



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

RE: Carolyn Bilal
OSPI Case Number: D07-02-012
Document: Final Order of Revocation

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

RCW 42.56.250(3): Public employees and/or volunteers – Address; Phone; Email; SSN; Driver's License; Emergency Contact; Names and DOB's of Dependents

RCW 42.56.230(3): RCW 42.56.050; Personal information

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office
P.O. Box 47200
Olympia, WA 98504-7200
Phone: (360) 725-6372
Email: PublicRecordsRequest@k12.wa.us

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.

MAILED

JUN 28 2010

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

SEATTLE-OAH

IN THE MATTER OF:

CAROLYN A. BILAL

CERT. NO. 261734H

TEACHER CERTIFICATION
CAUSE NO. 2010-TCD-0004

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

A hearing in the above-entitled matter was held before Administrative Law Judge (ALJ) Michelle C. Mentzer in Seattle, Washington, on April 13, 14, 15, 19 and 20, 2010. The Appellant, Carolyn A. Bilal, appeared on her own behalf. The Office of Superintendent of Public Instruction (OSPI) was represented by Dierk Meierbachtol and Kristen Byrd, Assistant Attorneys General. The following is hereby entered.

STATEMENT OF THE CASE

On December 23, 2009, OSPI issued a Final Order of Revocation concerning the Appellant's Washington education certificate. On January 19, 2010, the Appellant filed an appeal of that revocation order pursuant to Washington Administrative Code (WAC) 180-86-150. On January 25, 2010, the Office of Administrative Hearings (OAH) mailed the parties a Notice of Prehearing Conference and Notice of Hearing.

Prehearing conferences were held on February 9, March 26 and April 8, 2010. Prehearing orders were issued on February 10 and March 26, 2010. An order denying the Appellant's motion for summary judgment was issued on March 23, 2010.

At the hearing, testimony was taken under oath or affirmation from the following witnesses:

Carolyn Bilal (the Appellant);
Dr. Ann El-Moslimany (director and principal, Islamic School of Seattle) by telephone;
Paula Evans (human resources support analyst for classification and compensation, Seattle Public Schools (SPS));
Marsha Rockabrand (applications selection and recruiting coordinator, Renton School District) by telephone;
Susan Means (senior human resources analyst, SPS);
Charles Schreck (former director, Office of Professional Practices, OSPI);
Deborah Culwell (administrative program specialist, OSPI) by telephone;
Dr. Barbara Casey (assistant principal, SPS);
Ted Howard (principal, SPS) by telephone;
Felicidad Regan (secretary and administrative assistant to principal, SPS) by telephone;
Rasheedah McGoodwin (bailiff, King County Superior Court) by telephone;
Barbara Quintana (college career specialist, SPS);
Benjamin Murciego (ten-print identification technician, King County Sheriff's Office);

Karin Engstrom (former career center specialist, SPS) by telephone;
Beverley Silver (educator career services coordinator, Seattle University College of Education) by telephone;
Michael Saahir (Imam, mosque in Indianapolis) by telephone;
Dr. Michael Silver (assistant professor, Seattle University College of Education) by telephone;
Michael Dixon (security specialist, SPS) by telephone;
Paula Jones (former resident of Indianapolis) by telephone;
Linda Guile (certification specialist, Puget Sound Educational Service District) by telephone;
and
Paula Wright (manager of identification, criminal records section, Indianapolis Metropolitan Police Department) by telephone.

The following exhibits were admitted at the hearing: Court Exhibits C-1 through C-3; OSPI Exhibits S-1 through S-108;¹ and Appellant Exhibits A-1 through A-11, A-13 and A-14.

The record of the hearing closed on April 28, 2010, with the submission of closing briefs postmarked that day. Under the Administrative Procedure Act, Revised Code of Washington (RCW) 34.05.461(8)(a), the due date for the written decision is 90 days after the close of the record. The ALJ informed the parties that, pursuant to OAH internal policy, the written decision would be issued within 60 days after the close of the record. Sixty days after the close of the record falls on Sunday, June 27, 2010. The decision is therefore due Monday, June 28, 2010.

ISSUE

Whether OSPI's decision to revoke the Appellant's teaching certification should be upheld. See Prehearing Order of February 10, 2010.

FINDINGS OF FACT

Background Facts

1. The Appellant was born on May 18, 1947 in Indianapolis, which is located in Marion County, Indiana. S-85, p. 1.²

¹ At the hearing, four pages of exhibits were offered by OSPI and admitted into evidence as Exhibit S-6, pages 6 through 9. After the hearing, in response to an inquiry from the ALJ (letter of April 27, 2010), the parties stipulated that those pages should be renumbered S-5, pages 6 through 9 (letter of May 3, 2010). The pages in question are hereby renumbered S-5, pages 6 through 9.

