



# 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 )  
APPLICATION OF )  
  
ABEL DELAROSA )  
DOB: 2/12/1969 )

OPP No. A02-07-0390  
  
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 Abel DeLaRosa for a minimum of twelve (12) months from the date of entry of the Agreed Order of Stayed Suspension, or the issue date of the Washington education certificate, whichever comes later, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Abel DeLaRosa applied for a Washington Education Certificate on April 22, 2002.
2. Abel DeLaRosa is currently a student at Eastern Washington University.
3. On the Character and Fitness Supplement, a part of the application process, Abel DeLaRose answered "no" to all of the questions in section III (Criminal History). Routine fingerprint

ABEL DELAROSA  
AGREED ORDER OF STAYED SUSPENSION -1-

background checks through the Washington State Patrol (WSP) and Federal Bureau of Investigation (FBI) indicate that Abel DeLaRosa's "no" answers are false.

4. Abel DeLaRosa's fingerprint background check through the WSP resulted in the following charges:

1. May 1992 Criminal Trespass 1 (gross misdemeanor): guilty.
2. March 1993 Burglary 2 (B Felony): guilty, jail 30 days, community supervision 12 months.

5. Abel DeLaRosa's fingerprint background check through the FBI resulted in the following charges:

1. March 1993 Burglary 2: guilty, 30 days, community supervision 12 months.
2. May 1999 Vehicle DWUIL.

6. On May 29, 1992, Abel DeLaRosa was charged with Criminal Trespass in the 1<sup>st</sup> Degree. On March 24, 1993, the Spokane County District Court found Mr. DeLaRosa guilty of Criminal Trespass in the 1<sup>st</sup> Degree. The court ordered him to the following: \$200.00 in fines and 365 days in jail with 365 days suspended. The case was closed May 11, 1993.

7. Abel DeLaRosa included a written statement with his original application in regards to the March 1993 Burglary. The following was derived from his statement:

On April 8, 1993 Abel DeLaRosa and a friend went out drinking. When it came time to leave, Mr. DeLaRosa and his friend went to a "certain location" to use the restroom. Once there, the two entered the building and proceeded to take a printer. The police arrived and they were charged with 2nd Degree Burglary. Mr. DeLaRosa's reasoning for answering "no" is because he thought it was over ten years ago.

Abel DeLaRosa included documentation from the State of Washington Department of Corrections Division indicating completion of his termination from the Department of Corrections for the 2<sup>nd</sup> Degree Burglary charge.

8. On November 17, 1997, Abel DeLaRosa was charged with Physical Control. On May 12, 1998, the charge was amended to Negligent Driving in the 1<sup>st</sup> Degree. The Spokane County District Court found Mr. DeLaRosa guilty of Negligent Driving in the 1<sup>st</sup> Degree. The court ordered Mr. DeLaRosa to the following: \$625.00 in fines; 90 days in jail with 90 days suspended; 24 months probation; alcohol evaluation and attend a DUI victim's impact panel. Mr. DeLaRosa complied with all stipulations except for his probation. Mr. DeLaRosa committed a new violation. The court docket provided indicates the case is in "open" status.

9. On May 6, 1999, Abel DeLaRosa was charged with Driving Under the Influence (DUI). On July 20, 1999 the Spokane County District Court ordered Mr. DeLaRosa into a deferred prosecution. The court ordered Mr. DeLaRose to pay \$1,325.00 in fines. Mr. DeLaRosa paid all fines and is currently on deferred prosecution. The court docket provided indicates the case is in "open" status.

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

#### CONCLUSIONS OF LAW

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

2. Abel DeLaRosa has failed to provide clear and convincing evidence of good moral character or personal fitness to receive a Washington education certificate, Washington Administrative Code (WAC) 180-86-170. Such good moral character and personal fitness is a certification requirement in the state of Washington, WAC 180-79A-150; and defined in WAC 180-86-013.

3. OSPI has determined, however, that Abel DeLaRosa does meet the requirements to hold certification with stipulations.

### **ORDER**

It is hereby ordered, and agreed, that the Washington education certificate of Abel DeLaRosa be suspended for a minimum of twelve (12) months, with said suspension being stayed.

If Abel DeLaRosa fails to adhere to the stipulations of this agreement, Abel DeLaRosa's Washington education certificate will be suspended immediately. Abel DeLaRosa 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 twelve (12) 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 violations.

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

3. Abel DeLaRosa must keep OPP apprised of any change in name, address, telephone number, and employment status.

4. Abel DeLaRosa will provide a copy of this agreement to his employing superintendent/administrator upon initiation of employment in any Washington public or private school district or educational service district. The superintendent/administrator will notify OPP that the agreement has been submitted.

5. Should Abel DeLaRosa decide to pursue an education certificate in a state other than the state of Washington, Mr. DeLaRosa agrees to provide a copy of this Agreed Order of Stayed Suspension to the Department of Education in that state.

6. Abel DeLaRosa will provide OPP with a copy of a current 5-year driving abstract six months after the Agreed Order of Suspension is issued, and then again upon lifting the stayed suspension. Any costs associated with this stipulation are the responsibility of Abel DeLaRosa.

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

It is understood that this order is good for one year from the date it is signed. If Abel DeLaRosa has not been issued a Washington education certificate within that period of time, this order and its accompanying notification of clearance will become null and void.

Upon successful completion of the above stipulations, Abel DeLaRosa 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. Mr. DeLaRosa must also provide OPP with a current five-year driving abstract and copies of current court dockets for the 1997 Negligent Driving and 1999 DUI court cases.

DATED this 7<sup>th</sup> April day of March, 2003.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

Stipulated to and approved for  
entry; notice of presentation  
waived:

Abel DeLaRosa  
Abel DeLaRosa, Respondent

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