

I, Nichole Anderson certify that on May 25, 2011, 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 HILBURN)
Certificate No. 390335H)
_____)

OPP No. D05-11-127

FINAL ORDER OF
DENIAL OF CERTIFICATE

COMES NOW Gene Sharratt, Review Officer of the Office of Superintendent of Public Instruction (OSPI), 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 deny of the certificate application of JEFFREY HILBURN, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Jeff Hilburn was issued a Washington Education Certificate, No. 390335H, on August 16, 2001.
2. Jeff Hilburn was employed by the Mukilteo School District.
3. On November 21, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Mukilteo School District alleging a lack of good moral character or personal fitness, and/or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Jeff Hilburn.

4. During the 1997-1998 school year, Mr. Hilburn, then a classified employee of the Issaquah School District, resided in a house belonging to Robyn [REDACTED]. Ms. [REDACTED], her 15 year old daughter, E.C., and her 13 year old daughter, L.C., also resided in the house.

5. During the 1997-1998 school year, Mr. Hilburn developed and expressed romantic/emotional feelings and/or attraction towards L.C. and E.C.

6. In August of 1997, Ms. [REDACTED] learned of Mr. Hilburn's attraction to her daughters and ordered him out of the home. She verbally advised Mr. Hilburn to have no further contact with her daughters or son.

7. During February of 1998, Mr. Hilburn delivered a Valentine's card to the thirteen-year-old student L.C. The card, trimmed in roses, stated: "To a very good friend and a beautiful young woman from a not very secret admirer"; "2-98"; "Happy Valentine's Day".

8. After being warned again by Robyn [REDACTED] to have no more contact with her daughters, Mr. Hilburn sent L.C. a card during March of 1998, which stated: "OK, this is late or maybe it's early for next year. After having sent and received gazillions of cards from women my own age, here's one for someone who deserves it. Some days this longing just comes over me so that I'll actually drive out just for a cup of something and a visit with you. See what power you have? Ah, what's a guy to do...?" Mr. Hilburn also included two cartoons.

9. In March of 1998 Mr. Hilburn was sent a written letter from Robyn [REDACTED] telling him to stay away from her children and not to visit L.C. at the coffee shop where she worked. She advised that she would seek to obtain a restraining order if he continued to try and contact her or her children.

10. During May of 1998 Mr. Hilburn frequented the coffee shop where E.C. was employed; until he was discovered and confronted by Robyn [REDACTED].

11. On May 6, 1998, Robyn [REDACTED] filed for a Petition for an Order of Anti-Harassment in King County District Court, protecting herself and her three children, E.C., L.C., and Z.C., with Mr. Hilburn listed as the respondent; Case #98-3281. The Temporary Order of Anti-Harassment was granted on the same day. On May 19, 1998, the Anti-Harassment Order was made permanent, with no expiration date. The terms of the Order included, but not limited to: Mr. Hilburn being restrained from coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing of court documents, with the petitioner and the minors named in the order. Jeff Hilburn was further restrained from entering or being within 1000 yards of the petitioner's residence, place of employment, school or daycare, or minors named in the order.

12. On July 31, 1998, the Issaquah School District notified Mr. Hilburn that his employment as a classified employee would not be continued. The notification provided the following written reasons for his dismissal: "verbal interactions with female students, and your failure to follow administrative guidance about placing yourself in situations where you are alone with

female students. In addition, the court imposed no contact order related to you and a female student at Issaquah High School hampers your effectiveness as an employee for the district.”

13. On August 4, 1998, Mr. Hilburn wrote a letter to the Executive Director of Personnel Services for the Issaquah School District, in response to his termination as stage manager for Liberty High School.

14. On November 6, 1998 Mr. Hilburn attended an Issaquah High School football game, at Issaquah High School, while E.C. and L.C. were also at the stadium; in violation of the terms of Anti-Harassment Order #98-3281. The incident was reported to the Issaquah Police Department; incident # 98-8232. The case was referred to the King County Prosecutor's Office.

15. In December of 1998, Mr. Hilburn sent a Christmas card to Robyn [REDACTED] and her children; in violation of the terms of Anti-Harassment Order #98-3281. The incident was reported to the King County Sheriff's Office on January 19, 1999; King County Case # 99-19954.

