

STATE OF NORTH CROlina
COUNTY OF MECKLENBURG

IN THE OFFICE OF
ADMINISITRATIVE HEARINGS
26 EDC 02507

Johnny E Miller,)
)
Petitioner,)
)
v.)
)
North Carolina State Board of Education,)
)
Respondent.)

**RESPONDENT'S PREHEARING
STATEMENT AND DOCUMENT
CONSTITUTING AGENCY ACTION**

NOW COMES Respondent, North Carolina State Board of Education, by and through the undersigned counsel, and files the following:

PREHEARING STATEMENT

Respondent files its Prehearing Statement in the numerical order set forth in the Order for Prehearing Statements.

1. Issue to be resolved¹:

Whether Respondent correctly suspended Petitioner's professional educator license.

2. Statement of facts and reasons supporting Respondent's position on the issue in dispute:

The May 19, 2026, Order suspending Petitioner's professional educator license giving rise to this dispute is attached.

3. Statutes, rules, and legal precedent:

RECEIVED
Aug 10 2026
SC Court of Appeals

¹ Although Petitioner has filed the suspension of his professional educator's license as his DCAA, his petition for contested case hearing appears to dispute his termination from employment and his incorrect level of pay. Out of an abundance of caution, Respondent plans to file a Motion to Dismiss as those issues are not proper before the Office of Administrative Hearings.

- a. Faulkner v. New Bern-Craven Board of Educ., 311 N.C. 42, 316 S.E.2d 281 (1984);
- b. Peace v. Employment Sec. Comm'n., 349 N.C. 315, 507 S.E.2d 272 (1988);
- c. N.C.G.S. § 115C-270.35;
- d. N.C.G.S. § 115C-307;
- e. N.C.G.S. § 143A-44.3;
- f. North Carolina State Board of Education Policy EVAL-006;
- g. North Carolina State Board of Education Policy EVAL-035;
- h. North Carolina State Board of Education Policy GOVR-005;
- i. North Carolina State Board of Education Policy LICN-001 *et seq.*;
- j. 16 N.C.A.C. 06C .0312;
- k. 16 N.C.A.C. 06C .0385;
- l. 16 N.C.A.C. 06C .0601, *et seq.*;

4. List of Respondent's proposed witnesses:

At this time, Respondent is able to identify the following proposed witnesses. Respondent may not call all of the witnesses listed below. Petitioner should not rely upon the Respondent's identification of potential witnesses in lieu of serving the witnesses he may deem necessary with subpoenas. Respondent reserves the right to list other witnesses as they may be identified, at which time Respondent will notify Petitioner.

- a. Petitioner Johnny E. Miller;
- b. Charlotte-Mecklenburg Schools (CMS) Employee Relations Case Manager
Glenda Blackmon;
- c. CMS Associate Superintendent of Human Resources Angela Wood;

- d. Executive Director of Employee Relations Sue Nash;
- e. CMS Superintendent Dr. Crystal Hill;
- f. Principal of Piedmont Middle School Jackie Barone,
- g. Teacher at Piedmont Middle School Rachel Tapia,
- h. Jacqueline Brown Miller, ex-wife of Petitioner
- i. Any witnesses needed for rebuttal or impeachment; or
- j. Any witnesses listed by Petitioner.

5. Discovery:

Respondent wishes to pursue discovery from Petitioner and any other person who intervenes. Accordingly, Respondent reserves the right to depose Petitioner and/or his witnesses and to seek an enlargement of the discovery period if necessary.

6. Date and location of hearing:

The Scheduling Order's date and location for the hearing are acceptable to Respondent.

7. Attorney for Respondent:

Undersigned counsel is the attorney of record.

8. Length of hearing:

Respondent estimates that this hearing will take one (1) day to complete.

9. Other special considerations:

Respondent expressly reserves the right to present additional issues, statutes, rules, legal precedent, policies, facts, reasons, and witnesses that are identified or developed during discovery, at the hearing, or otherwise contested during this case. Additionally, Respondent reserves the right to otherwise supplement or amend the information contained in this Prehearing Statement as this contested case progresses and may file a dispositive motion.

10. Documents Constituting Agency Action:

Pursuant to the Notice of Contested Case and Assignment, the May 19, 2026, Order suspending Petitioner's professional educator license giving rise to this dispute is attached.

Respectfully submitted, this 10th day of August, 2026.

