



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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

June 1, 2004

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Anthony P. Benson  
[REDACTED]

RE: Certificate No.: 242155J  
OPP No.: D94-06-100

Dear Mr. Benson:

Enclosed is your copy of the Stipulation For Order of Dismissal retroactively setting your suspension from 11/16/01 to 12/6/03. This order is considered final and subsequently closes this matter.

Your statement rebutting the charges against you has been added to the investigative file.

If you have any questions, please do not hesitate to call me at (360) 725-6136.

Sincerely,

Charles Schreck, Director  
Office of Professional Practices

CS:jfe

Enclosure: Stipulation for Order of Dismissal

cc: Carl Oreskovich  
Sue Pennington/NASDTEC

I, Mymn Euckin, certify that on 6/2/04, 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.

I, Irwin M. Kessel certify that on 11-16-01, 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 )

ANTHONY P. BENSON )  
CERTIFICATE #242155J )

OPP No. D97-06-106

PROPOSED FINAL ORDER  
OF SUSPENSION

COMES NOW Lin Douglas, the Informal Review Officer of the Superintendent of Public Instruction, having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby suspend the education certificate of Anthony P. Benson, based on the Findings of Fact and Conclusions of Law set forth below:

#### FINDINGS OF FACT

1. Anthony P. Benson was issued a Washington Education Certificate, No. 242155J, on August 15, 1980. Anthony P. Benson currently holds a valid Continuing Elementary and Secondary Teacher Certificate.
2. Anthony P. Benson was employed as a teacher by the Central Valley School District #356 from the 1982/83 school year through the 1993/94 school year.
3. On or about June 3, 1994, the Office of Superintendent of Public Instruction received a letter from the Superintendent of the Central Valley School District alleging an act of inappropriate conduct, by Anthony P. Benson.
4. Anthony P. Benson, on more than one occasion, engaged in inappropriate conduct and made inappropriate comments to students. On more than one occasion, Anthony P. Benson received directions from Central Valley School District administrators regarding his verbal and physical contact with students.
5. On or about May 3, 1994, during a physical education class, and in the presence of other students, Anthony P. Benson placed his arm around or over the neck of a thirteen-year-old female student "Jane Doe" directing her head in a downward motion toward him. Anthony P. Benson made the comment, "suck this", or "suck on this" to the student while engaged in the physical contact with the student.
6. On or about July 13, 1994, Anthony P. Benson was issued a Notice of Probable Cause for Discharge by the Superintendent of the Central Valley School District.
7. On or about January 23, 1995, Anthony P. Benson entered into a settlement agreement with the Central Valley School District dismissing his appeal of the school district's Notice and Amended Notice of Probable Cause for Discharge. Anthony P. Benson's employment with the Central Valley School District was terminated.
8. As a result of this incident on or about April 21, 1997, in the Superior Court of the State of Washington for Spokane County, a Memorandum Opinion, Cause No. 95-2-02548-4, signed by Judge Michael E. Donohue, was filed concerning a civil action

- brought by the parents of "Jane Doe" student victim of Anthony P. Benson's conduct mentioned above. The document reflects that the student "sustained damages as a result of the intentional and wrongful physical contact and Mr. Benson's remarks."
9. On or about July 1, 1997, in the Superior court of the State of Washington for Spokane County, a Findings of Fact and conclusions of Law, Cause No. 95-2-02548-4, signed by Judge Michael E. Donohue, was filed regarding the already mentioned civil action brought against Anthony P. Benson. The document reflects, "Benson's intentional physical contact with "Jane Doe", coupled with the remark 'suck this' or 'suck on this' was intentional and wrongful". The Plaintiff was awarded \$11,000.00.
  10. On or about June 3, 1996, Anthony P. Benson completed a Kent School District application for certificated employment. Anthony P. Benson answered "no" in two separate sections of the application regarding previous employment.
  11. On or about June 5, 1997, the Office of Superintendent of Public Instruction received a letter from the Superintendent of the Kent School District alleging misrepresentation or falsification of an application of professional employment, by Anthony P. Benson.
  12. On or about April 7, 1997, the Superintendent of the Kent School District issued a letter to Anthony P. Benson formally placing Anthony P. Benson on administrative leave for the remainder of the school year regarding the falsification of employment application information. Anthony P. Benson had been hired on a one-year leave replacement contract and was not rehired by the Kent School District.
  13. 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 Anthony P. Benson and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that Washington education certificate No. 242155J, of Anthony P. Benson, should be suspended as provided for in WAC 180-86-070.
3. Anthony P. Benson has violated Washington Administrative Code (WAC) 180-87-060(1), WAC 180-86-014.

### ORDER

THEREFORE, it is hereby proposed that the Washington education certificate, No. 242155J of Anthony P. Benson be suspended until such time as the following conditions are met:

1. Submission of an action plan for approval by the APCAC. The action plan shall provide a detailed description of activities (e.g. courses, mentored practicum in a school setting, professional development inservice, WEA sponsored activities, etc.) in which Mr. Benson will participate to gain knowledge and skills related to professional conduct.
2. Successful completion of the action plan as verified by documentation of activities completed, documentation of skills and knowledge acquired, a reflective analysis related to implications for professional conduct, and a written analysis of

Mr. Benson's ability to identify appropriate limits with respect to interactions with students and school personnel from a qualified individual who provided all, or a significant portion, of the action plan activities.

