



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION)	
APPLICATION OF)	OPP No. D13-01-008
)	
Daniel Garcia)	DENIAL ORDER
Certificate No. 478543B)	FOR CERTIFICATION
)	

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby deny the application for reinstatement of Washington Education Certificate, No. 478543B, of Daniel Garcia, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Daniel Garcia was issued a Washington Education Certificate, No. 478543B, on February 16, 2011. That certificate was voluntarily surrendered on March 11, 2013.

2. Daniel Garcia was employed by the Seattle School District.

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3. In January 2013, the Office of Professional Practices, within OSPI, received information through the National Association of State Directors of Teacher Education and Certification (NASDTEC) database that the state of Colorado had taken action against Douglas Garcia's Colorado education certificate/s.

4. On or about May 10, 1997, Daniel Garcia was awarded a Bachelor of Arts degree from Adams State College located in Alamosa, Colorado.

5. Between August 1997 and May 1999, Daniel Garcia was employed by the Center Consolidated School District located in Center, Colorado as a 5th grade teacher.

6. Between May 1999 and August 2001, Daniel Garcia was enrolled at Regis University in Denver, Colorado. Daniel Garcia completed eighteen (18) hours of master's level work but was not awarded a degree.

7. From August 1999 to June 2000, Daniel Garcia was employed by the Adams County School District located in Westminster, Colorado. On applications and resume's submitted by Daniel Garcia, Adams County School District is referred to as Westminster School District.

8. From August 2000 to July 2001, Daniel Garcia was employed by the Denver Public Schools, located in Denver, Colorado.

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9. From August 2002 to November 2002, Daniel Garcia was employed by the Cherry Creek School District, located in Colorado.

10. From December 2002 to August 2003, Daniel Garcia was employed by the Denver Public Schools as an elementary school teacher.

11. In April 2003, Daniel Garcia applied for employment with the Adams 12 Five Star Schools, located in Thornton, Colorado. On his application, Daniel Garcia falsely stated that he had been employed by the Denver Public Schools from 1999 to April 2003. Daniel Garcia intentionally omitted his employment at Adams County School District and Cherry Creek School District.

12. From August 2003 to February 2005, Daniel Garcia was employed by the Adams 12 Five Star Schools.

13. In May 2004, Daniel Garcia was awarded a Master of Art's Degree from the University of Colorado at Denver.

14. In July 2004, Daniel Garcia submitted a written request for a salary step increase to Adams 12 Five Star Schools indicating that he had earned 60 quarter house of university credit beyond the credit hours required for a Master's Degree. Adams 12 Five Star Schools Human Resources Office determined that Daniel Garcia had earned 20 quarter hours beyond the Master's degree and did not award the step increase.

15. In February 2005, Daniel Garcia met with Adams 12 Five Star Schools administrator/s to discuss absences for the year. Daniel Garcia presented his administrator with a falsified letter from a physician. Daniel Garcia resigned his employment effective March 1, 2005.

16. In April 2005, Daniel Garcia submitted an online application for employment with the Aurora, Colorado Public Schools. On his application for employment, Daniel Garcia falsely indicated that he had been enrolled at Regis University from August 1999 to May 2002 and he had received a Masters's Degree in Psychology/Counseling. Daniel Garcia also intentionally omitted Adams County School District, Cherry Creek School District and Adams 12 Five Star Schools from his employment history.

17. From August 2005 to October 2006, Daniel Garcia was employed by the Aurora Public Schools.

18. From November 2005 to June 2006, Daniel Garcia borrowed money from a school colleague, Barbara Mikus, and had Ms. Mikus co-sign a loan with him. The loans totaled more than \$24,000.

19. In August 2006, Daniel Garcia gave Ms. Mikus a check, payable to her, for the amount of \$24,673 from his U.S. Bank account. Daniel Garcia closed that account on or about July 21, 2006. Ms. Mikus was unable to redeem the check.

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20. On or about October 11, 2006, after several weeks of unexplained absence, Daniel Garcia resigned his employment from Aurora Public Schools.