16. On January 3, 1999 Jeffrey Hilburn attended service at Our Savior's Lutheran Church, in Issaquah, which was regularly attended by Robyn [REDACTED] and her family; in violation of the terms of Anti-Harassment Order #98-3281. Jeff Hilburn sat two pews behind the [REDACTED]s; until he was told to leave, which he did. This incident was reported to the Issaquah Police Department; case number: 99-0056. The case was not filed with the prosecutor's office.

17. On March 19, 1999, a Criminal Complaint was filed in King County District Court charging Mr. Hilburn with Violation of Anti-Harassment Order #98-3281; Case #99-019954.
18. On May 24, 1999, In King County District Court, Jeffrey Hilburn entered a Plea of Guilty to the charge of Violation of an Anti-Harassment Order.
19. On July 22, 1999, in King County District Court, Jeffery Hilburn was found guilty by plea and sentenced to: 365 days of jail, with 365 days suspended; \$5,000 fine, with \$5,000 suspended; and twenty-four months of probation; King County District Court case #99-019954.
20. On August 1, 2001 King County District Court Judge Nault found that conditions of the case #99-019954 had been met and closed the case.
21. On a Certificated Pre-Employment Application Form, dated September 10, 2001, for the Mukilteo School District, in the "Applicant Information and Authorization" section, Mr. Hilburn answered "No" to the question: "Have you been discharged or forced to resign from a teaching or other educational position with the past ten years?"
22. On October 10, 2001 in his application to OSPI for an emergency substitute teacher certificate, under the Character and Fitness Supplement, to the question, "In the last 10 years, have you ever been convicted of any crime or violation of the law?" Mr. Hilburn truthfully answered "yes." But to the question: "Have you ever been dismissed, discharged, or fired from

any employment position involving children or dependent adults?" Mr. Hilburn falsely answered "No."

23. On March 3, 2003, Mr. Hilburn sent an email message to L.C., while she was attending Washington State University in Pullman; in violation of Anti-Harassment Order #98-3281. Mr. Hilburn also sent L.C. a birthday card. The incident was reported to the Whitman County Sheriff's Office; Case # 03-W1057.

24. During the Whitman County Sheriff's Office investigation, Mr. Hilburn exchanged numerous e-mails with the investigating officer/s regarding L.C. and the [REDACTED] family in which he admitted to sending the email to L.C; Whitman County Sheriff's Office; Case # 03-W1057.

25. On June 4, 2003, a Criminal Complaint was filed in Whitman County District Court charging Mr. Hilburn with one count of Violation of Anti-Harassment Protection Order #98-3281; Whitman County District Court case P3-1356.

26. On January 16, 2004, Mr. Hilburn entered into an Order of Continuance for Dismissal; Whitman County District Court case, P3-1356. In the order, Jeffrey Hilburn stipulated to the admissibility and accuracy of the police report; agreed there is probable cause that he committed the crime; and acknowledged the Order that prohibits contact with L.C. is permanent, and continues despite her having reached the age of majority.

27. In August, 2004, Mr. Hilburn sent Judge David Frazier, Whitman County District Court Judge, a letter regarding his case, and in his letter requested third party contact through the Court by stating: "...In this agreement, (January 16, 2004) I promised not to contact her for the duration of this year and I fully expect to honor this commitment." Mr. Hilburn also stated: "What I am writing about is that I would like to be proactive in the matter that is if the court is willing. If not, there is no need to reply to this message. I cannot contact L.C. Robyn but there is a message I would hope to get to her if acceptable." The court did not reply.

28. On January 14, 2005 a Motion and Order to Dismiss was signed by the Whitman County District Court Judge; Whitman County District Court case P3-1356.

29. In March of 2005, Mr. Hilburn was asked by Elizabeth Rawlings, Youth Director at Bellevue's Saint Andrews Lutheran Church, to stop volunteering with the youth program after concerns arose over Jeff Hilburn visiting teen chat rooms, emailing to, and making comments about female teenage parishioners.

30. During the first part of the 2005/2006 school year, Mr. Hilburn engaged in inappropriate conversations while at school, over the internet and by phone with A.S., a sixteen-year-old female student at Kamiak High School in the Mukilteo School District. The recorded internet chats, using MSN Instant Messenger, totaled over thirty-six (36) hours within a nineteen (19) day period. The chat conversations included written messages, symbols and pictures exchanged.