JEFF JACKSON
ATTORNEY GENERAL

/s/ Fenita Morris-Shepard
Fenita Morris-Shepard
Special Deputy Attorney General
State Bar No. 28222
North Carolina Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602
(919) 716-0585
fmorrisshepard@ncdoj.gov

CERTIFICATE OF SERVICE

I do hereby certify that I have electronically filed the foregoing **RESPONDENT'S PREHEARING STATEMENT AND DOCUMENT CONSTITUTING AGENCY ACTION** with the Office of Administrative Hearings' e-filing system, which will notify Petitioner by electronic mail addressed as follows:

Johnny E. Miller
johnnymillerjohn@aol.com
Pro-se Petitioner

This the 10th day of August, 2026.

/s/ Fenita Morris-Shepard
Fenita Morris-Shepard
Special Deputy Attorney General

RECEIVED

Aug 10 2026

SC Court of Appeals



NORTH CAROLINA
STATE BOARD OF EDUCATION | Eric C. Davis, Chairman
DEPARTMENT OF PUBLIC INSTRUCTION | Maurice "Mo" Green, Superintendent

BEFORE THE NORTH CAROLINA STATE BOARD OF EDUCATION

IN THE MATTER OF JOHNNY EARL MILLER)
LICENSE NO. 1148336,)
Respondent)

NOTICE

TO: Johnny Miller
1829 Paces River Ave #14-106
Rock Hill, SC 29732

johnnymillerjohn@aol.com

PLEASE TAKE NOTICE of the findings of fact and conclusions of law contained in the attached order, which constitute grounds under State Board of Education Policy LICN-007 / Rule 16 NCAC 06C .0604 for the **suspension** of the North Carolina professional educator license issued to the respondent named in the above-captioned matter. This sanction will become effective on the date indicated in the attached order unless the respondent initiates administrative proceedings to challenge this action within **60 days** of this notice. The respondent may initiate administrative proceedings by filing a petition with the North Carolina Office of Administrative Hearings ("OAH"). Copies of all necessary forms are available from OAH in person, by mail, or from its website.

North Carolina Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609
919-431-3000
<http://www.oah.nc.gov>

In accordance with North Carolina's interstate licensure agreement and State Board of Education Policy LICN-007 / Rule 16 NCAC 06C .0605, this sanction will be reported to the National Association of State Directors of Teacher Education and Certification ("NASDTEC").

MAILED BY CERTIFIED MAIL, RETURN RECEIPT #

on the 19th day of May, 2024

702204100031161 0343

BEFORE THE NORTH CAROLINA STATE BOARD OF EDUCATION

IN THE MATTER OF JOHNNY EARL MILLER
LICENSE NO. 1148336,
Respondent

)
)
)
ORDER

This matter comes before the North Carolina State Board of Education upon receipt of information that may constitute grounds for disciplinary action against the individual named as the respondent in the above caption. In accordance with Title 16, Subchapter 6C, Section .0600 of the North Carolina Administrative Code and State Board of Education Policy LICN-007, the undersigned Superintendent of Public Instruction has investigated this matter, and hereby makes the following:

FINDINGS OF FACT

1. Respondent Johnny Earl Miller holds a professional educator license, No. 1148336, issued by the Department of Public Instruction ("DPI").
2. Respondent was employed by Charlotte-Mecklenburg Schools ("CMS") from 16 August 2012 until his dismissal on 28 March 2024. At the time of his dismissal, Respondent was a science teacher at Piedmont Middle School ("Piedmont").
3. On 13 June 2022, at 10:30 AM, Respondent was arrested in Bullitt County, Kentucky and charged under Kentucky law with third-degree criminal trespassing. According to the criminal citation accompanying this arrest, local law enforcement was dispatched to the Gospel of the Kingdom Campground in Shepherdsville, Kentucky, in response to a call for assistance from church elders. The elders reported that Respondent had been causing disturbances at meetings taking place on the church campus, despite the elders having sent letters to him previously directing him to cease this behavior. According to the elders, Respondent said he was "fighting racism in the church" and refused to leave when asked. Respondent continued to refuse to leave after being confronted by law enforcement, saying "The only way I am leaving this church is in handcuffs." The responding officers obliged and placed Respondent under arrest. After being released from custody and given a no trespass order, Respondent returned to the church campus, where he was arrested a second time at 6:48 PM and once again charged with third-degree criminal trespassing.
4. On 14 June 2022, at 11:11 AM, Respondent was arrested a third time at the Gospel of the Kingdom Campground and was charged with second-degree criminal trespassing and second-degree disorderly conduct. Respondent once again told law enforcement that he would only leave the premises in handcuffs.
5. On 15 June 2022 at 10:55 AM, Respondent was arrested a fourth time at the Gospel of the Kingdom Campground and charged with third-degree criminal trespassing. He was arrested a fifth time at 6:30 PM on the same day at the same location, once again for third-degree criminal trespassing. According to the arrest report, Respondent professed that he would continue to visit the church campus until prohibited from doing so by a judge.¹

¹ Although not entirely clear from the record, it appears that the local prosecutor in Kentucky eventually dropped the charges in exchange for Respondent's agreement not to return to Gospel of the Kingdom Campground for one year.