21. In February 2007, Daniel Garcia gave Ms. Mikus a check, payable to her, for \$200 from his Aurora Schools Federal Credit Union. Ms. Mikus was unable to redeem the check because Daniel Garcia's account had insufficient funds available.

22. From February 2007 to August 2008, Daniel Garcia was employed by the Denver Public Schools.

23. On June 4, 2007, the Colorado Department of Education (CDE) Educator Licensing Unit received Daniel Garcia's Colorado professional teacher license renewal application. On the application, Daniel Garcia intentionally misrepresented his employment history by stating he had been employed with the Denver Public Schools from August 1999 to August 2004, Aurora Public Schools from August 2004 to September 2006, and the Denver Public Schools from September 2006 to May 2007. Daniel Garcia intentionally omitted Adams County School District, Cherry Creek Schools and Adams 12 Five Star Schools from his application.

24. On an unknown date in 2007, CDE issued Daniel Garcia a Colorado Professional Teacher License.

25. In July 2007, Ms. Mikus contacted Aurora Police Department regarding the loans she had given Daniel Garcia and the fraudulent banks checks he had given her.

26. In September 2007, a criminal complaint and information were filed in Arapahoe County District Court charging Daniel Garcia with a felony charge of fraud by check-series-aggregate value of \$500 or more; Arapahoe County District Court Case No. 2007CR2784.

27. During the 2007-2008 school year, while employed by the Denver Public Schools, Daniel Garcia solicited money for his own use and need from parents of students at his elementary school. Daniel Garcia was loaned \$7,500 from one set of parents, \$6,500 from another set, asked a third set of parents for \$5,800, asked a fourth set of parents for \$6,000 and asked a fifth set of parents for \$30,000. Daniel Garcia had told the parents that he needed the money for a pending child adoption.

28. On or about May 12, 2008, Daniel Garcia was placed on administrative leave for allegations that he solicited money for his own use and benefit from parents of students he was teaching and for using school district resources in the performance of one or more of the solicitations.

29. On May 15, 2008, Daniel Garcia resigned his employment with the Denver Public Schools.

30. On an unknown date in 2008, Daniel Garcia submitted his resume and a cover letter to Jefferson County, Colorado Public Schools in connection with an application for employment. On his resume, Daniel Garcia intentionally misrepresented that he had received a Master's of Science in psychology/counseling from Regis University in May 2002.

31. During the summer of 2008, Daniel Garcia obtained personal data and verification form from Jefferson County Public Schools for him to provide to previous educational institution employers. Daniel Garcia completely filled out the forms himself, falsified information on the forms and signed the names of fictitious and real people from Adams County School District, Center Consolidated School District, Adams 12 Five Star Schools, Cherry Creek Schools, Denver Public Schools, and Aurora Public Schools. These forms were submitted for use in determination of salary.

32. On August 31, 2008, in Arapahoe County District Court, Daniel Garcia pled guilty to one count of issuance of a bad check, a misdemeanor. Daniel Garcia was issued a one-year deferred judgment and sentence, and, among other conditions, was to pay restitution in the amount of \$27,488.34; Arapahoe County District Court Case No. 2007CR2784.

33. From August 2008 to December 2008, Daniel Garcia was employed by the Jefferson County, Colorado Public Schools.

34. On October 6, 2008, the CDE Educator Licensing Unit received Daniel Garcia's Colorado initial principal license application. On the application, Daniel Garcia falsely stated that he had been employed by Denver Public Schools from August 1999 to July 2008 and by Cherry Creek School from August 2002 to August 2003. Daniel Garcia intentionally omitted his employment with Adams County School District, Adams 12 Five Star Schools and Aurora Public Schools.

35. In November 2008, Jefferson County Public Schools conducted an investigation into allegations that Daniel Garcia had falsified personal data and verification of service forms that were submitted for employment. Daniel Garcia admitted to completely filling out all portions and sections of the forms.

36. In November 2008, a Denver Public Schools employee initiated a complaint with the Jefferson County Sheriff's Office that his signature had been forged by Daniel Garcia on a personal data and verification form submitted to Jefferson County School District.

37. On December 8, 2008, Daniel Garcia resigned his employment with the Jefferson County Public Schools to avoid dismissal.

