

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
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)
Kimber L Pack)
Certificate No. 445279C)
_____)

OPP No. D14-11-089
AGREED ORDER
OF SUSPENSION

COMES NOW the Office of Superintendent of Public Instruction, 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 stipulate by and between the Office of Professional Practices (OPP), Office of Superintendent of Public Instruction (OSPI), and Kimber Pack, that the Washington Education Certificate, No.445279C, of Kimber Pack , shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Kimber L Pack was issued a Washington Education Certificate, No. 445279C, on May 29, 2007. That certificate currently remains valid.

2. Kimber Pack was employed by the Battle Grounds Public Schools School District.

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3. On November 10, 2014, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Battle Grounds Public Schools alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Kimber Pack.

4. On May 16, 2014, Detectives from Longview Police Department (LPD), conducted a search warrant on a residence in Longview, WA for narcotics. Kimber Pack was discovered inside the residence as the search warrant was conducted. A search of the area near Kimber Pack disclosed a glass pipe that was used to smoke methamphetamine. LPD Case Number L14-3444.

5. Kimber Pack was questioned by a detective from LPD and disclosed she used the pipe to smoke methamphetamine just before the search warrant was executed. LPD Case Number L14-3444.

6. A search of an open purse, which Kimber Pack identified as belonging to her, disclosed a red plastic straw with a brown residue on the tip of it. The brown residue appeared to be heroin. A small plastic case containing a clear baggy with a crystal substance in it was also found in the open purse. LPD Case Number L14-3444.

7. The glass smoking pipe, red plastic straw with brown residue on it and the small plastic baggy containing crystal substance was seized as evidence. The red plastic straw tested positive for opiates and the baggy containing crystal substance tested positive for amphetamines with a total weight of .80 grams. LPD Case Number L14-3444.

8. Prior to being booked into Cowlitz County Jail, Kimber Pack admitted to LPD detectives that she purchased methamphetamine from the occupant of residence just prior to the police conducting the search warrant to sell to the occupant's brother Toby Allen Aubol. LPD Case Number L14-3444.

9. On May 19, 2014, Arrestees Information and Probable Cause Sheet was filed in Cowlitz County Superior Court charging Kimber Pack with Count 1, Possession of Methamphetamine with Intent to Deliver, Revised Code of Washington (RCW) 69.50.401 and Count 2, Possession of Heroin, RCW 69.50.401. Cowlitz County Prosecutor's Office (CCPO), Cause Number 14-1-00598-6.

10. On May 20, 2014, Information Charging sheet, was submitted in Superior Court of Washington for Cowlitz County charging Kimber Pack was with Count 1 Violation Uniform Controlled Substances Act (VUCSA)-Intent to deliver, and Count II VUCSA-Possession (Heroin). CCPO Cause Number 14-1-00598-6.

11. On May 23, Kimber Pack was placed on paid administrative leave by the Battle Ground School District pending completion of investigation.

12. On July 25, 2015, an Amended Information Charging Sheet, was submitted in Superior Court for Cowlitz County, charging Kimber Pack with Count 1 VUCSA-Intent to Deliver (Methamphetamine); Count II VUCSA-Possession (Heroin) and Count III VUCSA-Possession (Methamphetamine). CCPO Cause Number 14-1-00598-6.

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13. On September 9, 2015 Toby Aubol contacted LPD and advised Kimber Pack had contacted him on multiple occasions in an effort to manipulate him into falsely testifying on her behalf. Toby Aubol specifically advised he was asked by Kimber Pack to lie about her involvement in the possession and trafficking of methamphetamine. Toby Aubol also received a note on his vehicle stating "Please call Mr. Morgan (Defense attorney for Ms. Pack), 360 425-3091, more dope heroin for you, and cash reward". LPD Case Number L14-6354.

14. On September 19, 2014, Kimber Pack was charged in Superior Court of Washington for Cowlitz County with Count I Bribing a Witness and Count II Tampering with a Witness. CCPO Cause Number 14-1-01143-9.

15. On October 7, 2014, a Second Amended Information Charging sheet was submitted in Superior Court of Washington for Cowlitz County charging Kimber Pack with Count 1 VUCSA-Intent to Deliver (Methamphetamine); Count II VUCSA-Possession (Heroin), and Count III VUCSA-Possession (Methamphetamine). CCPO Cause Number 14-1-00598-6.