6. On 23 April 2023, Respondent was arrested in Rock Hill, South Carolina and charged under South Carolina law with second-degree harassment. He was incarcerated for a period of two days.
7. On 9 June 2023, Respondent was arrested in Rock Hill for a violation of a no contact order. He was incarcerated for a period of 19 days.
8. On 14 July 2023, CMS Employee Relations Case Manager Glenda Blackmon issued Respondent a letter of reprimand for violating CMS policies by failing to report his various arrests between 13 June 2022 and 15 June 2022.²
9. On 11 August 2023, Respondent was arrested in Rock Hill and charged with contempt of court. He was incarcerated for three days.
10. On 13 November 2023, Respondent was arrested in Rock Hill for second-degree harassment. Respondent was incarcerated for 15 days and was absent from CMS for seven school days.
11. On 14 November 2023, after receiving notice of Respondent's most recent arrest in South Carolina, CMS Associate Superintendent of Human Resources Angela Wood suspended Respondent with pay pending further investigation.
12. On 22 January 2024, Ms. Wood and Executive Director of Employee Relations Sue Nash met with Respondent to review his nine prior arrests. Respondent claimed at the time that the charges in Rock Hill were related to a contentious divorce proceeding with his wife. He could not at that time produce any documents related to his ongoing criminal proceedings.
13. On 7 February 2024, CMS Superintendent Dr. Crystal Hill notified Respondent that he was suspended without pay and she intended to recommend his dismissal to the Charlotte-Mecklenburg Board of Education, citing his pattern of arrests and incarceration since 2022.
14. On 28 March 2024, following a hearing, the CMS Board of Education accepted Dr. Hill's recommendation to dismiss Respondent from employment. As a result, Respondent's employment with CMS was terminated effective 28 March 2024.
15. On 15 July 2025, DPI notified Respondent that the Superintendent had opened an investigation into this matter to determine if it warranted disciplinary sanctions affecting his professional educator license ("Notice of Charges"). As part of that investigation, the Notice of Charges invited Respondent to appear before the Professional Conduct Advisory Committee ("Conduct Committee").
16. On 12 September 2025, Respondent appeared before a panel of the Conduct Committee.
 - 16.1. Respondent began by sharing that he had worked in public education for 18 years and taught at Piedmont for 12 years.
 - 16.2. Respondent contended that the allegations against him stemmed from bitter divorce proceedings with his ex-wife, to whom he had been married for 42 years. He claimed that his ex-wife had cheated on him repeatedly, leading him to file for divorce.

² Respondent's personnel records indicate that CMS Executive Director of Employee Relations Laura French initially asked Ms. Blackmon to issue the letter on 17 April 2022. For reasons that are unclear from the record, Ms. Blackmon did not issue the letter until after his arrest in South Carolina.

- 16.3. In addressing his arrests in Kentucky, Respondent explained that he is part of the Pentecostal Church, which he said does not approve of divorce after one spouse commits adultery. For several years he had attended semi-annual conferences for the Pentecostal Church in Kentucky. Respondent claimed that because of his divorce and the church's stance on that issue, he was told he was no longer welcome to attend these meetings. Respondent said that he continued to visit the Gospel of the Kingdom Campground to protest this decision and was arrested each time. Respondent contended that all charges stemming from his arrest in Kentucky were dropped.
- 16.4. In addressing his arrests in South Carolina, Respondent explained that both he and his wife had represented themselves in the proceedings. He claimed that his wife, who worked for the local police department, had used her position to have him charged with harassment because he copied her on an email instead of sending it to her directly. He claimed that the other arrest and contempt charges arose from his wife's efforts to purchase their marital home.
- 16.5. Respondent admitted that he had been incarcerated but estimated that he had only missed two or three days of instructional time because of these arrests. He maintained his innocence of any wrongdoing and insisted that he should not have lost his job because the circumstances of his arrest were beyond his control.
17. Although most of the charges against Respondent appear to have been dismissed, there is enough evidence in the record to support a finding by a preponderance of the evidence that he engaged in criminal activity on multiple occasions in Kentucky and South Carolina from June 2022 to November 2023. There is also enough evidence to support a finding that Respondent repeatedly ignored or openly defied legal directives from private property owners, law enforcement, and duly entered court orders.

