



# 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 5/21/01, 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 )  
)  
)  
FRANKLIN MIXON )  
DOB: [REDACTED]/1953 )  
\_\_\_\_\_ )

OPP No. A99-03-0276

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 Franklin Mixon based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Franklin Mixon applied for a Washington education certificate on 11/20/1998.

FRANKLIN MIXON  
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2. On October 16, 1998, the Commission issued a Statement of Charges alleging unprofessional conduct by the Respondent, and issued a Notice and Order of Summary Suspension.

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3. On October 29, 1998, the Respondent filed his Answer to the Statement of Charges, denying all charges and requesting a continued prompt hearing.

4. On November 19, 1998, the Commission issued an Order of Modifying Notice and Order of Summary Suspension which permitted the Respondent to practice registered nursing under certain terms and conditions, including, but not limited to, direct supervision.

5. May, 14, 1999 the Commission issued an Amended Statement of Charges to the Respondent, and filed a Motion for an Emergency Order suspending the Respondent's License to Practice Registered Nursing.

6. December 20, 1999, the Department of Health suspended the Registered Nursing License of Franklin Mixon. The Order further stated the last three years of the suspension are stayed.

7. During the period the Respondent's license is suspended (before the suspension is stayed), the Respondent shall complete the following courses: (1) an anger management course; (2) an ethics course that includes materials on abuse, dying and legal issues; and (3) a course on the recognition and management of abusive legal aspects of such situations.

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

#### **CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Franklin Mixon and over the subject matter of this action.

2. Franklin Mixon 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. Franklin Mixon violated the Uniform Disciplinary Act Code RCW  
180-86-013

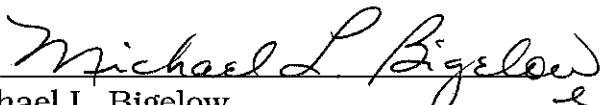
**ORDER**

THEREFORE, it is hereby ordered that the application for certification of Franklin Mixon 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 21st 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