38. In February 2009, CDE Educator Licensing Unit received documentation from Daniel Garcia, in connection with his principal license application, falsely stating that Regis University had awarded him a Master of Science Degree in psychology/counseling in May of 2002.

39. In April 2009, Daniel Garcia was charged with 2nd Degree Forgery, misdemeanor, in Jefferson County Court for fraudulently signing the name of a Denver Public Schools employee on a Jefferson County Public Schools personal data and verification form; Jefferson County Case No. 2009M2091.

40. On an unknown date in July, 2009, Daniel Garcia was notified by CDE Educator Licensing Unit that they were gathering information related to his criminal history.

41. On July 15, 2009, Daniel Garcia pled guilty to 2nd Degree Forgery and received a 6-month deferred judgment and sentence.

42. On an unknown date in August 2009, Daniel Garcia was notified by CDE Educator Licensing Unit that they were gathering information related to his employment history.

43. In August 2009, CDE Educator Licensing Unit received additional material from Daniel Garcia stating that he had been awarded a Master of Science Degree in psychology/counseling from Regis University in May of 2002.

44. In October 2009, Daniel Garcia submitted an application for employment with the Cesar Chavez School Network, Denver, Colorado. On the application, Daniel Garcia falsely stated: that he had never been forced to resign from any position for misconduct or unsatisfactory work performance; that he had not been convicted of a crime in the past seven years; and that his professional experience included teaching 4th and 5th grade in the Denver Public Schools from 1999-2008.

45. From October 2009 to September 17, 2010, Daniel Garcia was employed by the Cesar Chavez Academy in Denver, Colorado.

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46. In November 2009, Daniel Garcia submitted an application for employment with the Cesar Chavez School Network. On the application, Daniel Garcia falsely stated that he had never been forced to resign from any position for misconduct or unsatisfactory work performance and intentionally failed to answer the question of "Have you been convicted of a crime in the past seven years?".

47. During the 2010-2011 school year, while employed by the Cesar Chavez Academy, Daniel Garcia used seven (7) days of sick leave and was on unpaid leave for thirty (30) days until his resignation on September 17, 2010.

48. On July 1, 2010, CDE Educator Licensing Unit received Daniel Garcia's application for initial administrator license. On the application, Daniel Garcia falsely answered 'no' to the question of "Have you ever been dismissed or discharged or have you resigned in order to avoid discipline or discharge, by any employer?". On an Oath and Consent form for CDE, Daniel Garcia falsely answered 'no' to the question of "Have you ever been convicted of any felony or misdemeanor?"

49. On October 9, 2010, Daniel Garcia electronically submitted a Washington State OSPI application for Conversion from Initial to Residency Teacher Certificate and an application for Residency Principal Certificate.

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50. On October 12, 2010, Daniel Garcia signed the application cover sheet for the Conversion from Initial to Residency Teacher Certificate application, under penalty of perjury, stating that all the information contained in his application was true and correct, that he understood he must answer the application truthfully and completely, and that if any of the information provided or answers to any question on the application or character and fitness supplement changes prior to certification, he must immediately notify the Office of Professional Practices.

51. On the Washington State OSPI application for Conversion from Initial to Residency Teacher Certificate and Residency Principal Certificate application, under Work History, Daniel Garcia falsely stated that he had been employed by the Denver Public Schools from 1999 to 2008. Daniel Garcia intentionally omitted Adams County School District, Cherry Creek School District, Adams 12 Five Star Schools, Aurora School District, Jefferson County School District, and Cesar Chavez School Network.

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52. On the Washington State OSPI application for Conversion from Initial to Residency Teacher Certificate and Residency Principal Certificate application, under Professional Fitness, Daniel Garcia falsely answered 'yes' to the question of "Have you ever held or do you currently hold a valid Washington education certificate?"; falsely answered "no" to the question Are you currently or have you ever been the subject of any certificate or licensing investigation or inquiry by any certification or licensing agency for allegations of misconduct?"; falsely answered 'no' to the question of "Have you ever resigned from or otherwise left any employment (e.g. settlement agreement) while allegations of misconduct were pending?"; and falsely answered 'no' to the question of "Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct?".

