



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

I, Mary Myrdal, certify that on 8-29-01, 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)
CERTIFICATE OF)

OPP No. D99-12-136

Carl Kenny Butler)
Certificate No. 374030E)

FINAL ORDER OF)
REVOCATION)

Thirty calendar days have transpired since the mailing to Carl Kenny Butler of a Proposed Order of Revocation. Carl Kenny Butler's failure to make a timely appeal of such order authorizes this agency to issue a Final Order of Revocation based on the Findings of Fact and Conclusions of Law set forth in the Proposed Order of Revocation. The following is hereby entered:

FINDINGS OF FACT

1. Carl K. Butler was issued a Washington Education Certificate, No. 374030E, on December 7, 1999. This certificate currently remains valid.
2. Carl K. Butler is employed by the Seattle School District as a full time Special Education Assistant.

CARL KENNY BUTLER
FINAL ORDER OF REVOCATION

3. On December 29, 1999, the Office of Professional Practices, within OSPI, initiated an investigation of Carl K. Butler based upon the results of the criminal history background check done in accordance with RCW 28A.400.303, and under the authority granted in RCW 28A.410.090.

4. Carl K. Butler answered "no" to questions 1-5 of section III, Criminal History, of the Character and Fitness Supplement, a part of the application process. On July 1, 1999, Carl K. Butler signed the affidavit certifying under the penalty of perjury under the laws of the state of Washington that all information included in the application is true and correct.

5. On November 15, 1999, OPP received the Federal Bureau of Investigation (FBI) Identification Record No. 142825J3, which documents four (4) arrests of Carl K. Butler:

- a. Arrested July 25, 1971, for possession of schedule III controlled substance.
- b. Arrested June 20, 1983, for placing threatening, obscene and abusive phone calls.
- c. Arrested June 19, 1988, for forcible rape.
- d. Arrested October 13, 1989, for DUI and related traffic charges.

6. On December 2, 1999, Carl K. Butler was mailed a copy of the FBI criminal history records.

7. On December 31, 1999, Carl K. Butler received a letter from OPP notifying him of the investigation.

8. On July 6, 2000, OPP mailed a certified letter to Carl K. Butler requesting him to contact OPP regarding his application for a Washington State Vocational Teacher Certificate, specifically the Character and Fitness Supplement. On July 26, 2000, OPP received a letter from Carl K. Butler briefly describing the arrests. This letter did not provide the information required in items "a" through "g" in Section III – Criminal History.

9. Between July 5, 2000 and September 15, 2000 the OPP investigator left nine (9) messages for Carl K. Butler, on his home telephone message machine, to call OPP. Carl K. Butler did not return any of the phone messages.

10. On August 9, 2000, a certified letter was mailed to Carl K. Butler requesting additional information relating to questions 1-5 on the Criminal History Character and Fitness Supplement. The certified letter was returned to OPP on September 7, 2000, as unclaimed.

11. On September 18, 2000, Carl K. Butler was called at Rainier View Elementary, at which time he refused to discuss the issue of his criminal history. He did confirm his address as the same one the certified letter was sent to on August 9, 2000. Carl K. Butler acknowledged he did not claim the certified letter.

12. On October 2, 2000, OPP received certified documents from the Criminal District Court, Parish of New Orleans. These documents certify that Carl K. Butler was arrested for 1) forcible rape, 2) simple burglary and 3) possession of a controlled substance. Carl K. Butler plead guilty to the charge of possession of a controlled substance on May 10, 1972.

13. Good moral character and personal fitness is a continuing requirement to maintain a Washington education certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Carl K. Butler and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence, that the Washington education certificate, No. 374030E, of Carl K. Butler, should be revoked as provided for in WAC 180-86-075.

3. Carl K. Butler has violated WAC 180-87-050.

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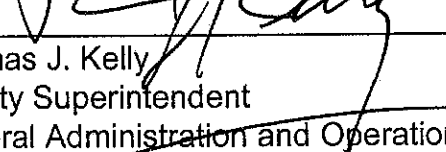
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ORDER

THEREFORE, it is hereby ordered that the Washington education certificate, No. 374030E, of Carl Kenny Butler be revoked.

DATED This 23rd day of August, 2001.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: 
Thomas J. Kelly
Deputy Superintendent
General Administration and Operations