

SUPERINTENDENT OF PUBLIC INSTRUCTION

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

I, Tony Kim, certify that on 2/25/2000, I mailed, certified, a copy of this document, 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. D97-07-118

BRYAN LEE LUNDGAARD)
Certificate No. 250963F)

AGREED ORDER OF)
STAYED SUSPENSION)

COMES NOW the Office of Superintendent of Public Instruction, 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 suspend, with said suspension being stayed, the Washington education certificate of Bryan Lee Lundgaard for a minimum of thirty-six (36) months from the date of entry of the Agreed Order of Stayed Suspension, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Bryan Lee Lundgaard was issued a Washington Continuing Teaching Certificate on August 12, 1988. That certificate currently remains valid.
2. Bryan Lee Lundgaard is employed by the Tacoma School District.

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3. On July 11, 1997, the Office of Professional Practices, the Office of Superintendent of Public Instruction, filed a Notice of Official Complaint based upon the results of Bryan Lee Lundgaard's criminal history background check done in accordance with the Revised Code of Washington (RCW) 28A.410.010.

4. Bryan Lee Lundgaard was arrested on August 31, 1995 for assault in the Fourth Degree, Resisting Arrest and Domestic Violence. Bryan Lee Lundgaard did push and strike his wife. Bryan Lee Lundgaard plead guilty and received two years probation. This case was closed by Pierce County District Court on September 26, 1997.

5. Bryan Lee Lundgaard was arrested on September 21, 1998 for assault in the Fourth Degree Domestic Violence. Bryan Lee Lundgaard did push his wife. Bryan Lee Lundgaard plead guilty and is presently on probation. Bryan Lee Lundgaard's case will be reviewed by the court on November 17, 2000.

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

CONCLUSIONS OF LAW

1. The Office of Superintendent of Public Instruction (OSPI) has jurisdiction over Bryan Lee Lundgaard and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that Bryan Lee Lundgaard's education certificate should be suspended as provided for in WAC 180-86-070.

3. OSPI has determined, however, that Bryan Lee Lundgaard does meet the requirements to maintain certification with stipulations.

ORDER

It is hereby ordered and agreed, that the Washington education certificate of Bryan Lee Lundgaard be suspended for a minimum of thirty-six (36) months, with said suspension being stayed.

If Bryan Lee Lundgaard fails to adhere to the stipulations of this agreement, Bryan Lee Lundgaard's Washington education certificate will be suspended immediately. Bryan Lee Lundgaard will have no appeal rights to that suspension. The waiver of appeal is only to the suspension that is the subject matter of this order. It would not apply to any new disciplinary imposed or proposed to be imposed by OPP.

Relief of the stayed suspension shall be considered at the end of the thirty-six (36) months based upon the successful compliance of the following stipulations:

1. No violations of the law relating to any type of alcohol and/or drug abuse;
No violations of the law relating to any type of assault, either verbal or physical;
No violations of the law relating to Domestic Violence.

2. Bryan Lee Lundgaard will have no violations of WAC 180-86-013/014, WAC 180-87, or RCW 28A.410.090.

3. If other violations of the law occurs, the Office of Professional Practices will review the situation to determine if Bryan Lee Lundgaard must be investigated in regard to his certificate.

4. Bryan Lee Lundgaard will refrain from conflicts in which Bryan Lee Lundgaard could lose self-control, and through anger intimidation, threaten or cause harm to any child or adult.

5. Bryan Lee Lundgaard will participate in the alcohol treatment program will be selected by Bryan Lee Lundgaard's probation officer. Bryan Lee Lundgaard will ensure that the counselor forwards a copy of the evaluation and treatment recommendations to the Office of Professional Practices within 30 days of the signing of the order.

6. Bryan Lee Lundgaard will provide the Office of Professional Practices with signed consent/release forms when requested, in order for the Office of Professional Practices to openly dialogue with counselors and court officers on Bryan Lee Lundgaard's behalf.

7. Bryan Lee Lundgaard will comply with all orders of the court. Bryan Lee Lundgaard will provide the Office of Professional Practices with a current court docket to compliance with 30 days this order being signed. Thereafter, Bryan Lee Lundgaard will provide the Office of Professional Practices with a current court docket every six months. Upon dismissal of his probation Bryan Lee Lundgaard will provide the Office of Professional Practices with the final court order.

8. Bryan Lee Lundgaard will have no alcohol/drug related violations while this agreement is in effect. If Bryan Lee Lundgaard is cited for any infraction in which alcohol/drugs are involved, Bryan Lee Lundgaard agrees to contact the Office of Professional Practices within 48 hours and self-report.

9. Bryan Lee Lundgaard must respond in a timely manner all requests to the Office Professional Practices, both by telephone and by correspondence.

10. Should Bryan Lee Lundgaard decide to pursue an education certificate in a state other than the state of Washington, Bryan Lee Lundgaard agrees to provide a copy of this Agreed Order of Stayed Suspension to the Department of Education in that state.

11. Bryan Lee Lundgaard must keep the Office of Professional Practices apprised of any change in name, address, telephone number, and employment status.

It is understood that adherence to this Agreed Order of Stayed Suspension and fulfillment of the stipulations are the responsibility of Bryan Lee Lundgaard. Bryan Lee Lundgaard will not be prompted by OPP to carry out these duties.

Upon successful completion of the above stipulations, Bryan Lee Lundgaard may apply to lift the stayed suspension by submitting a reinstatement application, available from OPP, and having new fingerprints be checked by both the Federal Bureau of Investigation and the Washington State Patrol.

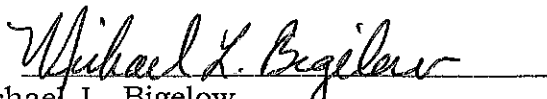
DATED this 22nd day of March, 2000.

Stipulated to and approved for entry;


Bryan Lee Lundgaard, Respondent


Wayne Clark Fricke, Attorney

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: 
Michael L. Bigelow
Assistant Superintendent
Budget and School Business Services