



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. D07-04-037
)	
BERNADINE MAHAR)	FINAL ORDER
Certificate No. 289709H)	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. 289709H, of Bernadine Mahar, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Bernadine Mahar was issued a Washington Education Certificate, No. 289709H, on February 15, 1989. That certificate currently remains valid.

2. Bernadine Mahar was employed by the South Whidbey School District.

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3. On April 11, 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 Bernadine Mahar.

4. Bernadine Mahar was employed as the principal at South Whidbey Primary School for the 2006/2007 school year.

5. Between, approximately August 2006 through December 2006, Bernadine Mahar took approximately \$5,100.00 in money meant for the South Whidbey Primary School Account and/or South Whidbey School District.

6. On January 17, 2007, while reconciling bank statements, District Service Center employee Karen Holcum noted discrepancies in deposits submitted to the primary school account in the amount of Four-Hundred and Fifty dollars (\$450) in cash.

7. On January 17, 2007, Karen Holcum went to South Whidbey Primary School and explained the discrepancy to Principal, Bernadine Mahar, and the office staff.

8. On January 18, 2007, Bernadine Mahar took checks from the ASB T-Shirt fund, totaling Four-Hundred and Forty-Two dollars, along with a personal check for Eight dollars (\$8) and deposited it into the South Whidbey Primary School account to cover the difference.

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9. On January 19, 2007, Bernadine Mahar took cash from her personal account, in the amount of Four-Hundred and Fifty dollars (\$450) and deposited it into the ASB account to cover for the amount taken the day prior.

10. On January 23, 2007, the South Whidbey School Superintendent made a complaint to the Island County Sheriff's Office, who started an investigation. Island County Sheriff's Office, case number: 07-I01639.

11. On January 25, 2007, Bernadine Mahar spoke with Superintendent McCarthy and admitted to taking money from the South Whidbey Primary School Account.

12. On January 25, 2007, Bernadine Mahar was placed on paid administrative leave by Superintendent McCarthy.

13. On January 25, 2007, Bernadine Mahar, in a recorded statement with Detective Plumberg from the Island County Sheriff's Office, confirmed she had admitted to taking \$450 in cash belonging to the Primary School account to Superintendent McCarthy earlier in the day, and admitted the same to Detective Plumberg. When asked, Mahar stated the \$450 had been the only amount she had taken, and she had paid that amount back into the account.

14. On January 30, 2007, Bernadine Mahar submitted a letter of resignation, effective February 2, 2007 to the South Whidbey School Board of Directors and to Superintendent McCarthy.

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15. On July 16, 2007, an Affidavit of Probable Cause and Information were filed in the Island County Superior Court, charging Bernadine Mahar with, one count of Theft in the First Degree, and four counts of Theft in the Second Degree. Island County Cause #: 07-1-00176-1. The Information showed five amounts taken by Bernadine Mahar. They were listed as Two-Thousand Seven-Hundred dollars (\$2,700) between August 9, 2006 and August 14, 2006; Four-Hundred and Fifty dollars (\$450) between December 5, 2006 and December 12, 2006; One-Thousand Three-Hundred and Fifty dollars (\$1,350) between September 8, 2006 and September 22, 2006; Three-Hundred dollars (\$300) between July 1, 2006 and July 10, 2006, and Three Hundred dollars (\$300) between November 20, 2006 and December 2, 2006.

16. On January 7, 2008, Bernadine Mahar entered a plea of guilty, to one felony count of Theft in the First Degree (RCW 9A.56.030 (1)(a)), and gave the following statement in her plea of guilty: *"Between August 9, 2006 and August 14, 2006, I did wrongfully take \$2,700 from the South Whidbey School District and converted it to my own use with intent to deprive the school district of the money. This occurred in Island County, Washington."* Bernadine Mahar was sentenced to 90 days of custody, and to pay \$4,650.00 in restitution to the South Whidbey School District, \$500.00 to Victim assessment, \$217.00 to court costs, and \$100.00 for a Felony DNA collection fee; Island County Cause number: 07-1-00176-1.

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17. On January 31, 2008, a letter was sent from OPP to Bernadine Mahar requesting the opportunity to speak with her about the allegations, or to have her submit documentation for review. The letter requested she contact OPP no later than February 15, 2008. As of April 7, 2008, Ms. Mahar has not contacted OPP to provide a response to the allegations of misconduct.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Bernadine Mahar and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 289709H, of Bernadine Mahar, should be revoked as provided for in WAC 181-86-075.
3. Bernadine Mahar has violated WAC 181-87-060, WAC 181-86-013, and/or WAC 180-86-014.

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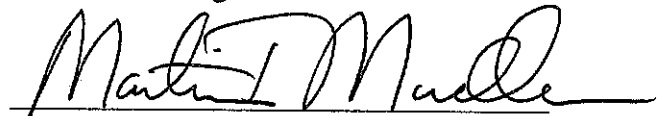
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ORDER

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. 289709H, of Bernadine Mahar is Revoked.

DATED This 20th day of May, 2008.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support