16. On September 16, 2014 an Order Granting Defendant's Motion for Dismissal of Count 1 Intent to Deliver (Methamphetamine), was granted in Superior Court of Washington for Cowlitz County. CCPO Cause Number 14-1-00598-6.

17. On September 17, 2014, an Arrestee Information and Probable Cause Sheet was filed in Cowlitz County Superior Court charging Kimber Pack with one count of Tampering with a witness.

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18. On October 21, 2014, Battle Ground School District provided Kimber Pack a Probable Cause Letter for unprofessional conduct for her arrests on May 2014 (possession of methamphetamine with intent to deliver and possession of heroin) and September 16, 2014 (tampering with a witness and bribing a witness).

19. On January 26, 2015 Kimber Pack signed a Statement of Defendant on Plea of Guilty of Non-Sex-Offense (Felony) for Count II Tampering with a Witness. In the Statement of Defendant on the Plea of Guilty, Kimber Pack admitted that in September 2014, she attempted to induce Toby Aubol a person she believed to have information relevant to a criminal investigation involving her, to testify falsely or wrongfully withhold testimony in Cowlitz County WA. CCPO Cause Number 14-1-01143-9.

20. On December 5, 2014, Kimber Pack entered into a Resignation Agreement with Battle Ground School District.

21. On February 3, 2015, Kimber Pack signed a Felony Judgment and Sentence-First Time Offender, in Superior Court of Washington for Cowlitz County. Kimber Pack was awarded 15 days in custody, fined \$950.00 and 12 months community custody. CCPO Cause Number 14-1-01143-9.

22. On February 3, 2015, an Agreed Order of Dismissal of Count II VUCSA-Possession (Heroin) and Count III VUCSA-Possession (Methamphetamine) against Kimber Pack was dismissed with prejudice in Superior Court of Washington for Cowlitz County. CCPO Cause Number 14-1-00598-6.

23. On April 27, 2015, Kimber Pack was interviewed by an OPP investigator. During the interview Kimber Pack disclosed that since her arrest in May 2014 for intent to deliver and for possession of methamphetamine and heroin, she has not sought out nor participated in any type of treatment for her drug use. In addition she admitted to smoking marijuana daily and on a few occasions when her 6th grade class, at Tukes Middle School, had testing on Fridays she smoked marijuana before she came to school to teach.

24. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Kimber Pack and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No.445279C, of Kimber Pack, should be suspended for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090, WAC 181-86-013 and WAC 181-86-014.

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ORDER

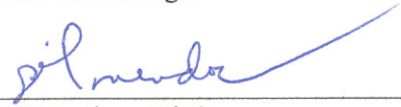
THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 445279C, of Kimber Pack, be suspended for 14 months from the date of entry of this Order.

. Reinstatement will require: (1) successful completion of a drug and alcohol assessment, (2) successful completion or continued compliance with any drug treatment program recommended based on the assessment. This program must be mutually agreed upon between Kimber Pack and OPP; (3) that Kimber Pack provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (4) Kimber Pack will provide OPP with evidence of her successful completion of or continued compliance in her treatment program and; (5) if requested Kimber Pack will sign consent forms authorizing OPP to have access to all records pertaining to her treatment and to discuss any and all treatment undertaken with the providers administering treatment. The cost of conformance to all reinstatement requirements will be the responsibility of Kimber Pack.

AND Reinstatement shall (also) require: (1) submission of a new application, including Character and Fitness Supplement, provided by OPP and having Kimber L Pack's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP); and (2) that if Kimber L Pack's education certificate expires during the period of suspension, Kimber Pack will show that she meets all academic requirements for renewal/reinstatement of the education certificate. Reinstatement shall also be contingent upon Kimber L Pack's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any felony convictions occurring after date of Order.

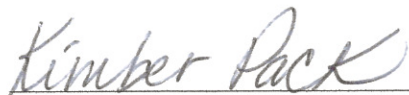
DATED This 22nd day of September, 2015.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Gil Mendoza, Ed. D.
Deputy Superintendent
K-12 Education

Stipulated to and approved
For entry:



Kimber Pack, Respondent



Eric Hansen, Attorney for Respondent
WSBA # 14733