² Exhibits are referred to herein in the following format. Exhibit S-85, page 1 is cited as "S-85, p. 1".

The Appellant earned a general educational development (GED) certificate in 1979.³ She did not graduate from high school.

3. In May 1983, the Appellant received a bachelor of science degree in consumer and family sciences from Purdue University in Indiana. S-6, p. 3. She completed sufficient credits in education to be eligible for certification in Indiana as a teacher of early childhood education (ECE) and kindergarten. S-6, p. 1. The Appellant did not, however, obtain a teaching certificate in Indiana. Shortly after graduating from Purdue she relocated to Washington State.

4. From September 1983 to June 1984 (one school year), the Appellant was employed by the Islamic School of Seattle, a private institution. The Appellant served as director of the Islamic School's ECE program. S-5, p. 9. This position did not require a teaching certificate.

5. On August 17, 1984, OSPI issued the Appellant an initial teaching certificate, No. 261734H. The certificate had endorsements to teach ECE and kindergarten through eighth grade. S-5.

6. Since obtaining this teaching certificate in August 1984, the Appellant has consistently renewed her certificate. She also received an administrator's (principal) certificate from OSPI on October 12, 2006, after completing a master's degree and the principal preparation program at Seattle University's College of Education. S-3; S-4; A-8.

7. Upon obtaining her initial teaching certificate in August 1984, the Appellant was hired by Seattle Public Schools (SPS). She taught at several SPS elementary schools for the next four school years: 1984-1985 through 1987-1988. S-3, p. 2; S-68; S-69; A-6, pp. 9 - 10.

8. On September 19, 1988, the Appellant signed an exclusive listing agreement to become one of the commercial tenants at 21500 Cypress Way, Lynnwood, Washington. S-7, pp. 35 - 38. Her plan, which came to fruition a month and a half later, was to open a private preschool-kindergarten at that location. The school was called Bilal House. It also provided after-school care and homework tutoring for children up to 3rd grade. S-7, pp. 32 - 33.

9. The lease for Bilal House was originally dated September 30, 1988, with a lease term to begin October 1, 1988. Matters were delayed, and the Appellant ultimately executed the lease on November 28, 1988, with a lease term that began December 5, 1988. S-7, pp. 2 and 14 - 15.

10. Bilal House operated from December 1988 through June 1991, at which time it closed. The premises were vacated by July 1, 1991. S-7 through S-49.

11. In October 2000, the Appellant was rehired by SPS, this time in a classified, paraprofessional position. Her title was career center specialist. S-53; S-103; A-6, p. 6. During her previous employment with SPS in the 1980's she was in a certificated teaching position.

³ The acronym "GED" was not defined in the record, and it can stand for several things. What it stands for in Indiana is not known. In Washington, it stands for the "general educational development" test, which is developed by the American Council on Education. Those who pass the test receive a "certificate of educational competence." WAC 180-96-010; WAC 180-96-020.

12. From October 2000 through October 2004, the Appellant worked at SPS's Garfield High School as a career center specialist. In November 2004, she transferred to a different position: program specialist in SPS's Work Based Learning program. In the new position she worked at the district's central administration building. Like her previous position, this was a classified, paraprofessional position. S-64; S-65. The job title was also referred to as youth development specialist (YDS).

13. The Appellant worked as a YDS from November 2004 until she was laid off at the end of the school year in June 2005. S-66. The layoff was due to a reduction in grant funding for the Work Based Learning program.

14. The Appellant was hired into another SPS position for the new school year in Fall 2005. It was the same position she held previously: career center specialist. However, in the new position she worked 80% of full time equivalent (FTE), whereas she previously worked 100% FTE. S-74. She now worked three days a week at Cleveland High School and one day a week at Ingram High School.

15. In August 2006, the Appellant's union filed a grievance concerning her reduction to 80% FTE. S-75.⁴ A SPS senior human resources (HR) analyst, Sue Means, reviewed the Appellant's personnel file in preparation for responding to the grievance. While reviewing the file, Ms. Means noticed different dates of birth on the Appellant's federal I-9 form and on the driver's license she presented as identification for the I-9 form. Ms. Means then found two other dates of birth for the Appellant on insurance enrollment forms. An investigation ensued.

16. On January 22, 2007, SPS sent the Appellant a letter terminating her employment effective January 25, 2007. S-77. The termination letter stated the Appellant provided several different dates of birth to SPS and to the Washington Department of Licensing (DOL), and that she gave false information to SPS about her criminal history, employment history, educational history, and dates of jury service.