54. On the Washington State OSPI application for Conversion from Initial to Residency Teacher Certificate and Residency Principal Certificate application, under Criminal History, Daniel Garcia falsely answered 'no' to the questions of: "In the last 10 years, have you ever been arrested for any crime or violation of law?"; "In the last 10 years, have you ever been fingerprinted for any crime or violation of the law?"; "In the last 10 years, have you ever been convicted of any crime or violation of any law?"; and "Have you ever been or are you presently under investigation in any jurisdiction for possible criminal charges?".

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55. On the Washington State OSPI application for Conversion from Initial to Residency Teacher Certificate and Residency Principal Certificate application, under Personal Fitness, Daniel Garcia falsely answered 'no' to the question of "Have you ever exhibited any behavior or conduct which might negatively impact your ability to serve in a role which requires a certificate, credential, or license?".

56. In October 2010, Daniel Garcia submitted an online application for employment as a .5 FTE Bilingual Teacher at Northgate Elementary School in the Seattle School District. Daniel Garcia also applied for other employment positions within Seattle School District.

57. On December 13, 2010, Daniel Garcia was issued a Residency Teacher Permit and Residency Administrative Permit, No. T100859, by Puget Sound Educational Service District. The Residency Teacher permit expired April 26, 2011.

58. On the cover letter/letter of interest attached to the .5 FTE Bilingual Teacher application for the Seattle School District, Daniel Garcia falsely states that he holds a Master's Degree in Psychology/Counseling and a Master's Degree in Curriculum and Instruction.

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59. On the .5 FTE Bilingual Teacher application for the Seattle School District, in the Education section, Daniel Garcia does not list that he has obtained a Master's Degree in Psychology/Counseling. In the Work Experience section, Daniel Garcia falsely states that: he was employed by the Denver Public Schools from July 1999 to August 2008; that while at Denver Public Schools, he was employed as a Humanities Facilitator, 5th grade teacher and Assistant Principal; he supervised 35 employees; that the reason for leaving was that he started his Ph.D. program; that while employed in the Center Consolidated Schools, he was employed as an ELL supervisor and Literacy Coordinator; and that, while at Center Consolidated Schools, he supervised two employees.

60. On the .5 FTE Bilingual Teacher application for the Seattle School District, in the Work Experience section, Daniel Garcia intentionally omitted Adams County School District, Cherry Creek School District, Adams 12 Five Star Schools, Aurora School District, Jefferson County School District, and Cesar Chavez School Network.

61. In January 2011, Daniel Garcia was hired by Seattle School District as a .5 FTE Reading teacher and .5 ELL teacher at Northgate Elementary School.

62. On April 20, 2011, Daniel Garcia was issued a Residency Teacher permit by OSPI Certification with an expiration date of October 28, 2011.

63. On June 2, 2011, Daniel Garcia was awarded a Master's of Art Degree in education administration and policy studies.

64. In August/September 2011, Daniel Garcia began employment at Franklin High School as a Dean of Students and an Academic Intervention Specialist.

65. In November and/or December 2011, Daniel Garcia sent an e-mail to South Seattle Community College representing himself as a principal at Franklin High School.

66. From October 28, 2011 until February 2012, Daniel Garcia served as a Dean of Students and an Academic Intervention Specialist at Franklin High School without a Washington State education certificate or temporary permit.

67. On January 11, 2012, during a meeting with Seattle School District personnel, Daniel Garcia denied representing himself to South Seattle Community College as a principal. Daniel Garcia stated that he always represented himself as the Dean of Students.

68. On January 24, 2012, CDE Educator Licensing Unit filed charges against Daniel Garcia alleging violations of Colorado state educator licensing statutes and Board of Education Rules. A notice and copy of the charges were mailed to Daniel Garcia.

69. On February 1, 2012, Daniel Garcia received a letter from Seattle School District Human Resources office notifying him of the recommendation to the Seattle School District Superintendent that there was probable cause to take disciplinary action against him and his supervisor was recommending termination.

