

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE MATTER OF THE EDUCATION
CERTIFICATE OF:

ROBERT DOWNEY,
Certificate No. 233683B

OPP NO. D01-05-053

STIPULATION AND
AGREED ORDER OF
SUSPENSION

I. STIPULATION

It is hereby stipulated by and between the Office of the Superintendent of Public Instruction and Robert Downey, holder of the Washington education certificate No. 233683B that:

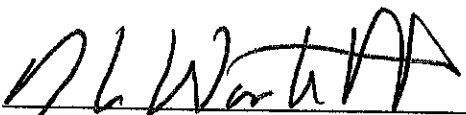
- 1) Robert Downey was issued a Washington Education Certificate, No. 233683B on May 27, 1979; that certificate currently remains valid.
- 2) Mr. Downey was employed by the Northshore School District in a certificated teaching position during the 2001/02 school year.
- 3) On May 3rd, 2001, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Northshore School District. Mr. Downey remained an employee of the Northshore School District through the remainder of the 2001/02 school year.
- 4) Mr/ Downey inappropriately used District computer equipment during March, 2001.
- 5) Excepting the complaint filed with the Office of Professional Practices on May 3rd, 2001, no other complaints concerning Mr. Downing have been filed with OSPI, and he has remained a teacher in good standing with OSPI since the issuance of his teaching certificate in 1979.

1 6) Based upon Mr. Downey's inappropriate use of District computer
2 equipment in March, 2001, a suspension of his Washington State
3 Education Certificate will issue pursuant to WAC 180-86 as set
4 forth herein.

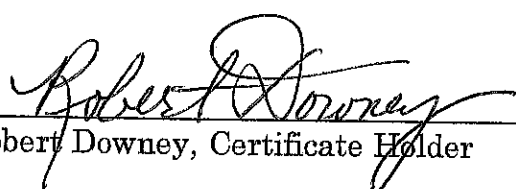
5 7) Upon entry of the *Order* set forth herein, this matter shall be
6 dismissed with prejudice.

7 DATED this 13 day of March, 2003.

8 COGDILL NICHOLS REIN

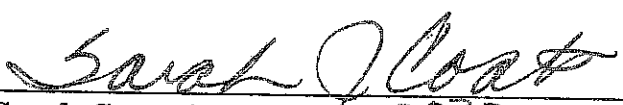
9 

10 _____
11 Douglas M. Wartelle, WSBA #25267
12 Attorney For Robert Downey

13 

14 _____
15 Robert Downey, Certificate Holder

16 OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

17 

18 _____
19 Sarah Coats, WSBA # 20333
20 Assist. Washington State Attorney General
21 Attorney For The Office Of The Superintendent
22 Of Public Instruction

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

II. FINDINGS OF FACT

- 1) Robert Downey was issued a Washington Education Certificate, No. 233683B on May 27, 1979; that certificate currently remains valid.
- 2) Mr. Downey was employed by the Northshore School District in a certificated teaching position during the 2001/02 school year.
- 3) On May 3rd, 2001, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Northshore School District. Mr. Downey remained an employee of the Northshore School District through the remainder of the 2001/02 school year.
- 4) Mr. Downey inappropriately used District computer equipment during March, 2001.
- 5) Excepting the complaint filed with the Office of Professional Practices on May 3rd, 2001, no other complaints concerning Mr. Downing have been filed with OSPI, and he has remained a teacher in good standing with OSPI since the issuance of his teaching certificate in 1979.

III. CONCLUSIONS OF LAW

- 1) OSPI has jurisdiction over the teaching certificate held by Robert Downey and the subject matter of this action.
- 2) Based upon Mr. Downey's inappropriate use of District computer equipment in March, 2001, a suspension should issue pursuant to WAC 180-86.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

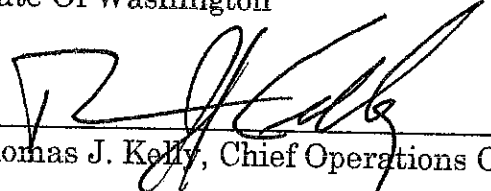
IV. ORDER

The parties having stipulated for the resolution of the above-entitled matter, **IT IS HEREBY ORDERED:**

- 1) Mr. Downey's Washington State Education certificate is suspended pursuant to WAC 180-86 during the following periods: April 7th through April 13th, 2001; June 1st through June 22nd, 2001; September 1st through September 30th, 2001; and October 12th, 17th, and 29th, 2001.
- 2) Except as provided herein, Mr. Downey shall not be subject to any disciplinary action by the Office of the Superintendent Of Public Instruction concerning his Washington State Education Certificate as a result of, or which in any way relates to, the suspension of his Washington State Education Certificate as provided for herein.
- 3) The Washington State Education certificate issued to Mr. Downey on May 27th, 1979, Certificate, No. 233683B, shall remain valid.
- 4) This matter is dismissed with prejudice.

DATED this 4th ^{April} day of March, 2003.

DR. TERRY BERGUSON
Superintendent Of Public Instruction
State Of Washington



Thomas J. Kelly, Chief Operations Officer

1 Copy received, Approved, Notice
2 of Presentation Waived:

3 **COGDILL NICHOLS REIN**

4 

5

Douglas M. Wartelle, WSBA #25267
6 Attorney For Certificate Holder

7 Presented By:

8 

9

Sarah Coats, WSBA# 20333
10 Assist. Washington State Attorney General
11 Attorney For The Office Of The Superintendent
Of Public Instruction

22
23 **STIPULATION AND AGREED**
ORDER OF REPRIMAND: Page 5 OF 5

COGDILL NICHOLS REIN
3232 Rockefeller Avenue
Everett, WA 98201
Phone: (425) 259-6111
Fax: (425) 259-6435