



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

I, Mary Myrfield, certify that on 1-28-02, 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)

OPP No. A01-10-0609

KEVIN MCGIVERN)
DOB [REDACTED]/1950)

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 Kevin McGivern based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. On September 21, 2001, Kevin McGivern applied for a Washington education certificate. He answered "yes" to question concerning a criminal history report but did not provide all the documentation requested on the application.

KEVIN MCGIVERN
DENIAL ORDER FOR CERTIFICATION -1-

2. The Federal Bureau of Investigation fingerprint results, a certification requirement, provided the following information:

January 1970:

Arrested for possession of dangerous drugs and/or narcotics, for which he was subsequently found guilty.

November 1996:

Arrested for controlled substance offense-deliver/manufacture – dismissed.

Arrested for controlled substance offense-deliver/manufacture – guilty, a felony.

Arrested for controlled substance offense-deliver/manufacture-dismissed.

3. In his explanation of the 1996 arrest, Kevin McGivern stated that: “Admitting that I was growing for profit was the worst thing I could have done, but that was the case.”

4. The arresting officer’s report describes a marijuana growing operation in Mr. Kevin McGivern’s residence.

5. Multnomah County District Court docket shows the 1996/97 case closed in February 2000, with all conditions completed.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Kevin McGivern and over the subject matter of this action.

2. Kevin McGivern 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.

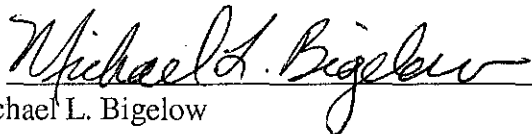
ORDER

THEREFORE, it is hereby ordered that the application for certification of Kevin McGivern 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 25th day of January, 2002.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

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