



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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

IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D07-07-073
	)	
Todd Hoiness	)	FINAL ORDER
Certificate No. 410157B	)	OF REVOCATION
	)	

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 revoke the Washington Education Certificate, No. 410157B, of Todd Hoiness, based on the Findings of Fact and Conclusions of Law set forth below:

## FINDINGS OF FACT

1. Todd Hoiness was issued a Washington Education Certificate, No. 410157B, on July 28, 2003. That currently remains valid.
2. Todd Hoiness is employed by the Hoquiam School District.
3. On July 24, 2007, the Office of Professional Practices, within OSPI, received a complaint letter alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Todd Hoiness.

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4. From November 2006 to mid-June of 2007, Mr. Hoiness was involved in a sexual relationship with an 18 year old female high school student, K.B. The female student did not graduate from high school until the end of the 2006-2007 school year.

5. From November 2006 to mid-June of 2007, Mr. Hoiness had sexual intercourse and sexual contact with K.B.

6. From November 2006 to mid-June 2007, Mr. Hoiness and K.B. exchanged cell phone text messages, notes, letters, and phone calls.

7. On March 2, 2007, Mr. Hoiness and K.B. traveled together to Kelso, Washington and stayed the night at the Econo Lodge. Mr. Hoiness and K.B. left the Econo Lodge on March 3, 2007.

8. On March 3, 2007, Mr. Hoiness and K.B. traveled together to Portland, Oregon and stayed the night at a Clarion Hotel. During the time at the Clarion Hotel, Mr. Hoiness and K.B. had sexual intercourse and sexual contact. They left the hotel on March 4, 2007 and returned to the Aberdeen/Hoquiam area.

9. On June 15, 2007, Hoquiam Police Department began an investigation into allegations that Mr. Hoiness was having sexual contact with a Hoquiam High School student during the school year; Hoquiam Police Department report #07-HI06728.

10. On June 16, 2007, Mike Parker, Superintendent for the Hoquiam School District spoke with Mr. Hoiness about allegations of a relationship with K.B. During the conversation, Mr. Hoiness confirmed that he had kissed and touched K.B.

11. On June 16, 2007, Mr. Hoiness was placed on administrative leave by the Hoquiam School District.

12. On June 20, 2007, Mr. Hoiness was interviewed by the Hoquiam Police Department. Mr. Hoiness stated that by January 2007, the relationship with K.B. had evolved into a romantic relationship. Mr. Hoiness admitted to meeting K.B. in the evenings and kissing K.B. Mr. Hoiness said that in May of 2007, he and K.B. met on an unknown date in the evening and traveled together to a logging road. They stopped on the logging road and engaged in sexual contact. Mr. Hoiness signed a sworn statement at the conclusion of the interview; Hoquiam Police Department report #07-H06728.

13. On June 21, 2007, a Criminal Complaint (Preliminary Hearing) and Motion and Declaration for Order Directing Issuance of Summons was filed in Grays Harbor District Court #1 charging Mr. Hoiness with Sexual Misconduct with a Minor in the 1<sup>st</sup> Degree; Case # 2007220.

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14. On July 10, 2007, an Information and Motion and Declaration for Summons was filed in Grays Harbor County Superior Court charging Mr. Hoiness with Sexual Misconduct with a Minor in the 2<sup>nd</sup> Degree, RCW 9A.44.096; Grays Harbor County Superior Court Cause #07-1-00384-6.

15. On July 11, 2007, Mr. Hoiness signed a Plea Agreement and a Statement of Defendant on Plea of Guilty to Sex Offense; Grays Harbor County Superior Court Cause #07-1-00384-6. In the statement, Mr. Hoiness says that "On the date alleged in Grays Harbor County, I had sexual contact with K.N.B.; who was 18 years old. I was a school employee of Hoquiam High School and K.N.B. was a registered student of Hoquiam High School at the time of sexual contact between us. At the time of the sexual contact, I was 40 years old."

16. On July 23, 2007, Mr. Hoiness was issued a Notice of Probable Cause for Discharge by Michael Parker, Superintendent of the Hoquiam School District.

17. On July 30, 2007, Mr. Hoiness filed an appeal of the Notice of Probable Cause for Discharge issued by the Hoquiam School District.

18. On July 30, 2007, Mr. Hoiness was sent a letter advising him of his opportunity to respond the allegations of professional misconduct and, if he chose, to provide a written response to the Office of Professional Practices by August 20, 2007.

19. On August 16, 2007, Mr. Hoiness was found guilty, by plea, of Sexual Misconduct with a Minor 2<sup>nd</sup> Degree, RCW 9A.44.096, and sentenced to: \$860 total fines and restitution; twelve (12) months confinement with six (6) months suspended; alternative conversion of thirty (30) days converted to 240 hours of community service that shall not involve working with anyone under age of 18 years old; twenty-four (24) months probation under the supervision of the Department of Corrections; terms and conditions of probation, including but not limited to, hold no position of authority or trust with minor children; and sex and kidnapping offender registration; Grays Harbor County Superior Court Cause #07-1-00384-6.

20. Mr. Hoiness has not provided a response to the allegations of professional misconduct to the Office of Professional Practices.

21. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Todd Hoiness and over the subject matter of this action.
  
2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 410157B, of Todd Hoiness, should be revoked as provided for in WAC 181-86-075.
  
3. Todd Hoiness has violated WAC 181-87-080, RCW 28A.410.090, WAC 181-86-013, and/or WAC 180-86-014.

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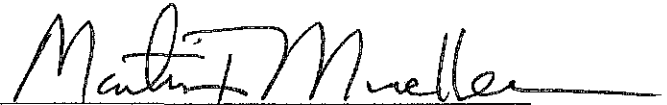
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ORDER

It has been thirty days since the Proposed Order of Revocation was received. The appeal time period has passed. It is hereby ordered that the Washington Education Certificate, No. 410157B, of Todd Hoiness is Revoked.

DATED This 5<sup>th</sup> day of October, 2007.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington



Martin T. Mueller  
Assistant Superintendent  
Student Support and Operations