efforts, his contributions to the community and his skill as an educator.

### **CONCLUSION**

After a careful review of the Petition for Reinstatement, the Commission concludes that Petitioner has met his burden of establishing that his reinstatement as an educator is just and proper. Petitioner has taken full responsibility for his actions and has demonstrated genuine remorse for his lack of judgment. The Commission is also satisfied that Petitioner's excessive drinking, which fueled his poor decision-making, is no longer a problem and is not likely to be repeated.

Accordingly, we enter the following:

**ORDER**

AND NOW, this \_\_\_\_\_ day of April, 2015, upon consideration of the Petition for Reinstatement filed by Petitioner BRIAN D. MCGILL, it is hereby ORDERED that the Petition is GRANTED and the Department is directed to lift the suspension of Petitioner's educator certification.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

BY: \_\_\_\_\_  
Gilbert R. Griffiths  
Chairperson

ATTEST: \_\_\_\_\_  
Carolyn Angelo  
Legal Counsel

DATE MAILED: