
**Richard Chiamulera
Voluntary Surrender**

The Background:

Prior History: N/A

Facts: On October 8, 2019, Mr. Chiamulera was convicted of three (3) counts of sexual assault of a child in Texas. He was sentenced to thirteen (13) years imprisonment at the Texas Department of Criminal Justice. As a result of his conviction, Mr. Chiamulera's license in Texas was revoked.

Applicable Rule: 0520-02-03-.09(1)(a) defines Conviction as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere (no contest), a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction in any other state of the United States, other jurisdiction, or other country.

0520-02-03-.09(1)(k) defines Good Cause as conduct that calls into question the fitness of an educator to hold a license including, but not limited to, violation of any provision in the Teacher Code of Ethics as contained in T.C.A. § 49-5-1001, *et seq.*

0520-02-03-.09(1)(l) defines Permanent Revocation as the nullification of an educator's license without eligibility for future restoration.

0520-02-03-.09(3)(a) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for conviction of a felony.

0520-02-03-.09(3)(f) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for denial, suspension, or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension, or revocation under this rule.

0520-02-03-.09(3)(g) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for other good cause as defined in subparagraph (1)(k) of this rule.

0520-02-03-.09(3)(h) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for any offense contained in paragraphs (4) and/or (5) of this rule.

0520-02-03-.09(5)(a)(1)(i) provides that upon receiving notification that an individual has been convicted of a felony, the board may revoke or permanently revoke the convicted individual's educator license.

0520-02-03-.09(5)(a)(8) provides that an individual holding an educator's license who is found to have violated the teacher code of ethics shall be subject to a disciplinary action within the range of a suspension for no less than one (1) year up to and including revocation.

Status: Respondent was notified by certified mail of the Board's intent to **permanently revoke** his educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

February 2019 – Board approved the voluntary surrender of an educator's license, with an agreement to NOT apply for future restoration, due to license action being taken in another jurisdiction. In Alabama, educator surrendered her license due to a felony charge and misdemeanor charge of a school employee having sexual contact with a student under the age of nineteen.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent based upon the facts and applicable rule noted above.