



SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON

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

I, Stan Burczyk, certify that on 5/29/07, 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

JEFFREY J. GRAF
Certificate No. 255058J

) OPP No. D00-09-100
)
) 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. 255058J, of Jeffrey J. Graf, for a minimum of thirty six (36) months, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Jeffrey J. Graf was issued Washington Education Certificate, No. 255058J, on July 1, 1983. Jeffrey J. Graf currently holds valid Continuing Teacher and Substitute Teacher Certificates.
2. Jeffrey J. Graf was employed by the Yakima School District during the 1999/00 school year.

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3. On or about September 1, 2000, the Office of the Superintendent of Public Instruction received a letter from the Superintendent of the Yakima School District alleging unprofessional conduct by Jeffrey J. Graf.

4. On or about July 20, 2000, the Superintendent of the Yakima School District issued Jeffrey J. Graf a Notice of Probable Cause for Termination of Employment. Jeffrey J. Graf attempted to assist in interfering with a Yakima School District investigation by contacting a female student on behalf of a suspended school district teacher. Additionally, Jeffrey J. Graf provided false information to school district administrators during school district investigations.

5. On or about September 25, 2000, the Superintendent of the Yakima School District issued Jeffrey J. Graf a Second Amended Notice of Probable Cause. The District retrieved contents from Jeffrey J. Graf's school district computer that consisted of various pornographic and/or sexually explicit Internet sites. Several people had access to Mr. Graf's computer. Jeffrey J. Graf denies any knowledge of how the inappropriate material was placed on his assigned school district computer.

6. Jeffrey J. Graf appealed the Yakima School District notice of probable cause to terminate his employment. On or about January 2, 2001, Hearing Officer Janet L. Gaunt upheld the Yakima School District's termination of Jeffrey J. Graf's employment. The Hearing Officer found that the school district did meet its burden of proof, by a preponderance of the evidence, in establishing that Jeffrey J. Graf attempted to assist another teacher in interfering with a District

investigation and that Jeffrey J. Graf lied to the District Superintendent. Additionally, the Hearing Officer found that Jeffrey J. Graf violated District policy regarding the use of school computers to access the Internet. The Hearing Officer stated that the computer misconduct would not have been sufficient grounds to discharge Mr. Graf.

7. Investigation by the Office of Professional Practices reveals that on or about January 18, 2001, the Yakima Police Department began an investigation regarding allegations of Fraud reported by the Yakima School District, concerning Jeffrey J. Graf.

8. On or about January 31, 2000, the Yakima County Prosecutor filed Information No. 01-1-00127-8 in the Superior Court of Washington for Yakima County charging Jeffrey J. Graf with committing the crime of First Degree Theft, a violation of RCW 9A.56.030(1)(a) and 9A.56.020(1)(b) a Class B Felony. On or about August 8, 2001, amended Information was filed charging Jeffrey J. Graf with committing the crime of Second Degree Theft, a violation of RCW 9A.56.040(1)(a) and 9A.56.020(1)(a).

9. On or about August 8, 2001, Jeffrey J. Graf, pleaded guilty to the Class B Felony, Second Degree Theft, a violation of RCW 9A.56.040(1)(a) and 9A.56.020(1)(a) in the Superior Court of Washington for Yakima County under Cause No. 01-1-00127-8. In his Statement of Defendant on Plea of Guilty, Jeffrey J. Graf admits he received or claimed benefits from his insurance that he was otherwise not entitled to by the use of deception.

10. On or about August 8, 2001, in Felony Judgment and Sentence, Cause No. 01-1-00127-8, Yakima County Superior Court Judge Hutton sentenced Jeffrey J. Graf to serve community service, financial restitution in excess of five thousand dollars, court fees, and community supervision until all legal financial obligations are paid.

11. On or about April 18, 2002, The Office of Professional Practices received a sworn affidavit provided by a former Yakima School District Middle School student. The female, now an adult alleges that when she was a fourteen-year-old student, in approximately 1986, she was involved in a personal and sexual relationship with Jeffrey J. Graf. Jeffrey J. Graf was employed as a substitute teacher and middle school coach with the Yakima School District. Jeffrey J. Graff denies this allegation.

12. 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 Jeffrey J. Graf and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that Washington education certificate, No. 255058, of Jeffrey J. Graf, should be suspended as provided for in WAC 180-86-070.

3. Jeffrey J. Graf has violated Washington Administrative Code (WAC) 180-86, 180-87, Revised Code of Washington (RCW) 28A.410, and RCW 9A.56.

ORDER

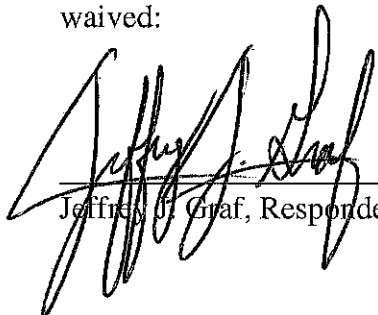
THEREFORE, it is hereby ordered and agreed that the Washington education certificate, No. 255058J, of Jeffrey J. Graf be suspended for thirty-six (36) months.

The effective date of the Order shall be June 1, 2001. The Washington education certificate No. 255058J, of Jeffrey J. Graf shall be suspended from June 1, 2001 through May 31, 2004.

Reinstatement shall require submission of a new application, provided by the Office of Professional Practices and having Jeffrey J. Graf's fingerprints checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

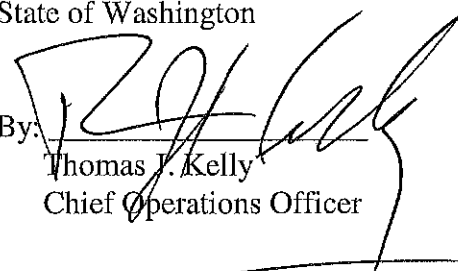
DATED This 19th [@] day of June [@], 2002.

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

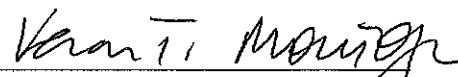


Jeffrey J. Graf, Respondent

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: 

Thomas J. Kelly
Chief Operations Officer



Kevan T. Montoya, Attorney for Respondent