70. On February 8, 2012, Daniel Garcia was issued a letter by Seattle School District Human Resources office. In the letter, Daniel Garcia was informed that the District became aware, on February 6, 2012, that his teaching certificate had lapsed and that he had been teaching without a valid certificate. Daniel Garcia had been issued a temporary teaching permit; that had expired on October 28, 2011. As a result, Daniel Garcia was placed on unpaid administrative leave.

71. On February 14, 2012 and March 20, 2012, CDE Educator Licensing Unit received correspondence from Daniel Garcia in response to the charges from CDE.

72. On March 8, 2012, Daniel Garcia signed an Agreement to Resign and Waiver and Release of Claims with the Seattle School District. Daniel Garcia resigned from the Seattle School District, effective the same day. In the letter of resignation, Daniel Garcia states that he was asked to leave his position or be terminated.

73. On April 11, 2012, the Colorado Board of Education voted to authorize the filing for a formal hearing for the revocation of Daniel Garcia's Colorado professional teacher license and voted to deny Daniel Garcia's applications for initial principal license and initial administrator license.

74. On May 1, 2012, Daniel Garcia responded to the CDE notice of denial and requested an appeal hearing.

75. On August 7, 2012, Daniel Garcia signed an OSPI Application for Washington State Administrative Certification for Initial Superintendent certificate. OSPI Budget and Accounting received the application on August 14, 2012 and forwarded the application to Puget Sound ESD; who received the application on August 27, 2012. The application was received by OSPI Certification on September 7, 2012.

76. On the OSPI Application for Washington State Administrative Certification for Initial Superintendent certificate, when asked to list all education experience, Daniel Garcia intentionally omitted Center Consolidated School District, Adams County School District, Cherry Creek School District, Adams 12 Five Star Schools, Aurora School District, Jefferson County School District, and Cesar Chavez School Network. Daniel Garcia falsely stated his dates of employment with Denver Public Schools from August 1999 to October 2010.

77. On the OSPI Application for Washington State Administrative Certification for Initial Superintendent certificate, when asked to list all higher education institutions attended and degrees granted, Daniel Garcia falsely stated that he had received a Master's Degree from the University of Denver.

78. On August 23, 2012, Daniel Garcia was sent notification that CDE and the Colorado Board of Education was proposing to vacate or revoke his Colorado professional teacher's license and proposing a denial of his applications for initial principal's license and initial administrator's license.

79. On September 17, 2012, Green River Community College (GRCC) Human Resources Office received Daniel Garcia's electronic application for a Reading Instructor position. On the application in the Education section, Daniel Garcia falsely states that he has a Doctorate degree from Argosy University in Seattle, WA but states that he has not graduated and falsely states that he received a Master's Degree from the University of Denver.

80. On the GRCC application in the Work History section, Daniel Garcia falsely states: that he was employed with the Seattle School District from January 2011 to July 2012; that while employed with Seattle School District, he was the Bilingual Director and supervised 75 employees; that his reason for leaving Seattle School Districts was "Laid off, budget cuts"; that he was employed by the Denver Public Schools from July 1999 to November 2010; that at Denver Public Schools, he was a Staff Developer and Humanities Facilitator; and he supervised 55 employees.

81. On the GRCC application in the Resume section, Daniel Garcia falsely states his positions of employment within the Seattle School District and Denver Public Schools. Daniel Garcia states that he is currently enrolled at Argosy University for the Ph. D. program.

82. Daniel Garcia submitted a total of seventeen (17) applications for employment to Green River Community College. All of the applications are very similar in language and content.

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83. On October 19, 2012, Daniel Garcia was a Notice of Agency Adjudicatory Proceeding (Notice of Charges) from the Colorado Board of Education. Daniel Garcia failed to provide a timely response. On November 3, 2012, a Notice of Default was issued.

84. On November 26, 2012, Colorado Administrative Law Judge Matthew Norwood issued an initial decision to revoke the professional teacher license, deny the initial principal's license and deny the initial administrator license. On January 9, 2013, the Colorado Board of Education adopted this decision.

