



SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON

OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200

I, Stan Baccusyk, certify that on 8/1/01, 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. D01-01-011

DAVID A. HOFFPAUIR)
Certificate No. 259558E)

AGREED ORDER OF)
SUSPENSION)

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 suspend the Washington education certificate, No. 259558E, of David A. Hoffpauir, for a minimum of sixty (60) months, with forty eight (48) months being stayed, based on the Findings of Fact and Conclusions of Law set forth below:

Findings of Fact

1. David A. Hoffpauir was issued Washington Education Certificate, No. 259558E, on April 6, 1984. David A. Hoffpauir currently holds a valid Continuing Teacher Certificate.
2. David A. Hoffpauir was employed as a teacher by the Upper Columbia Conference of Seventh-Day Adventists during the 1999/2000 school year.
3. On or about August 23, 2000, the Office of the Superintendent of Public Instruction received a letter from the Superintendent of the Upper Columbia Conference Seventh-Day Adventists School District alleging an act of unprofessional conduct, by David A. Hoffpauir.

DAVID A. HOFFPAUIR
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4. On or about May 22, 2000 the Superintendent of the Upper Columbia Conference Seventh-Day Adventists placed David A. Hoffpaur on Administrative Leave. David A. Hoffpaur was suspended without pay effective November 1, 2000 for the remainder of the 2000/2001 school year.
5. On or about August 7, 2000, the Prosecuting Attorney for Okanogan County, Washington, filed criminal complaint Y0-88, in Okanogan County District Court, alleging three violations of RCW 9A.36.041(1), Assault in the Fourth Degree by David A. Hoffpaur. The complaint alleges that on or between the dates of May 1, 2000 and May 31, 2000; David A. Hoffpaur intentionally assaulted three female students by holding, kissing, and/or hugging them.
6. During November and December 2000 David A. Hoffpaur underwent a psychosexual examination provided by Okanogan River Counseling Offices. Based on the examination, David A. Hoffpaur was found to be suffering from cognitive, emotional and behavioral problems and counseling was recommended.
7. On or about March 2, 2001, in Cause Number YO-88, District Court of Washington for Okanogan County, David A. Hoffpaur signed a Statement of Defendant on Plea of Guilty to one count of Assault, 4th Degree, a violation of RCW 9A.36.041(1). David A. Hoffpaur admitted that on more than one occasion he had a female elementary school student sit on his lap while he kissed and hugged her.
8. On or about March 2, 2001, in Cause Number YO-88, District Court of Washington for Okanogan County, an Order on Deferred Prosecution was issued. The Court found that David A. Hoffpaur's wrongful conduct is a result of or caused by mental health problems for which David A. Hoffpaur is in need of treatment and unless treated the probability of future reoccurrence is great. The Court deferred prosecution until three (3) years after David A. Hoffpaur has successfully completed a two-year treatment program provided by Okanogan River Counseling Services, which began in March 2001.

9. David A. Hoffpaur admits and acknowledges that his behavior was unprofessional and inappropriate. David A. Hoffpaur admits and acknowledges that he must participate in counseling as recommended by his health care provider at the Okanogan River Counseling Services.

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

Conclusions of Law

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

2. OSPI has shown by clear and convincing evidence that Washington education certificate, No. 259558E, of David A. Hoffpaur, should be suspended as provided for in WAC 180-86-070.

3. David A. Hoffpaur has violated Washington Administrative Code (WAC) 180-86, 180-87, Revised Code of Washington (RCW) 28A.410.

ORDER

THEREFORE, it is hereby ordered and agreed that the Washington education certificate, No. 259558E, of David A. Hoffpaur be suspended for sixty months with forty-eight months being stayed. The effective date of this Order shall be November 1, 2000. The Washington education certificate No. 259558E, of David A. Hoffpaur shall be suspended from November 1, 2000 through October 31, 2005, with the period beginning October 31, 2001 through October 31, 2005 being stayed.

If David A. Hoffpauir fails to adhere to the stipulations of this agreement, David A. Hoffpauir's Washington education certificate will be suspended immediately, for the full term of sixty months, from the date OSPI becomes aware of the violation. David A. Hoffpauir 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.

Relief of stayed suspension shall be considered at the end of the sixty months based upon the successful compliance of the following stipulations:

1. David A. Hoffpauir will continue the treatment program outlined by Okanogan River Counseling Services until such time as the counselor determines no further treatment is required. David A. Hoffpauir will ensure that the counselor forwards a statement every three months for the first year and every six months during the second year to include treatment compliance, prognosis, and attendance. David A. Hoffpauir will ensure that the counselor forwards a statement regarding successful treatment completion to OPP to include a statement regarding resolution of the cognitive, emotional and behavioral problems outlined in the deferred prosecution evaluation report.
2. David A. Hoffpauir will refrain from any inappropriate conduct or contact with students. David A. Hoffpauir will have no violations of the law wherein children/students are the victims.
3. David A. Hoffpauir will have no violations of WAC 180-86-013/014, WAC 180-87, or RCW 28A.410.090.

4. Should David A. Hoffpauir decide to pursue an education certificate in a state other than the state of Washington, David A. Hoffpauir agrees to provide a copy of this Agreed Order to the Department of Education in that state.
5. David A. Hoffpauir will keep current the necessary information release forms to allow counselors to participate in open dialogue with OPP regarding his treatment.
6. David A. Hoffpauir shall not seek or accept employment as a certificated teacher until the stayed portion of the suspension takes effect on November 1, 2001, and then only after OPP has received a statement from David A. Hoffpauir's counselor that David A. Hoffpauir is not a danger or threat to any student in an educational setting.
7. David A. Hoffpauir 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.

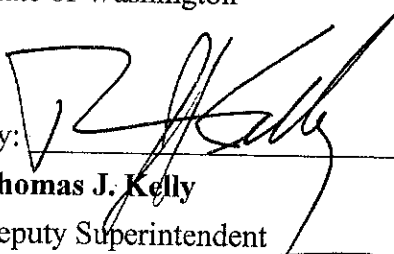
If David A. Hoffpauir's employing superintendent/administrator changes, or if David A. Hoffpauir changes education employment, David A. Hoffpauir must apprise the new superintendent/administrator of this agreement and must notify OPP that the agreement has been submitted.

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

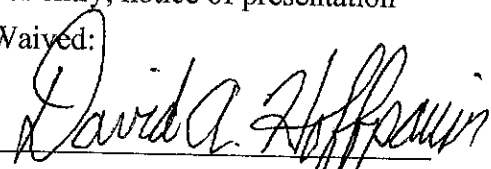
Upon successful completion of the above stipulations, David A. Hoffpauir may apply to lift the stayed suspension by submitting a reinstatement application provided by the Office of Professional Practices, submitting a final court order documenting that David A. Hoffpauir has successfully completed the requirements of the deferred prosecution and the pending charge has been dismissed, and having David A. Hoffpauir's fingerprints checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

22nd
10th
16
August
8
DATED this 16 day of August 2001.

Dr. Terry Bergeson
Superintendent of Public Instruction
State of Washington

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

Stipulated to and approved
For entry; notice of presentation
Waived:


David A. Hoffpauir, Respondent