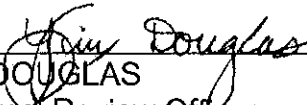
3. Based upon a review of the information requested in item #2, the APCAC will make a recommendation regarding the reinstatement of Mr. Benson's teaching certificate.

The members of APCAC encourage Mr. Benson to continue in the teaching profession. However, the members share the concerns, as documented by OPP, that Mr. Benson failed to demonstrate professionally appropriate conduct in his interactions with students, parents, and school personnel.

This Proposed Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 16th day of November, 2001

DR. TERRY BERGESON  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
STATE OF WASHINGTON

  
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LIN DOUGLAS  
Informal Review Officer

**ORIGINAL**

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4 **STATE OF WASHINGTON**  
5 **OFFICE OF ADMINISTRATIVE HEARINGS**  
6 **OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

7 **IN THE MATTER OF THE**  
8 **EDUCATION CERTIFICATE OF**

9 **ANTHONY P. BENSON**  
10 **(Certificate No. 242155J)**

**TEACHER CERTIFICATION**  
Cause No. 2001-TC-0011

**STIPULATION FOR ORDER OF**  
**DISMISSAL**

11 COMES NOW the Office of Superintendent of Public Instruction, under the authority  
12 granted by the laws of the state of Washington, having reviewed the file of the above-  
13 referenced case, and having considered the entire evidence contained therein, does hereby  
14 stipulate by and between the Office of Professional Practices (OPP), Office of Superintendent  
of Public Instruction (OSPI), and Anthony P. Benson, as follows:

15 1. Anthony P. Benson was issued Washington Education Certificate, No. 242155J,  
16 on August 15, 1980. Anthony P. Benson currently holds a valid Continuing Elementary and  
17 Secondary Teacher Certificate.

18 2. On November 16, 2001, Lin Douglas, the informal review officer of the OSPI  
19 made Findings of Fact, Conclusions of Law, and issued a Proposed Final Order of Suspension,  
20 as in such form as attached hereto as Exhibit 1.

21 3. On or about December 6, 2001, Anthony Benson appealed the Proposed Final  
22 Order of Suspension and the matter was set for hearing.

23 4. The above-referenced parties agree to the settlement and dismissal of the above  
24 action on the following conditions:

25 (a) Mr. Benson will attend a two-hour session offered by Mr. Jerry Painter of the  
26 Washington Education Association on Safer Relationships with Students. The presentation

**STIPULATION FOR ORDER OF**  
**DISMISSAL**

1 includes discussion of the topics of touch, false allegations, corporal punishment, sex crimes,  
2 professional responsibilities, and sexual harassment.

3 (b) Mr. Benson will work two hours with Mr. Painter on a one-on-one basis to both  
4 debrief the topics included in the presentation and ensure Mr. Benson's thorough understanding  
5 of the presentation's topics.

6 (c) Mr. Benson will have a minimum of six (6) one-hour sessions with a  
7 psychologist, mutually-agreeable to both parties, who specializes in boundary issues. Part of  
8 the anticipated counseling sessions will include assisting Mr. Benson in establishing  
9 boundaries and identifying boundaries of others.

10 (d) Mr. Benson will sign the appropriate disclosure of information forms to allow  
11 OPP full access to the information.

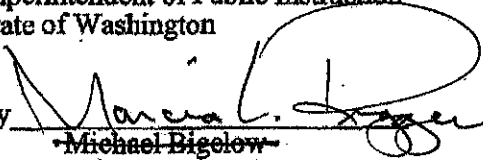

12 5. Mr. Benson has completed items 4(a) through 4(d) as set forth above, and the  
13 parties are desirous of finally resolving the above case.

14 6. Mr. Benson's teaching certificate is retroactively suspended, starting on  
15 November 16, 2001. Because Mr. Benson has completed items 4(a) through 4(d) as set forth  
16 above, OSPI does hereby agree to the reinstatement of Mr. Benson's Teaching Certificate upon  
17 the execution of this Settlement Agreement.

18 7. Mr. Benson, upon execution of this Settlement Agreement does hereby agree to  
19 cause his appeal of the Proposed Final Order of Suspension to be dismissed.

20 DATED this 6 day of December, 2003

21  
22 DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

23  
24 By   
25 ~~Michael Bigelow~~  
Associate Superintendent  
26 

1 Stipulated to and Approved for Entry:

2 OFFICE OF THE ATTORNEY GENERAL  
3 STATE OF WASHINGTON

4 By Anne O. Shaw  
5 Anne O. Shaw, WSBA 12489  
6 Assistant Attorney General  
7 Attorney for OSPI

8 HOLDEN & ORESKOVICH, P.S.  
9 By Carl J. Oreskovich  
10 Carl J. Oreskovich, WSBA 12779  
11 Attorney for Respondent

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