CONCLUSIONS OF LAW

1. The State Board of Education ("State Board") has the authority to "adopt rules to establish the reasons and procedures for the suspension and revocation of [professional educator] licenses," subject to the requirements of G.S. 115C-270.35. In accordance with that authority, the State Board has adopted such rules, codified at Title 16, Subchapter 6C, Section .0600 of the North Carolina Administrative Code and State Board Policy LICN-007.
2. The State Board has delegated to the Superintendent of Public Instruction ("Superintendent") its authority to "comply with, execute, and administer all applicable state and federal laws and the needed rules and regulations of the State Board related to professional educator licensure," including the authority to "deny, revoke, or suspend an educator license." State Board Policy GOVR-005; *see also* State Board Policy LICN-007; G.S. 143A-44.3.
3. The Superintendent may impose disciplinary sanctions on a licensed educator following an investigation for any of the reasons listed in State Board Policy LICN-007, § 4(a). *See also* 16 NCAC 06C .0604(a).
4. The undersigned concludes that Respondent's conduct as described in the foregoing findings of fact constitutes "illegal" and "unethical" conduct as described in State Board Policy LICN-007, § 4(a)(ix) as well as a violation of the following Standards of Professional Conduct:

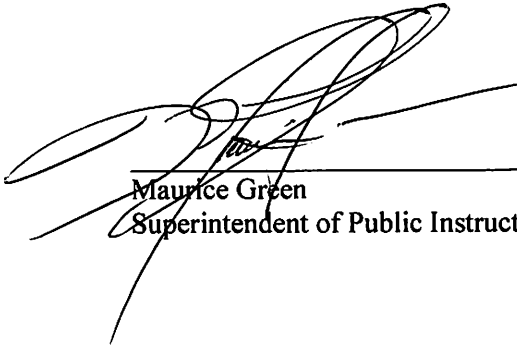
- 4.1. **Generally Recognized Professional Standards.** *The educator shall adhere to and practice the professional standards of all federal, state, and local governing bodies with public education oversight.*
- 5.2 **Compliance with Criminal Laws.** *The educator shall not violate the criminal laws of this State, the United States, or any other state or territory under the jurisdiction of the United States.*
5. When deciding whether to impose disciplinary sanctions, the Superintendent must consider the seven factors listed in State Board Policy LICN-007, § 4(b). *See also* 16 NCAC 06C .0604(b). The undersigned has considered these factors and concludes that they weigh in favor of the disciplinary sanctions set forth in this Order.
- 5.1. *The existence of a reasonable and adverse relationship between the underlying misconduct and the ability of the respondent to perform the respondent's professional duties as an educator.* As noted above, the Standards of Professional Conduct provide that teachers “shall not violate the criminal laws of this State . . . or any other state.” State Board Policy EVAL-035, § 5. Similarly, the North Carolina Professional Teaching Standards, which are used to evaluate teacher performance, require teachers to serve as role models and “demonstrate ethical principles including honesty, integrity, fair treatment, and respect for others.” State Board Policy EVAL-006. Respondent’s multiple arrests and knowing and deliberate refusal to follow directives from private property owners, law enforcement officers, and duly entered court orders fell short of these Standards and set a poor professional example for his students and colleagues. Accordingly, there is a reasonable and adverse relationship between Respondent’s misconduct and his ability to perform his duties as a professional educator.
- 5.2. *The severity of the misconduct.* Respondent demonstrated a pattern of misconduct, as evidenced by nine arrests between 13 June 2022 and 13 November 2023. Respondent was charged with four misdemeanor counts of third-degree criminal trespassing, one misdemeanor count of second-degree criminal trespassing, and one misdemeanor count of second-degree disorderly conduct in Kentucky, all arising from his continued attempts to protest on private property from which he had been trespassed. Respondent was also charged with two misdemeanor counts of second-degree harassment, one misdemeanor count of violation of a no contact order, and one misdemeanor count of contempt of court in South Carolina.
- 5.3. *The impact of the misconduct on students, other educators, and the school community.* As a result of his arrests and subsequent incarcerations, Respondent missed at least seven instructional days. This was more than mere inconvenience due to the loss of a staff member at Piedmont, but rather, Respondent actively left students without a qualified teacher in the classroom.
- 5.4. *The respondent’s degree of culpability in the misconduct.* Although Respondent maintains that he has done nothing wrong and attributes his South Carolina arrests to foul play by his wife, the evidence in this case tends to show that Respondent acted willingly and of his own accord. As such, he is fully responsible for his misconduct.
- 5.5. *The degree of remorse exhibited by the respondent for the misconduct.* During his appearance before the Conduct Committee, Respondent did not accept responsibility for his misconduct and did not appear to adequately appreciate its impact on his students and the school community.
- 5.6. *Any evidence of reformed behavior on the part of the respondent.* There is no evidence of reformed behavior by Respondent. To the contrary, the pattern of behavior and arrests strongly suggests that Respondent is unlikely to reform.

