



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

I, Kelli Bennett, certify that on 5/23/01, 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)
APPLICATION OF)

THOMAS KETTERLING)
DOB [REDACTED] 1950)

OPP No. A01-04-0265

DENIAL ORDER
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 education application of Thomas Ketterling based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Thomas Ketterling applied for a Washington education certificate on February 20, 2001.
2. On or about December 12, 1995, a search warrant was served upon the residence of Mr. Ketterling and several boxes of pornographic literature, approximately 243 videotapes, a video entitled "LB XTRA YOUNG TEENS SERIES" (12-15 years of age) delivered by postal officials, and other miscellaneous items were seized by law enforcement officials. This is a video which

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contains depictions of sexually explicit conduct which has a child as one of its participants or portrayed observers, in violation of Neb. Rev. Stat. Section 28-1463.03(2), a Class III Felony.

3. On May 9, 1996, Mr. Ketterling entered a plea of "No Contest" to the aforementioned charge, the court accepted said plea. Mr. Ketterling was sentenced to two (2) years probation, including the provisions that Mr. Ketterling not seek employment in an educational setting involving students K-12 grades, that Mr. Ketterling seek counseling and successfully complete any recommended aftercare, and that seized evidence be forfeited by Mr. Ketterling or destroyed.

4. As a result of his no contest plea, on November 8, 1996 the Nebraska State Board of Education issued an Order permanently revoking the teaching certificate of Mr. Ketterling. In 1999 the court set aside and expunged the conviction. However, the plea may still be used to determine if applications filed under Nebraska law should be denied, suspended, and/or revoked. This includes teaching certificates.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Thomas Ketterling and over the subject matter of this action.
2. Thomas Ketterling 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.

3. Thomas Ketterling violated RCW 28.A.410.090 and WAC 180-86-013.

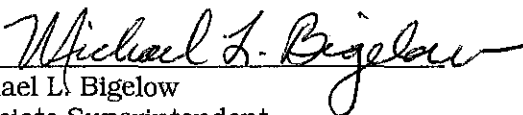
ORDER

THEREFORE, it is hereby ordered that the application for certification of Thomas Ketterling is denied.

This order may be appealed within thirty (30) calendar days from the date of receipt, pursuant to Chapter 180-86 WAC, copy enclosed.

DATED this 17th day of May, 2001.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: 
Michael L. Bigelow
Associate Superintendent
Budget and School Business Services