31. During late October or early November of 2005, while helping Mr. Hilburn in his office with paperwork for the schools "Drama Fest", Mr. Hilburn: approached A.S.; pulled her close to him; gave her a hug; kissed on the forehead; and placed his hand on her lower back.

32. On November 2, 2005, the Mukilteo School District received a complaint from a member of the community that Mr. Hilburn had developed an inappropriate relationship with the female student, A.S.

33. On November 2, 2005, Mr. Hilburn was placed on paid Administrative Leave by the Mukilteo School District. In the letter of Administrative Leave, Mr. Hilburn was advised that he was prohibited from initiating any contact with District staff or students.

34. On November 3, 2005, A.S. was interviewed by district personnel and provided them with recorded internet chat transcripts between her and Mr. Hilburn.

35. On November 15, 2005, Mr. Hilburn sent Fred Poss, Assistant Superintendent for the Mukilteo School District, a letter addressing his friendship with A.S., his interactions with A.S. and his interpretation of laws of the Code of Conduct for Professional Educators.

36. On November 20, 2005, Mr. Hilburn sent an e-mail to A.S.

37. On November 22, 2005, John [REDACTED], acting on behalf of his daughter A.S., filed a Petition for an Order for Protection Unlawful Harassment in Snohomish County District Court, with Mr. Hilburn listed as the respondent.

38. On November 23, 2005 was issued a "Notice of Criminal Trespass" warning by the Mukilteo School District.

39. On November 23, 2005, a Temporary Protection Order and Notice of Hearing Unlawful Harassment was issued; Snohomish County District Court Case No. U05-447. Mr. Hilburn appeared in court to contest the restraining order, but the order was upheld by the court.

40. On November 27, 2005, in a letter to Dr. Marci Larsen, Mukilteo Superintendent, Mr. Hilburn addressed the complaints against him, including saying: "I lament a society in which two individuals who share common interest can't have a platonic friendship because of their ages." And later stating: "Simply, I believe I, and A.S. should have been given some clearer guidelines about what we could or could not discuss."

41. On November 30, 2005, in lieu of being discharged, Mr. Hilburn resigned his teaching position.

42. On December 13, 2005, the Issaquah School District learned that Mr. Hilburn was seeking volunteer opportunities within the Issaquah District. A letter was sent to Mr. Hilburn advising him that they would not accept his services and notified that he was not to enter district

property or attend any district sponsored event, and if he violated the notice, he would be considered a trespasser and the police would be called.

43. On June 13, 2006, Mr. Hilburn signed an employment application form with the Snoqualmie Valley School District. On the application, Mr. Hilburn answered "No" to the question: "Have you ever been dismissed, discharged, or have you separated employment in order to avoid discipline or discharge?"

44. Mr. Hilburn was hired by the Snoqualmie Valley School District for the 2006-2007 school year; starting September 2, 2006.

45. On October 18, 2006, Mr. Hilburn was placed on paid administrative leave by the Snoqualmie Valley School District.

46. On October 25, 2006, Mr. Hilburn was interviewed by an OPP investigator.

47. In an email sent by Mr. Hilburn on October 30, 2006 to the OPP investigator, Mr. Hilburn wrote, among other comments: "My boundaries of course meant never touching privates, or kissing lips, cheeks, etc. There was one day she came in wet and bedraggled after marching band practice and she was so hurting that I comforted her and yes my lips brushed the hair on the top of her forehead. My intent was to be supportive, caring and it felt as what someone one (sic) would do in a tender, compassionate moment. That was it. I stopped and it was never romantic or even remotely sexual."

48. On January 17, 2007, Mr. Hilburn was issued a letter of probable cause for discharge from Snoqualmie Valley School District.

49. On January 24, 2007 Snoqualmie Valley School District received a letter of appeal from Mr. Hilburn, through his attorney.

50. On February 13, 2007, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Snoqualmie Valley School District alleging a lack of good moral character or personal fitness, and/or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Jeff Hilburn.

51. On January 26, 2007, OPP received a letter from Mr. Hilburn's attorney with an attached letter of "responses and clarifications" by Mr. Hilburn to the investigation.