5.7. *Subsequent incidents of misconduct by the respondent or the probability of future misconduct.* The undersigned has found no evidence of subsequent misconduct on Respondent's part since his departure from CMS. Given the Respondent's pattern of behavior, however, the undersigned believes there is a strong likelihood of future misconduct.

ORDER

1. As a result of the above findings of fact and conclusions of law, the undersigned hereby orders the Department of Public Instruction to **suspend** the professional educator license issued to Respondent Johnny Earl Miller, No. 1148336, for a minimum of **two years**. The suspension shall begin **60 days** after the date of this Order or, if the Respondent initiates administrative proceedings with the Office of Administrative Hearings, on the date of the entry of a final order by the presiding administrative law judge upholding this Order.
2. No later than **60 days** before the end of the suspension term, Respondent shall contact the Department of Public Instruction to request a review of this case. Prior to reinstatement, Respondent shall present sufficient evidence that a renewed analysis of the factors listed in State Board Policy LICN-007, § 4(b), warrant reinstatement of the license, including evidence that the misconduct described in this Order is unlikely to occur in the future.

This the 9 of MAY, 2026.



Maurice Green
Superintendent of Public Instruction

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Johnny E. Miller
Petitioner

vs.

N. Carolina State Board of Education
Respondent

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

Case No. 26OSP02507

PREHEARING STATEMENT

- 1) **The issue(s) to be resolved:** The issue to be resolved in question form is as follows: Is it legally justified and appropriate to suspend the North Carolina Teacher's License of a 100% totally innocent person based on 100% bogus allegations and legal charges of which the person has either been found NOT GUILTY of by a jury trial of his peers, and/or the legal charges have been completely dropped?
- 2) **A brief statement of the facts and reasons supporting the issue(s) in dispute:** All of the bogus allegations and charges which are the basis for the suspension of the Petitioner's teacher's license based on "misconduct" stem from the Petitioner going through a bitter divorce with his ex-wife of 42 years who works for the Rock Hill, South Carolina Police Department, and who had an affair with her boss who was the City manager of Rock Hill, South Carolina at the time. The basis on which the suspension is sought is completely bogus and outrageous. To reiterate, every single charge and/or allegation on which the said suspension is based has been cleared and/or unsubstantiated either by a NOT GUILTY verdict or by simply being dropped (not prosecuted). The Petitioner is not guilty of any "misconduct" whatsoever in this matter as accused by the Conduct Committee of the North Carolina Board of Education.
- 3) **The statutes, rules, and legal precedent, if known:** Of course, the Petitioner is not an attorney, but the statutes, rules, and legal precedents that are applicable to this matter are first and foremost The Constitution of the

United States of America which protects the civil rights of its citizens. Any federal and/or state statutes, rules, and legal precedents that are in place to protect the civil rights of its citizens are applicable to this matter in a certain context.

4) A list of proposed witnesses you may call at the hearing:

- i. Jackie Miller
- ii. Jackie Barone
- iii. Chris Watts
- iv. Melissa Randall
- v. Michael Abraham
- vi. Marie Delaney
- vii. Crystal Hill
- viii. Crystal Howard
- ix. John Kirkland

5) Whether you wish to pursue discovery. If so, the estimated time required. Yes, the Petitioner wishes to pursue discovery at an estimated time of one (1) year. The Petitioner is also the Plaintiff in a related pending federal lawsuit concerning his being fired from Charlotte Mecklenburg Schools based on these same bogus allegations and legal charges which he has been cleared of, and will attempt to pursue discovery in this matter in conjunction with the federal lawsuit. The Petitioner is represented by Attorney Sharika Robinson of Charlotte, NC in the federal case.