85. On March 7, 2013, an OPP investigator had a phone conversation with Daniel Garcia. During the conversation, among other comments and statements, Daniel Garcia stated that he had bi-polar disorder and a personality disorder, that he had not answered questions on the Washington State OSPI certification applications truthfully and he had done so because he had been afraid that Washington would not give him a certificate if he had told everything. During the conversation, it was explained to Daniel Garcia that by Washington state law, any education certificate gained by false pretense shall be revoked and he had an option to voluntarily surrender his certificate.

86. On March 8, 2013, Daniel Garcia signed a Voluntary Surrender of Certificate(s) form; which was received by OPP on March 11, 2013.

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87. On August 8, 2013, OPP received an Application for Reinstatement of Suspended or Revoked Washington State Certification and accompanying Character and Fitness Supplement from Daniel Garcia for Education certificate No. 478543B.

88. On the Character and Fitness Supplement, accompanying the Application for Reinstatement of Suspended or Revoked Washington State Certification, Section II, question 2, Daniel Garcia answered 'yes' to the question of "Have you ever held or do you currently held any education certificate, credential, or license authorizing service in the public/private school in another state, province, or country?". Daniel Garcia wrote, "Colorado-Professional Teacher License – expired".

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89. On the Character and Fitness Supplement, accompanying the Application for Reinstatement of Suspended or Revoked Washington State Certification, Daniel Garcia answered 'yes' to the following questions:

Are you currently or have you ever been the subject of any certificate or licensing investigation or inquiry by any certification or licensing agency for allegations of misconduct. Section II, question 3;

Have you ever had any adverse action taken on any certificate or license? Section II, question 4;

Have you ever been denied, or otherwise rejected for cause, an education certificate, credential, or license? Section II, question 5;

Have you ever practiced in any educational position in a public school for which you did not hold the appropriate valid educational certificate, credential, or license for that position? Section II, question 7;

Have you ever been dismissed, discharged, or fired from any employment position involving children or dependent adults? Section II, question 8;

Have you ever resigned or otherwise left any employment (e.g. settlement agreement) while allegations of misconduct were pending? Section II, question 9;

Have you ever been disciplined by a past or present employer because of allegations of misconduct? Section II, question 10;

Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct? Section II, question 11;

In the last 10 years, have you ever been arrested for any crime or violation of law? Section III, question 1;

In the last 10 years, have you ever been fingerprinted as a result of any arrest for any crime or violation of law? Section III, question 2;

In the last 10 years, have you ever been convicted of any crime or violation of any law? Section III, question 3;

Have you ever exhibited any behavior or conduct which might negatively impact your ability to serve in a role which requires a certificate, credential, or license? Section IV, question 1;

90. On the Character and Fitness Supplement, accompanying the Application for Reinstatement of Suspended or Revoked Washington State Certification, Daniel Garcia answered "no" to the of question "Do you have a medical condition which in any way impairs or limits your ability to serve in a certificated role with reasonable skill and safety?" Section IV, question 6.

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91. Daniel Garcia submitted a written explanation, as per instructions for 'yes' answers on the Character and Fitness Supplement. Daniel Garcia failed to include an explanation for adverse actions taken on his Colorado education certificate(s) and failed to provide an explanation for the following questions: "Are you currently or have you ever been the subject of any certificate or licensing investigation or inquiry by any certification or licensing agency for allegations of misconduct?", Section, II, question 3; "Have you ever been dismissed, discharged, or fired from any employment position involving children or dependent adults?" Section II, question 8; "Have you ever resigned or otherwise left any employment (e.g. settlement agreement) while allegations of misconduct were pending?" Section II, question 9; "Have you ever been disciplined by a past or present employer because of allegations of misconduct?" Section II, question 10; "Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct?" Section II, question 11; "In the last 10 years, have you ever been arrested for any crime or violation of law?" Section III, question 1; "In the last 10 years, have you ever been fingerprinted as a result of any arrest for any crime or violation of law?" Section III, question 2; "In the last 10 years, have you ever been convicted of any crime or violation of any law?" Section III, question 3; and "Have you ever exhibited any behavior or conduct which might negatively impact your ability to serve in a role which requires a certificate, credential, or license?" Section IV, question 1.

