

**Milton Burchfield, III
Docket No. 07.01-120814J**

The Background:

Upon receiving notice of the Board's intent to revoke his license, Mr. Burchfield requested a hearing, and a case was docketed with the Administrative Procedures Division, which was held on May 15, 2013. After considering all the evidence, the Administrative Law Judge assigned to the case entered a judgment in favor of the State Board. On August 27, 2013 Mr. Burchfield filed a Petition for Reconsideration with the Administrative Law Judge. That Petition for Reconsideration was denied.

Mr. Burchfield appealed the initial order on September 6, 2013.

Pursuant to the Tennessee Uniform Administrative Procedures Act, the Board is required to hear Burchfield's appeal and render a final order or an order remanding the matter for further proceedings within sixty (60) days after receipt of briefs and oral argument, unless that period is waived or extended with the written consent of all parties or for good cause shown. Pursuant to Tenn. Code Ann. § 4-5-314 and 315, the Board may take any one of the following actions:

1. Adopt- in whole or in part- the initial order as the final order.
2. Enter a new final order, with findings of fact and conclusions of law.
3. Remand the matter to the administrative judge with specific instructions for further proceedings.

The Recommendation:

The Board must rule within 60 days of receipt of briefs. The ruling is to be made based on the attached technical record. Neither counsel for the Board nor Mr. Burchfield will be allowed to present oral arguments. Counsel for the Board and Mr. Burchfield will be able to submit additional briefs not to exceed 5 pages in length.

Counsel from the State Department of Education will be available to answer procedural questions.

The technical record, including the Initial Order is attached, in reverse chronological order.

The Board staff review committee recommends adoption of the final order in whole, and thereby revoking Respondent's license.