6) If you received a Scheduling Order, is the date and location of the hearing on the Scheduling Order acceptable? If not, you must file a separate request (motion) for a change. The Petitioner did receive a Scheduling Order, but the date was not acceptable, and he has a pending request (motion) for a date change.

- 7) If you do not have an attorney representing you in this contested case, please provide the following information in order to receive communications from the Office of Administrative Hearings about your case:

Home address: 1829 Paces Rive Ave. #106, Rock Hill, SC 29732

Business address: n/a

Telephone number(s): (803) 517-0378

Email address: johnnymillerjohn@aol.com

- 8) Estimated length of hearing: Eight (8) hours_ one (1) day.

- 9) Please list any special needs/considerations you may require for the hearing. The Petitioner requests a copy of the recorded hearing that took place via an audiovisual computer platform (Cisco Webex) on Friday, September 12, 2025 at 10:30 AM before the Conduct Committee.

Sincerely,

/s/ Johnny E. Miller
Petitioner
1829 Paces River Ave #106
Rock Hill, SC 29732
(803) 517-0378
johnnymillerjohn@aol.com
August 10, 2026

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Johnny E. Miller
Petitioner

vs.

N. Carolina State Board of Education
Respondent

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

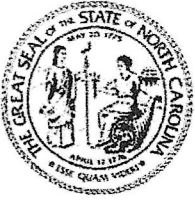
Case No. 26OSP02507

FILING OF THE FINDINGS OF FACT, ETC.

I, Johnny E. Miller the Petitioner, out of obedience to the instructions in a letter dated July 10, 2026 and signed by The Honorable Melissa Owens Lassiter, do hereby submit “a copy of the Document Constituting Agency Action, which caused the filing of the Petition in this matter” entitled **Notice** *Of The finding Of Fact And Conclusions Of Law....*and its accompanying **Certificate Of Service**. Thank you.

Sincerely,

/s/ Johnny E. Miller
Petitioner
1829 Paces River Ave #106
Rock Hill, SC 29732
(803) 517-0378
johnnymillerjohn@aol.com
August 10, 2026



NORTH CAROLINA

STATE BOARD OF EDUCATION | Eric C. Davis, Chairman

DEPARTMENT OF PUBLIC INSTRUCTION | Maurice "Mo" Green, Superintendent

BEFORE THE NORTH CAROLINA STATE BOARD OF EDUCATION

IN THE MATTER OF JOHNNY EARL MILLER
LICENSE NO. 1148336,
Respondent

)
)
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NOTICE

TO: Johnny Miller
1829 Paces River Ave #14-106
Rock Hill, SC 29732

johnnymillerjohn@aol.com

PLEASE TAKE NOTICE of the findings of fact and conclusions of law contained in the attached order, which constitute grounds under State Board of Education Policy LICN-007 / Rule 16 NCAC 06C .0604 for the **suspension** of the North Carolina professional educator license issued to the respondent named in the above-captioned matter. This sanction will become effective on the date indicated in the attached order unless the respondent initiates administrative proceedings to challenge this action within **60 days** of this notice. The respondent may initiate administrative proceedings by filing a petition with the North Carolina Office of Administrative Hearings ("OAH"). Copies of all necessary forms are available from OAH in person, by mail, or from its website.

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In accordance with North Carolina's interstate licensure agreement and State Board of Education Policy LICN-007 / Rule 16 NCAC 06C .0605, this sanction will be reported to the National Association of State Directors of Teacher Education and Certification ("NASDTEC").

MAILED BY CERTIFIED MAIL, RETURN RECEIPT # 7022041000031161 0343
on the 19th day of May, 2024

BEFORE THE NORTH CAROLINA STATE BOARD OF EDUCATION

IN THE MATTER OF JOHNNY EARL MILLER
LICENSE NO. 1148336,
Respondent

ORDER

This matter comes before the North Carolina State Board of Education upon receipt of information that may constitute grounds for disciplinary action against the individual named as the respondent in the above caption. In accordance with Title 16, Subchapter 6C, Section .0600 of the North Carolina Administrative Code and State Board of Education Policy LICN-007, the undersigned Superintendent of Public Instruction has investigated this matter, and hereby makes the following:

FINDINGS OF FACT

1. Respondent Johnny Earl Miller holds a professional educator license, No. 1148336, issued by the Department of Public Instruction ("DPI").
2. Respondent was employed by Charlotte-Mecklenburg Schools ("CMS") from 16 August 2012 until his dismissal on 28 March 2024. At the time of his dismissal, Respondent was a science teacher at Piedmont Middle School ("Piedmont").
3. On 13 June 2022, at 10:30 AM, Respondent was arrested in Bullitt County, Kentucky and charged under Kentucky law with third-degree criminal trespassing. According to the criminal citation accompanying this arrest, local law enforcement was dispatched to the Gospel of the Kingdom Campground in Shepherdsville, Kentucky, in response to a call for assistance from church elders. The elders reported that Respondent had been causing disturbances at meetings taking place on the church campus, despite the elders having sent letters to him previously directing him to cease this behavior. According to the elders, Respondent said he was "fighting racism in the church" and refused to leave when asked. Respondent continued to refuse to leave after being confronted by law enforcement, saying "The only way I am leaving this church is in handcuffs." The responding officers obliged and placed Respondent under arrest. After being released from custody and given a no trespass order, Respondent returned to the church campus, where he was arrested a second time at 6:48 PM and once again charged with third-degree criminal trespassing.
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¹ Although not entirely clear from the record, it appears that the local prosecutor in Kentucky eventually dropped the charges in exchange for Respondent's agreement not to return to Gospel of the Kingdom Campground for one year.

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² Respondent's personnel records indicate that CMS Executive Director of Employee Relations Laura French initially asked Ms. Blackmon to issue the letter on 17 April 2022. For reasons that are unclear from the record, Ms. Blackmon did not issue the letter until after his arrest in South Carolina.

- 16.3. In addressing his arrests in Kentucky, Respondent explained that he is part of the Pentecostal Church, which he said does not approve of divorce after one spouse commits adultery. For several years he had attended semi-annual conferences for the Pentecostal Church in Kentucky. Respondent claimed that because of his divorce and the church's stance on that issue, he was told he was no longer welcome to attend these meetings. Respondent said that he continued to visit the Gospel of the Kingdom Campground to protest this decision and was arrested each time. Respondent contended that all charges stemming from his arrest in Kentucky were dropped.
 - 16.4. In addressing his arrests in South Carolina, Respondent explained that both he and his wife had represented themselves in the proceedings. He claimed that his wife, who worked for the local police department, had used her position to have him charged with harassment because he copied her on an email instead of sending it to her directly. He claimed that the other arrest and contempt charges arose from his wife's efforts to purchase their marital home.
 - 16.5. Respondent admitted that he had been incarcerated but estimated that he had only missed two or three days of instructional time because of these arrests. He maintained his innocence of any wrongdoing and insisted that he should not have lost his job because the circumstances of his arrest were beyond his control.
17. Although most of the charges against Respondent appear to have been dismissed, there is enough evidence in the record to support a finding by a preponderance of the evidence that he engaged in criminal activity on multiple occasions in Kentucky and South Carolina from June 2022 to November 2023. There is also enough evidence to support a finding that Respondent repeatedly ignored or openly defied legal directives from private property owners, law enforcement, and duly entered court orders.

CONCLUSIONS OF LAW

1. The State Board of Education ("State Board") has the authority to "adopt rules to establish the reasons and procedures for the suspension and revocation of [professional educator] licenses," subject to the requirements of G.S. 115C-270.35. In accordance with that authority, the State Board has adopted such rules, codified at Title 16, Subchapter 6C, Section .0600 of the North Carolina Administrative Code and State Board Policy LICN-007.
2. The State Board has delegated to the Superintendent of Public Instruction ("Superintendent") its authority to "comply with, execute, and administer all applicable state and federal laws and the needed rules and regulations of the State Board related to professional educator licensure," including the authority to "deny, revoke, or suspend an educator license." State Board Policy GOVR-005; *see also* State Board Policy LICN-007; G.S. 143A-44.3.
3. The Superintendent may impose disciplinary sanctions on a licensed educator following an investigation for any of the reasons listed in State Board Policy LICN-007, § 4(a). *See also* 16 NCAC 06C .0604(a).
4. The undersigned concludes that Respondent's conduct as described in the foregoing findings of fact constitutes "illegal" and "unethical" conduct as described in State Board Policy LICN-007, § 4(a)(ix) as well as a violation of the following Standards of Professional Conduct:

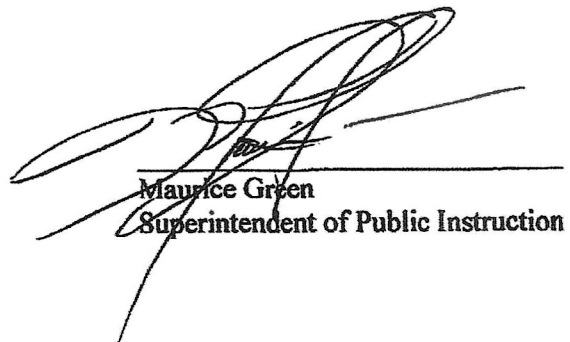
- 4.1. **Generally Recognized Professional Standards.** *The educator shall adhere to and practice the professional standards of all federal, state, and local governing bodies with public education oversight.*
- 5.2 **Compliance with Criminal Laws.** *The educator shall not violate the criminal laws of this State, the United States, or any other state or territory under the jurisdiction of the United States.*
5. When deciding whether to impose disciplinary sanctions, the Superintendent must consider the seven factors listed in State Board Policy LICN-007, § 4(b). *See also* 16 NCAC 06C .0604(b). The undersigned has considered these factors and concludes that they weigh in favor of the disciplinary sanctions set forth in this Order.
- 5.1. *The existence of a reasonable and adverse relationship between the underlying misconduct and the ability of the respondent to perform the respondent's professional duties as an educator.* As noted above, the Standards of Professional Conduct provide that teachers “shall not violate the criminal laws of this State . . . or any other state.” State Board Policy EVAL-035, § 5. Similarly, the North Carolina Professional Teaching Standards, which are used to evaluate teacher performance, require teachers to serve as role models and “demonstrate ethical principles including honesty, integrity, fair treatment, and respect for others.” State Board Policy EVAL-006. Respondent’s multiple arrests and knowing and deliberate refusal to follow directives from private property owners, law enforcement officers, and duly entered court orders fell short of these Standards and set a poor professional example for his students and colleagues. Accordingly, there is a reasonable and adverse relationship between Respondent’s misconduct and his ability to perform his duties as a professional educator.
- 5.2. *The severity of the misconduct.* Respondent demonstrated a pattern of misconduct, as evidenced by nine arrests between 13 June 2022 and 13 November 2023. Respondent was charged with four misdemeanor counts of third-degree criminal trespassing, one misdemeanor count of second-degree criminal trespassing, and one misdemeanor count of second-degree disorderly conduct in Kentucky, all arising from his continued attempts to protest on private property from which he had been trespassed. Respondent was also charged with two misdemeanor counts of second-degree harassment, one misdemeanor count of violation of a no contact order, and one misdemeanor count of contempt of court in South Carolina.
- 5.3. *The impact of the misconduct on students, other educators, and the school community.* As a result of his arrests and subsequent incarcerations, Respondent missed at least seven instructional days. This was more than mere inconvenience due to the loss of a staff member at Piedmont, but rather, Respondent actively left students without a qualified teacher in the classroom.
- 5.4. *The respondent's degree of culpability in the misconduct.* Although Respondent maintains that he has done nothing wrong and attributes his South Carolina arrests to foul play by his wife, the evidence in this case tends to show that Respondent acted willingly and of his own accord. As such, he is fully responsible for his misconduct.
- 5.5. *The degree of remorse exhibited by the respondent for the misconduct.* During his appearance before the Conduct Committee, Respondent did not accept responsibility for his misconduct and did not appear to adequately appreciate its impact on his students and the school community.
- 5.6. *Any evidence of reformed behavior on the part of the respondent.* There is no evidence of reformed behavior by Respondent. To the contrary, the pattern of behavior and arrests strongly suggests that Respondent is unlikely to reform.

- 5.7. *Subsequent incidents of misconduct by the respondent or the probability of future misconduct.* The undersigned has found no evidence of subsequent misconduct on Respondent's part since his departure from CMS. Given the Respondent's pattern of behavior, however, the undersigned believes there is a strong likelihood of future misconduct.

ORDER

1. As a result of the above findings of fact and conclusions of law, the undersigned hereby orders the Department of Public Instruction to **suspend** the professional educator license issued to Respondent Johnny Earl Miller, No. 1148336, for a minimum of **two years**. The suspension shall begin **60 days** after the date of this Order or, if the Respondent initiates administrative proceedings with the Office of Administrative Hearings, on the date of the entry of a final order by the presiding administrative law judge upholding this Order.
2. No later than **60 days** before the end of the suspension term, Respondent shall contact the Department of Public Instruction to request a review of this case. Prior to reinstatement, Respondent shall present sufficient evidence that a renewed analysis of the factors listed in State Board Policy LICN-007, § 4(b), warrant reinstatement of the license, including evidence that the misconduct described in this Order is unlikely to occur in the future.

This the 9 of MAY, 2006.



Maurice Green
Superintendent of Public Instruction