



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

RE: Oscar Garnica
OSPI Case Number: D16-12-078
Document: Permanent Revocation

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **None**

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office
P.O. Box 47200
Olympia, WA 98504-7200
Phone: (360) 725-6372
Email: PublicRecordsRequest@k12.wa.us

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.



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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D16-12-078
)	
OSCAR GARNICA)	FINAL ORDER OF
Certificate No. 323376D)	MANDATORY PERMANENT
)	REVOCATION
)	

After receiving and investigating a complaint from Kennewick School District (“School District”) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that OSCAR GARNICA (“Educator”) has demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013(1), and does hereby PERMANENTLY REVOKE the Educator’s Washington Education Certificate No. 323376D, pursuant to RCW 28A.410.090(4)(c), based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On July 22, 1993, the Educator was issued Washington Education Certificate, No. 323376D. The Educator’s license will expire on June 30, 2021.
2. The Educator has had no previous disciplinary action through the Office of Professional Practices (“OPP”).

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3. On or about December 7, 2016, OPP, which is within the Office of Superintendent of Public Instruction (“OSPI”), received a complaint letter from Mr. Dave Bond, the Superintendent of the School District, alleging the Educator was being investigated by the Richland Police Department (“RPD”) for having inappropriate physical contact with a minor at a business the Educator owned in the city of Richland.

4. During the 2015–2016 school year, the Educator was a math teacher at Kennewick High School. The Educator was also contracted to be the bowling coach at Kennewick High School.

5. In addition to his teaching profession, the Educator was a martial arts coach and owner of Choice Martial Arts (“Dojo”) in Richland, Washington.

6. At the time of the allegation, Victim A was a fourteen-year old female. She took martial arts classes at the Educator’s Dojo.

7. On or about August 7, 2016, Victim A was helping the Educator with an expansion project at the Dojo. Victim A was alone with the Educator. The Educator invited Victim A to sit on his lap, and she did. The Educator kissed Victim A and touched her breasts and vagina.

8. Victim A told her counselor about this incident, and the counselor reported the Educator to Child Protective Services.

9. On or about August 10, 2016, Victim A’s mother took Victim A to report this incident to the RPD.

10. On or about August 20, 2016, the School District sent the Educator a letter, placing him on paid administrative leave.

11. On October 3, 2016, Information was filed in the Benton County Superior Court in Washington State, Cause # 16-1-01019-2, accusing the Educator of Child Molestation in the Third Degree with Aggravating Circumstances.

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12. On or about December 2, 2016, the Educator signed a Separation Agreement with the School District. The Educator agreed to resign from employment with the School District with an effective date of December 1, 2016.

13. On March 22, 2017, the Educator executed a plea agreement by entering a plea of guilty for the criminal charge of Child Molestation in the Third Degree under RCW 9A.44.089 with the Position of Trust enhancement under RCW 9.94A.535(3)(n).

14. On May 24, 2017, the Educator was sentenced to eight (8) months partial confinement in the Benton County Jail, with the ability to serve in the work release program under RCW 9.94A.731.

15. On or about April 18, 2017, OPP sent the Educator a letter, offering the Educator an opportunity to respond to the allegations of misconduct, as per RCW 28A.410.090. As of the date of this Order, the Educator has not responded to OPP.

16. The Educator has pleaded guilty or has been convicted of a crime listed in RCW 28A.410.090(4). Such a plea or conviction authorizes OSPI to permanently revoke Education Certificate No. 323376D, of the Educator.

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. The Office of Superintendent of Public Instruction (“OSPI”) acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OPSI’s authority.

2. OSPI has jurisdiction over the Educator and the subject matter discussed herein.
3. The Educator has demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013.
4. There is clear and convincing evidence that the Educator has demonstrated a lack of good moral character and personal fitness. WAC 181-86-075.
5. Pursuant to WAC 181-86-080 eleven (11) factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:
 1. The seriousness of the act(s) and the actual or potential harm to persons or property;
 2. The person's criminal history including the seriousness and amount of activity;
 3. The age and maturity level of participant(s) at the time of the activity;
 4. The proximity or remoteness of time in which the acts occurred;
 5. Any activity that demonstrates a disregard for health, safety or welfare;
 6. Any activity that demonstrates a behavioral problem;
 7. Any activity that demonstrates a lack of fitness;
 8. Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
 9. Any information submitted that demonstrates aggravating or mitigating circumstances;
 10. Any information submitted to support character and fitness; and
 11. Any other relevant information submitted.
6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075 (Grounds for Issuance of an Order of Revocation), RCW 28A.410.090(4)(c), WAC 181-86-013, and WAC 181-86-014, the Educator's education certificate should be permanently revoked for a lack of good moral character and personal fitness and a felony sex offense.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 323376D, of OSCAR GARNICA be PERMANENTLY REVOKED.

DATED this 12th day of December, 2017.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Dierk Meierbachtol
Chief Legal Officer