92. On the Voluntary Surrender Form, which Daniel Garcia signed on March 8, 2013, a provision of "I agree, if I request reinstatement of the certificate(s) I have voluntarily surrendered to provide the Superintendent of Public Instruction with an affidavit describing in full the reasons for my voluntary surrender of the certificate(s) listed above.

93. In the August 2013 Application for Reinstatement of Suspended or Revoked Washington State Certification and accompanying Character and Fitness Supplement, Daniel Garcia failed to provide an explanation for why: he failed to disclose all of his previous educational employers in Colorado; he failed to disclose previous criminal investigations, arrests, charges and convictions; he failed to disclose previous resignations in lieu of termination; he failed to disclose previous disciplinary action from past or current employers; failed to disclose being under investigation for allegations of misconduct by Colorado Department of Education Educator Licensing Unit; and other issues.

94. On August 30, 2013, Daniel Garcia withdrew his Application for Reinstatement of Suspended or Revoked Washington State Certification and accompanying Character and Fitness Supplement.

95. On November 22, 2013, Daniel Garcia submitted an Application for Reinstatement of Suspended or Revoked Washington State Certification and accompanying Character and Fitness Supplement for education certificate No. 478543B.

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96. On the November 2013 Character and Fitness Supplement, accompanying the Application for Reinstatement of Suspended or Revoked Washington State Certification, Daniel Garcia answered 'yes' to the questions of:

Have you ever had any adverse action taken on any certificate or license? Section II, question 4;

Have you ever been denied, or otherwise rejected for cause, an education certificate, credential, or license? Section II, question 5;

Have you ever withdrawn an application for any education certificate, credential, or license? Section II, question 6;

Have you ever been dismissed, discharged, or fired from any employment position involving children or dependent adults? Section II, question 8;

Have you ever resigned or otherwise left any employment (e.g. settlement agreement) while allegations of misconduct were pending? Section II, question 9;

Have you ever been disciplined by a past or present employer because of allegations of misconduct? Section II, question 10;

Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct? Section II, question 11;

In the last 10 years, have you ever been arrested for any crime or violation of law? Section III, question 1;

In the last 10 years, have you ever been fingerprinted as a result of any arrest for any crime or violation of law? Section III, question 2;

In the last 10 years, have you ever been convicted of any crime or violation of any law? Section III, question 3;

Have you ever exhibited any behavior or conduct which might negatively impact your ability to serve in a role which requires a certificate, credential, or license? Section IV, question 1;

Do you have a medical condition which in any way impairs or limits your ability to serve in a certificated role with reasonable skill and safety? Section IV, question 6.

97. On the November 2013 Character and Fitness Supplement, accompanying the Application for Reinstatement of Suspended or Revoked Washington State Certification, Daniel Garcia falsely answered 'no' to the questions of "Have you ever practiced in any educational position in a public school for which you did not hold the appropriate valid educational certificate, credential, or license for that position.

98. On the November 2013 Character and Fitness Supplement, accompanying the Application for Reinstatement of Suspended or Revoked Washington State Certification, Question 4-11 in Section II, questions 1-5 in Section III, and any 'yes' answer to a question in Section IV require a written explanation to each and every 'yes' answer. Daniel Garcia failed to provide any written explanation for any 'yes' answer on his November 2013 Application for Reinstatement of Suspended or Revoked Washington State Certification and accompanying Character and Fitness Supplement.

99. Good moral character and personal fitness is a requirement to attain a Washington education certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Daniel Garcia and over the subject matter of this action.

2. Daniel Garcia has failed to provide clear and convincing evidence of good moral character or personal fitness, under Washington Administrative Code (WAC) 181-86-113 and WAC 181-86-170.

3. Daniel Garcia has violated RCW 28A.410.090; WAC 181-87-050; WAC 181-86-013; WAC 181-86-014.

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ORDER

THEREFORE, it is hereby ordered that the application for certification of Daniel Garcia is denied.

This order will become final thirty days after the postmarked date of mailing, unless it is appealed within the thirty day period.

Appeals should be addressed to:

Superintendent of Public Instruction
Office of Professional Practices
PO Box 47200
Olympia, WA 98504

DATED this 18 day of December, 2013

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Alan Burke, Ed.D
Deputy Superintendent
K-12 Education