



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D11-05-028
)	
Richard Victorino)	FINAL ORDER OF
Certificate No. 457820R)	MANDATORY PERMANENT
_____)	REVOCATION

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 permanently revoke the Washington Education Certificate, No. 457820R, of Richard Victorino, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Richard Victorino was issued a Washington Education Certificate, No. 457820R, on September 9, 2008. That certificate currently remains valid.

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2. On April 25, 2011, the Office of Professional Practices (OPP), within OSPI, received information through the National Association of State Directors of Teacher Education and Certification (NASDTEC) database, that the state of New York and New Hampshire had taken action against Richard Victorino's teaching credentials.

3. In late 2009, Richard Victorino was employed as a public school teacher and resided in New York.

4. Starting in approximately late 2009 and continuing through August 2010, Richard Victorino, had inappropriate text message conversations with an under 16 years of age female through cell phones. The minor female resided in New Hampshire at the time. The minor female had been a previous student of Richard Victorino's at an unknown school.

5. During the text messages sent by Richard Victorino to the minor female, Richard Victorino: requested that the minor female send him photographs of herself; had the minor female send pictures of herself nude; texted about sex with the minor female; sent messages discussing him traveling from New York to New Hampshire for the purpose of having sex with the minor female; and sent images of his erect penis to the minor female.

6. In June or July of 2010, Richard Victorino sent images of his erect penis, via his cell phone, to the cell phone of the minor female's mother.

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7. In 2009 and/or 2010, Richard Victorino had inappropriate text message conversations with a second female who was under the age of 16 years and had been a student of Richard Victorino's at an unknown school. Among the text messages, Richard Victorino sent cell phone images of his erect penis.

8. On August 12, 2010, during an interview with Federal Bureau of Investigation Special Agents, Richard Victorino admitted that he used his cell phone to send pictures of his erect penis to two female minors, admitted to having the minors send him nude photographs of themselves and admitted to sending sexually explicit text messages to the two minor females.

9. On August 12, 2010, a Criminal Complaint was filed in United States District Court, District of New Hampshire, charging Richard Victorino with Transfer of Obscene Material to Minors, Code Section 18 U.S.C. 1470.

10. On December 1, 2010, an Information was filed in the United States District Court, District of New Hampshire, charging Richard Victorino with Transfer of Obscene Material to Minors, Code Section 18 U.S.C. 1470; United States District Court Cause No. 1:10-cr-175-01-JL.

11. On February 24, 2011, Richard Victorino submitted a Surrender Agreement and Withdrawal Agreement to the New York State Educational Department surrendering his educational certificate.

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12. On March 8, 2011, Richard Victorino submitted a Voluntary Surrender of a Credential to the State of New Hampshire Department of Education.

13. On May 5, 2011, a Judgment in a Criminal Case was filed in United States District Court, District of New Hampshire. Richard Victorino plead guilty to one (1) count of Transfer of Obscene Materials to Minors, Code Section 18 U.S.C 1470; United States District Court Cause No. 1:10-cr-175-01-JL.

14. On May 25, 2011, Richard Victorino was sent notice that the OPP had opened an investigation and, per Revised Code of Washington (RCW) 28A.410.090, notified Richard Victorino of his opportunity to respond to the allegations of misconduct.

15. United States Code: Title 18, 1470, Transfer of Obscene Material to Minors, is similar in language to RCW 9.68A.090, Communication with a Minor for Immoral Purposes.

16. Richard Victorino has pleaded guilty or been convicted of a crime identified in RCW 28A.400.090 (3). Such a plea or conviction authorizes OSPI to permanently revoke Richard Victorino's Washington educational certificate.

17. Good moral character and personal fitness is a continuing requirement to maintain a Washington educational certificate.

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Richard Victorino and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 457820R, of Richard Victorino, should be revoked, as provided for in WAC 181-86-075.

3. Richard Victorino has violated RCW 28A.410.090, WAC 181-87-080, WAC 181-86-013, and/or WAC 181-86-014.

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ORDER

Therefore, it is hereby ordered that the Washington Education Certificate, No. 457820R,
of Richard Victorino be permanently revoked.

DATED This 22nd day of September, 2011.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support

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