52. On Friday night, May 11, 2007, Jeff Hilburn returned to Kamiak High School to attend the school production of "Hello Dolly"; in violation of the "Notice of Criminal Trespass" order issued by the Mukilteo School District. The Kamiak High School principal, Keith Rittel was notified on Monday, May 12, 2005 by district employee, Jane Leverkus, who was unwilling to make a formal statement. Mr. Rittel also spoke with drama teacher, Laurie Levine who said she was still friends with Jeff Hilburn and was not willing to make a report to law enforcement.

53. Mr. Hilburn has continued to post blog entries on his public "My Space" account under the user name "Red_Tail_Hawk" where he has made ongoing references the two female students from the Issaquah School District, L.C. and her sister E.C., including discussing an attempted third party contact with L.C. He has also referenced the student A.S. from Mukilteo School District. The most recent blog entry referencing L.C., E.C., and A.S., was posted on August 20, 2007.

54. On September 19, 2007, the Office of Professional Practices issued a Proposed Order of Revocation of the teaching certificate of Jeffrey Hilburn for violation of WAC 181-87-060, WAC 181-87-050, RCW 28A.410.090, WAC 181-86-013 and/or WAC 181-86-014.

55. On October 11, 2007, Jeffrey Hilburn appealed that decision to the Admissions and Professional Conduct Advisory Committee (APCAC)

56. On May 21, 2008, APCAC issued a Final Order of Revocation of the teaching certificate of Jeffrey Hilburn. Jeffrey Hilburn did not appeal that decision.

57. On June 18, 2009, Jeffrey Hilburn submitted an application to reinstate his revoked Washington education certificate.

58. On the character and fitness supplement, Jeffrey Hilburn answered 'yes' to questions 3, 4, 8, 9, 10 and 11, Section II, Professional Fitness, regarding having been the subject of a certificate or licensing investigation or inquiry by a certification or licensing agency for allegations of

misconduct; having had adverse action taken on a certificate or license; having been dismissed discharged, or fired from any employment position involving children or dependent adults; having ever resigned from or otherwise left any employment while allegations of misconduct were pending; having ever been disciplined by a past or present employer because of allegations of misconduct and currently or having ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct. Jeffrey Hilburn also answered 'yes' to questions 1 and 2, Section III, Criminal History, regarding having been arrested for any crime or violation of the law in the last 10 years and having been fingerprinted in the last 10 years as a result of any arrest for any crime or violation of the law.

59. On the character and fitness supplement, Jeffrey Hilburn falsely answered 'no' to question 3, Section III – Criminal History which states: "In the last 10 years have you ever been convicted of any crime or violation of the law?" Jeffrey Hilburn did put a notation of "Not Sure" next to the answer, with another notation of "My misdemeanor case was dismissed" under the question on the character and fitness supplement form. On May 24, 1999, in King County District Court, Jeffrey Hilburn entered a plea of guilty and on July 22, 1999 was found guilty by plea to the charge of Violation of an Anti-Harassment Order.

60. On the character and fitness supplement, Jeffrey Hilburn answered 'no' to all questions in Section IV – Fitness. He addressed his answers during a written explanation by stating: "I am checking 'no' for this section. However as is human nature it is possible that another person could feel differently about myself. I remain cooperative and willing to work in a constructive and appropriate manner should anyone feel differently."

61. Jeffrey Hilburn submitted a written explanation to his answers to the questions on the character and fitness supplement.

62. On July 22, 2009, the Office of Professional Practice notified Jeffrey Hilburn that further consideration of his application for reinstatement will require him to provide documentation of a successfully completed psychological evaluation, which validates his ability to have unsupervised access to children; completion of any recommended treatment based on such evaluation and completion of training relating to the appropriate/inappropriate interactions and behavior with students.

63. On August 12, 2009, Jeffrey Hilburn emailed OPP an update. Jeffrey Hilburn wrote, among other things, that in the last week he had already met with Dr. "Bill" Lennon to start the evaluation process. During the email, Jeffrey Hilburn [REDACTED] [REDACTED] from Northwest Treatment Associates. Jeffrey Hilburn asked that OPP reconsider the need for a psychological evaluation as he didn't see a need for Dr. Lennon to spend time on a lengthy evaluation since he expected it to recommend he do the same kind of work he was already doing last summer (boundary issues, teacher student interactions, etc).

