



# SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION )  
APPLICATION OF )  
)  
)  
TIM BALLARD )  
T060243-DOB [REDACTED]1945 )  
\_\_\_\_\_ )

OPP No. A01-07-0402  
  
FINAL DENIAL ORDER  
FOR CERTIFICATION

Thirty calendar days have transpired since the mailing to Tim Ballard of a Proposed Final Order of Denial. Tim Ballard's failure to make a timely appeal of such order authorizes this agency to issue a Final Order of Denial based on the Findings of Fact and the Conclusions of Law set forth in the Proposed Final Order of Denial. The following is hereby entered:

### FINDINGS OF FACT

1. Tim Ballard applied for a Washington education certificate on June 25, 2001.
2. On the Character and Fitness Supplement, a part of the application process, Tim Ballard answered "yes" to Questions 1, 2 & 3 in section III (Criminal History Section). Mr. Ballard provided a statement that on July 7, 2000, he was arrested for Assault in the 4<sup>th</sup> Degree and Brandishing a Weapon. The following was derived from Tim Ballard's statement regarding his "yes" answers:

Mr. Ballard sprayed the doorknob of the victim's motor home with pepper spray as a practical joke. When the victim approached, the victim grabbed Mr. Ballard by his shirt. Mr. Ballard pepper sprayed the victim. Mr. Ballard then told the victim he was under arrest, proceeding to show the victim a pair of handcuffs. Mr. Ballard proceeded to pepper spray the victim a second time. In his statement, Mr. Ballard said "He still would not sit down as I ordered him to do," and "I wasn't going to mess with him anymore."

Mr. Ballard then pulled out his gun, which he had tucked in his belt, and fired it towards the ground, near the victim. Mr. Ballard

then tried to stop the victim from running away by doing a "foot sweep" but the victim did not fall down.

The police, immediately upon their arrival, arrested Mr. Ballard. When asked by the police why Mr. Ballard discharged the weapon, he stated "I couldn't think of a better way to get the police to arrive any faster" and "Besides, I was just using it as a show of force."

3. On July 10, 2000, Tim Ballard entered guilty pleas for Assault in the 4<sup>th</sup> Degree (charge 1) and Brandishing a Weapon (charge 2). The Bellingham Municipal Court ordered Mr. Ballard to the following for charge 1: 365 days in jail with 360 days suspended and a \$1,000.00 fine with \$850.00 suspended. The court ordered Mr. Ballard to the following for charge 2: 365 days in jail with 350 days suspended and a \$1,000.00 fine with \$750.00 suspended. The court also imposed a two-year probation and a one-year Anti-Harassment Order on Mr. Ballard.

Mr. Ballard was to have no weapons in his possession for two years. Mr. Ballard forfeited his weapon.

4. A fingerprint background check through the Washington State Patrol, a part of the application process, resulted in the following charges for Mr. Ballard:

- A. Arrested August 12, 1974: found guilty of Petit Larceny; 30 days in jail, comm. supervision, and 1 year probation.
- B. Arrested October 11, 1987: found guilty of Theft in the 3<sup>rd</sup> Degree.
- C. Arrested August 5, 1988: found guilty of Criminal Impersonation & a Liquor Violation.
- D. Arrested August 8, 1988: found guilty of Theft in the 3<sup>rd</sup> Degree.
- E. Arrested August 12, 1988: found guilty of Theft in the 3<sup>rd</sup> Degree.
- F. Arrested March 31, 1989: found guilty of Violation of the Uniform Controlled Substance Act (VUCSA); \$250.00 fine, 365 days in jail with 362 days suspended.
- G. Arrested January 29, 1990: found guilty of Theft in the 3<sup>rd</sup> Degree.

5. A routine fingerprint background check through the Federal Bureau of Investigation (FBI) also confirmed the following:

- A. Arrested August 8, 1988: Theft in the 3<sup>rd</sup> Degree.
- B. Arrested August 12, 1988: Theft in the 3<sup>rd</sup> Degree.
- C. Arrested March 31, 1989: VUCSA.

In addition to the above listed offenses, the FBI also reported a Grand Larceny charge August 12, 1974, which was dismissed.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Tim Ballard and over the subject matter of this action.
2. Tim Ballard has failed to provide clear and convincing evidence of good moral character or personal fitness to receive a Washington education certificate, Washington Administrative Code (WAC) 180-86-170.

**ORDER**

THEREFORE, it is hereby ordered that the application for certification of Tim Ballard is denied.

DATED this 4<sup>th</sup> day of February, 2003.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

By: Michael L. Bigelow  
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