

I, Maggie Pazar certify that on December 17, 2007, I mailed a copy of this document, certified & postage prepaid, to all parties or their counsel of record. I certify under penalty of perjury, under the laws of the state of Washington, that the foregoing is true and correct.

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
JENNIFER DAWN CLOUDY-VOKACEK)
DOB: [REDACTED]/1979)
_____)

OPP No. A06-11-400
FINAL ORDER OF
DENIAL OF CERTIFICATE

COMES NOW Arlene Hett, Review Officer of the Office of Superintendent of Public Instruction (OSPI), having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby deny of the certificate application of Jennifer Cloudy-Vokacek, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Jennifer Cloudy-Vokacek applied for a Washington education certificate on October 16, 2006.
2. On the Character and Fitness Supplement, a part of the application process, Jennifer Cloudy-Vokacek answered 'yes' to questions 1, 2, 3 and 4, Criminal History Section, regarding arrests, fingerprinting and conviction of crime or violation of the law in the last 10 years and felony conviction. She answered 'yes' to question 4, Personal Fitness Section, regarding engaging in conduct which resulted in the physical injury or harm of any person.
3. On February 15, 1999, Jennifer Cloudy-Vokacek assaulted an individual at a residential party. The victim then left that residence and went to a second residence. Ms. Cloudy-Vokacek and two other individuals came to the second residence and were disorderly, attempting to provoke another fight. The individual who resided at the second residence asked them to leave at which time that individual was assaulted by Jennifer Cloudy-Vokacek and her friends. Jennifer Cloudy-Vokacek was subsequently arrested for Simple Assault; Brookings, South Dakota Police Department Offense Report dated 2/15/1999.

4. On December 9, 1999, Jennifer Cloudy-Vokacek was convicted of the crime of Simple Assault in the South Dakota Unified Court System. Judgment document for Case 99-0148 shows she was ordered to pay a fine of \$300 plus court costs; confinement in the Brookings County Detention Center for 30 days with 27 days suspended upon fee payment; one year of probation; anger evaluation and Anger Control Program if recommended; restitution of \$150 prior to release from Detention Center.

5. On September 6, 2002, Jennifer Cloudy-Vokacek was arrested for two counts of Misconduct Involving a Controlled Substance, Third Degree by the Ketchikan, Alaska Police Department, Case No. 02-9228. A search of Ms. Cloudy-Vokacek's vehicle revealed a backpack belonging to Jennifer Cloudy-Vokacek was found to have a Crown Royal bag containing \$105 cash, a calculator and a cigarette box containing 12 individually wrapped plastic baggies containing a white powdery substance, which was field tested indicating the presence of methamphetamine. She was also found to have paper ledgers with names and phone number and ledgers with number, amount sold and how much money collected.

6. On September 6, 2002, a Criminal Complaint was filed in the District Court, First Judicial District, Ketchikan, Alaska, charging Jennifer D. Cloudy-Vokacek: with unlawful manufacturing or delivering a schedule IIA or IIIA controlled substance or possess a schedule IIA or IIA controlled substance with intent to manufacture or deliver, AS 11.71.030, a Class B Felony; and unlawful possession of a schedule IA or IIA controlled substance with reckless disregard that the possession occurs on or within 500 feet of a recreation field/center, AS 11.71.030, a Class B felony.

7. On September 12, 2002, Jennifer D. Cloudy-Vokacek was indicted in the Ketchikan Alaska Superior Court for two Felony counts of Third Degree Misconduct Involving a Controlled Substance, AS 11.71.030; Case No: 1KE-S02-1473 CR.

8. On January 31, 2003, Jennifer Cloudy-Vokacek was convicted, upon her plea of guilty, of one Felony count of Misconduct Involving a Controlled Substance in the Third Degree, AS 11.71.030. The Order Suspending Imposition of Sentence and Providing for Probation was filed in the Ketchikan Superior Court on February 11, 2003. Sentencing was suspended for one year and the defendant placed on probation with the requirement to serve 46 days of imprisonment with credit for time served in KarHouse treatment center. Ms. Cloudy-Vokacek was also ordered to pay a \$100 surcharge and subject to general conditions of probation.

9. On February 18, 2003, Jennifer Cloudy-Vokacek entered into treatment at KARHouse Residential Treatment Program which she completed on March 14, 2003

10. On December 9, 2003, the Notice of Intent Not to Set Aside Conviction after Suspended Imposition of Sentence was filed in the Ketchikan Superior Court as Ms. Cloudy-Vokacek failed to pay the \$100 surcharge.

11. On January 14, 2004, the Order of Discharge after Suspended Imposition of Sentence was filed in the Ketchikan Superior Court, the case closed and defendant discharged without imposition of sentence.

12. On October 16, 2006, as part of the application process, Ms. Cloudy-Vokacek submitted a written explanation to the 'yes' answers on the Character and Fitness Supplement. That explanation states that in February, 1999 she was arrested for simple assault charges after a fist fight at a party. She was sentenced to 3 days in jail, restitution and court costs. She was also arrested September 6, 2002 for Felony Possession of a Controlled Substance. She stated that she was found sleeping in her car. The officer obtained a search warrant. She believes they (the police) knew who she was and what she had and wanted to arrest her and her friend so they did what they could to obtain a search warrant. She was arrested after her car was searched and 12 grams of methamphetamine was found. She was eventually issued a Suspended Imposition of Sentence upon completion of 1 year of probation and Substance Abuse Treatment Program.

13. On November 27, 2006, Ms. Cloudy-Vokacek received a notice regarding a recommendation for pardon of the 1999 Simple Assault conviction. The notice indicated a recommendation was being sent to the Governor for final review and decision after her submission of an Executive Clemency application to the South Dakota Board of Pardons and Paroles.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Jennifer Cloudy-Vokacek and over the subject matter of this action.

2. Jennifer Cloudy-Vokacek 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) 181-86-170.

ORDER

THEREFORE, it is hereby ordered that the application for certification of Jennifer Cloudy-Vokacek be denied.

This Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 17th day of December, 2007.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



DR. ARLENE HETT
Review Officer