64. On August 14, 2009, OPP notified Jeffrey Hilburn that the curriculum vitae/resume of Dr. J.W. "Bill" Lennon had been reviewed and Dr. Lennon would be considered an acceptable provider for the psychological evaluation. The consent forms authorizing release of records was signed by Jeffrey Hilburn on August 19, 2009.

65. On August 21, 2009, Jeffrey Hilburn faxed a notification to OPP suspending/rescinding the consent agreement between OPP and Dr. Lennon, pending further notice. Jeffrey Hilburn also emailed the OPP investigator verifying the suspension/rescinding of the agreements. He wrote, among other comments: "He needed to establish an environment of trust with whomever chooses to work with him. He does not know Dr. Lennon and only had one 50 minute session with him. Dr. Lennon does not know him nor the background and facts of his case. People who have worked with him and those who do know him are in a much better position to evaluate. In addition, the FBI background check covering the last 10 years show more about his behavioral history than one single session with a psychologist."

66. On September 9, 2009, OPP requested from Jeffrey Hilburn, the evaluation that was previously completed through Northwest Treatment Associates. Consent forms were included with the request.

67. On September 14, 2009, Jeffrey Hilburn submitted an email to the OPP investigator. He wrote among other comments, that he had concerns with signing the consent form to release the evaluation through Northwest Treatment Associates to OPP. Jeffrey Hilburn also referred to another psychological evaluation he completed in 1998 with Linda Rutledge of Jay Williamson and Associates in Bellevue. He indicated he was unable to locate the evaluator to receive a copy of the evaluation. An email response from OPP was sent to Jeffrey Hilburn indicating that he must provide the consent forms and any additional evaluations that he may have available.

68. On October 5, 2009, OPP sent notification to Jeffrey Hilburn that the curriculum vitae/resume of Dr. Kenneth Asher was reviewed and Dr. Asher would be considered an acceptable provider for the psychological evaluation. The complete file of Jeffrey Hilburn was mailed to Dr. Asher on October 23, 2009.

69. On October 21, 2009, Jeffrey Hilburn attended the "Safer Relationships for Students" training provided by the Washington Education Association.

70. On December 2, 2009, Jeffrey Hilburn submitted a letter to OPP inquiring as to the progress of his application. Jeffrey Hilburn was notified that a psychological evaluation was still being required as part of the application process and that information had not been received.

71. On December 17, 2009, OPP received the results of a psychological evaluation completed on October 24, 2005 by Florence Wolfe, Northwest Treatment Associates [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The evaluator further indicated that 'it is probably not wise for Jeffrey Hilburn to be

so focused on youth activities.' The evaluator offered specialized therapy and offered to refer him to other service providers.

72. On December 17, 2009, the October, 2005 evaluation completed by Florence Wolfe at Northwest Treatment Associates was forwarded to Dr. Asher to be considered during his evaluation.

73. On October 6, 2010, OPP received correspondence from Jeffrey Hilburn regarding his progress in receiving the required psychological evaluation. Attached to this correspondence was a copy of communication between Florence Wolfe of Northwest Treatment Associates and Norman Matzke, a certified polygraphist.

74. On October 14, 2010, OPP confirmed to Jeffrey Hilburn the requirement of a successfully completed psychological evaluation and provided a 60 day timeline to receive the results of the evaluation.

75. On October 26, 2010, OPP received email correspondence from Jeffrey Hilburn. He wrote, among other things that he had his last meeting with Dr. Asher who was in the process of typing up the evaluation. Jeffrey Hilburn further indicated that one thing he knew would be required is for him to continue working with a counselor to address the issues as Dr. Asher sees fit.

76. On December 17, 2010, OPP received correspondence from Jeffrey Hilburn indicating that among other things he is attempting to contact Dr. Asher.

77. As of January 3, 2011, OPP has not received a psychological evaluation validating Jeffrey Hilburn's ability to have unsupervised access to children.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over JEFFREY HILBURN and over the subject matter of this action.
2. JEFFREY HILBURN 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) 181-86-170.

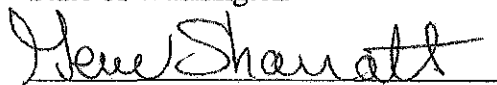
ORDER

THEREFORE, it is hereby ordered that the application for certification of JEFFREY HILBURN be denied.

This 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 24th day of May, 2011.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington


DR. GENE SHARRATT
Review Officer