

I, Maggie Paza) certify that on May 5, 2006, 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 PEARSON)
DOB: [REDACTED]/1968)
_____)

OPP No. A04-12-0443
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 the certificate application of Jennifer Pearson, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Jennifer Pearson applied for a Washington education certificate on September 28, 2004 as a candidate in the teacher education program at Western Washington University. The affidavit on the Character and Fitness Supplement signed by Jennifer Pearson on September 28, 2004 states: I, Jennifer Pearson, certify (or declare) under the penalty of perjury under the laws of the state of Washington that the foregoing and all information included in the application is true and correct. If the information provided or answer(s) to any question on the application or character and fitness supplement changes prior to my being granted certification, I must immediately notify the Office of Professional Practices and my college/university if I am a college/university candidate.
2. On the Character and Fitness Supplement, a part of the application process, Jennifer Pearson answered 'yes' to questions 9, 10 and 11, Section II, Professional Fitness, regarding resignation from previous employment while allegations of misconduct pending; discipline by previous employer for

misconduct; and investigation or inquiry by employer for allegations of misconduct. Jennifer Pearson also answered 'yes' to questions 1 and 2 of section III, Criminal History, regarding arrests for crimes or violations of the law in the last 10 years and fingerprinting as a result of any arrests.

3. Jennifer Pearson answered "no" to questions 3, 5 and 6, section III, Criminal history, regarding convictions of any crimes or violations of any laws in the last 10 years; outstanding criminal charges or warrants; and presently under investigation for possible criminal charges.

4. Jennifer Pearson submitted a written explanation which indicates she was arrested August 10, 2001 for Theft by the Mill Creek Police Department. Ms. Pearson indicated she had taken a few deposits from her employer, Starbucks, to try and solve her family's financial problems. The Prosecutor turned the case over to the Snohomish County Diversion Office. She further indicated the case would be dismissed upon completion of the requirements through the Diversion Office. Ms. Pearson indicated that she had decided to resign her position at Starbucks. On her last day she was questioned about the money and she admitted she had taken the money.

5. An incident report by the Mill Creek Police Department showed the loss to Starbucks in the amount of \$7,423. Jennifer Pearson was charged with Theft in the 1st Degree, a felony charge.

6. A letter dated October 7, 2003 from the Diversion Counselor verified Ms. Pearson's participation in a pre-trial diversion program as an alternative to prosecution for the charge of First Degree Theft. The Theft charge will be dismissed by the Prosecutor when she completes the diversion program.

7. A letter to Jennifer Pearson, dated January 20, 2005, from the Deputy Prosecuting Attorney indicates Jennifer Pearson completed her diversion requirements and made sufficient progress to

justify dismissal of the case. The letter states that Ms. Pearson will not be prosecuted any further for the crime of Theft 1 committed on or about April 1, 2001 to August 9, 2001.

8. On February 9, 2005, the Office of Professional Practices (OPP) issued a Notification of Clearance letter to Ms. Pearson with a copy mailed to Western Washington University. The notification of clearance letter states: "If information on your application or the supplement change prior to certification, it is your responsibility to notify the Office of Professional Practices." A temporary 180 day permit, with an issue date of June 10, 2005, was issued to Jennifer Pearson by Western Washington University. That permit expired December 6, 2005.

9. On March 11, 2005 an Information was filed in Snohomish County Superior Court charging Jennifer Pearson with Theft First Degree, RCW 9A.56.030, a felony; cause No. 05-1-00640-9. The Information and the Affidavit of Probable Cause stated from February 18, 2003 to November 30, 2004, Jennifer Pearson did wrongfully obtain or exert unauthorized control over property, to wit: money, in excess of \$30,000 from Zion Lutheran Church. Checks had been made payable to several creditors of the defendant, including Western Washington University. At the time of these incidents the defendant was enrolled in a diversion program for a 2001 theft allegation. She was successfully discharged from that program in early 2005. The diversion program was unaware of her involvement in this new crime for which she was arrested on February 14, 2005.

10. On July 6, 2005, Western Washington University wrote a letter to OPP, apprising them of the fact that they had received information that Jennifer Pearson was expected to plead guilty to an embezzlement charge involving a church and to be sentenced in September, 2005.

11. On July 28, 2005, OPP sent Ms. Pearson a request for information regarding the additional arrest/charge of theft. The letter requested a written explanation as to the failure to disclose the

information during the application process as well as the arresting officer's report, judgment and sentence and the court docket showing the final outcome of the case.

12. On August 25, 2005 a letter from Jennifer Pearson indicates that the reason she did not disclose the information on her application was that it occurred this spring. She did not contact OPP because she truly felt she was going to get it cleared up and dismissed. She had turned herself in February and thought she would be able to clear up the misunderstanding regarding the situation. She was the chairperson for her children's school auction and had sole discretionary responsibility over the funds. She had reimbursed herself for a lot of expenses related to the auction. She volunteered to immediately return the funds but they were not interested and filed a police report. She paid the money back through the courts; pleaded guilty and started community service. She has been going to counseling and made sure to never put herself in any position where she was in the charge of any monies.

13 On August 29, 2005, OPP received a letter from Jennifer Pearson indicating the awarding of a .5 teaching contract with the Arlington Public Schools. Included with that letter was a Statement of Defendant on Plea of Guilty, Sentence Recommendation, a copy of cashier's check for \$25,000 to Snohomish County Superior Court, and a teaching contract with Arlington Public Schools.

14. On September 27, 2005, OPP sent a letter to Ms. Pearson indicating the documentation previously submitted was not sufficient and additional documentation will be necessary, including the arresting officer's report and final judgment and sentence signed by the judge.

15. On October 4, 2005, OPP received a letter from Jennifer Pearson which included the Judgment and Sentence indicating the finding of Jennifer Pearson as guilty of a felony offense, First Degree Theft on June 16, 2005. She was ordered to 30 days confinement and pay restitution of \$30,981.48. The arresting officer's report was not included in the documentation.

16. On December 7, 2005, OPP received documentation from Arlington School District which indicated that the offer to Jennifer Pearson for the .5 contract was rescinded based on a mutual agreement. Ms. Pearson was employed for one day, with no students. Enclosed was the application for employment through Arlington School District in which Ms. Pearson signed an affidavit on July 8, 2005. Ms. Pearson answered 'no' to the question which asks: "Have you ever resigned from or otherwise left any employment while allegations of misconduct on your part were pending or under investigation?" Ms. Pearson had indicated to the Office of Professional Practices on the CFS that she had resigned from Starbucks while allegations of misconduct were pending.

17. Ms. Pearson also signed an affidavit dated July 8, 2005 on the Employment Disclosure Statement from Arlington School District and answered 'no' to the question which asks: "Do you have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus driver, or other colleagues? A serious behavioral problem includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: dishonesty, immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student?" [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Jennifer Pearson and over the subject matter of this action.
2. Jennifer Pearson has failed to provide clear and convincing evidence of good moral character or personal fitness to receive a Washington Education Certificate, (WAC) 180-86-170.

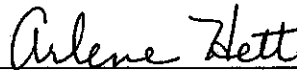
ORDER

THEREFORE, it is hereby ordered that the application for certification of Jennifer Pearson 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 25th day of May, 2006.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



DR. ARLENE HETT
Review Officer