17. By letter dated January 31, 2007, SPS's superintendent notified OSPI that the Appellant's employment had been terminated for unprofessional conduct. The letter alleged the Appellant engaged in extensive inconsistencies and deception. S-1.⁵

⁴ The union contended the Appellant's reduction to 80% was involuntary. SPS contended it was voluntary, asserting it offered her a choice of positions that would add up to 100%, but she requested a 20% leave. SPS denied the grievance as untimely and denied it on the merits. S-75. The union disagreed and scheduled arbitration of the grievance. The union subsequently requested that the arbitration be held in abeyance pending the outcome of the investigation that led to the Appellant's discharge. The Appellant's unemployment appeal decision mentions a union grievance, which may have been a grievance concerning her discharge. See A-1, p. 1. There is no evidence in this proceeding regarding the outcome of any union grievance filed on the Appellant's behalf.

⁵ Although the SPS letter was dated January 31, 2007, it is stamped received by OSPI's Office of Professional Practices (OPP) on February 5, 2007. S-1.

18. In March 2007, the Washington Employment Security Department (ESD) denied unemployment benefits to the Appellant, finding she had been discharged by SPS for misconduct. The Appellant successfully appealed this determination to an administrative law judge (ALJ) in May 2007. The hearing lasted approximately four hours and was conducted by telephone. The ALJ's decision was affirmed by ESD's Commissioner Review Office in July 2007. A-1.

19. OSPI opened an investigation concerning the Appellant in response to SPS's referral letter. On December 23, 2009, OSPI issued a Final Order of Revocation concerning the Appellant's teaching certificate (Final Order). The Final Order addressed events from 1984 through 2008. C-1.⁶

Initial Application to OSPI for Teacher Certification - 1984

20. In August 1984, the Appellant submitted an initial application for teacher certification to OSPI. S-5, pp. 6 - 9. She listed the time period of her prior employment at the Islamic School of Seattle (Islamic School) differently in this application than she would list it in resumes and job applications in the future.⁷

21. The Appellant wrote that she worked at the Islamic School full-time for one school year, from September 1983 to June 1984, as director-head teacher of the kindergarten and preschool program. *Id.* This information is accurate. It was written in August 1984, only two months after the position ended. The Appellant could not have worked longer at the Islamic school, because she began a new position immediately thereafter, teaching full-time for SPS beginning September 1984 and continuing for four years.⁸

22. In the teacher certification application the Appellant listed her correct date of birth, May 18, 1947. S-5, p. 6. However, in a related OSPI form sent to Purdue University to verify her undergraduate work in teaching, the Appellant filled in her date of birth as "5-18-54". S-6, p. 1. The Appellant did not affirmatively deny that she wrote "5-18-54" on this form, but testified she does not recall writing it, and stated the bottoms of the 5's look different than hers. In light of the many times the Appellant used this date of birth over the years (see below), and the fact that it is written in a

⁶ OSPI presumably issued a Proposed Order before issuing the Final Order, pursuant to WAC 181-86-135. The Proposed Order in this case was not offered in evidence. There is also no information in the record as to when it was issued.

⁷ The Islamic School's name is not written on the application; the Appellant instead wrote "Private" but testified that this entry on her OSPI application referred to the Islamic School. The Appellant probably wrote it this way because the form did not ask for the name of the school. It asked for the district, city and state. S-5, p. 9.

⁸ A document filled out in 2000 by the Islamic School's then-administrator overstated the period of the Appellant's employment as extending to 1985. S-93. The current administrator of the Islamic School testified at the hearing. She was involved with the school in the 1980s but was unsure whether the Appellant worked through 1984 or 1985. However, because the Appellant began teaching full-time for SPS in September 1984, what the Appellant wrote in her initial teacher certification application -- that her Islamic School employment ended in June 1984 -- is correct.

section of the form she acknowledges filling out, it is found the Appellant wrote "5-18-54" as her date of birth.

23. When the Appellant telephoned OSPI to ask whether her Purdue transcript had arrived, she identified herself by giving the May 18, 1954 birth date to the OSPI employee she spoke with. S-6, p. 2. The Appellant denies that she did this, but the denial is not credible in light of the numerous times she provided that date of birth to OSPI and other agencies (see below).

24. The Appellant used five different dates of birth in documents in the record. Her explanation for the May 18, 1954 date of birth is not credible in itself, and is also not credible in light of the fact that she used so many different dates of birth.

25. The Appellant relies on a Certificate of Birth Registration from the City of Indianapolis Department of Health, which purports to state a May 18, 1954 birth date. S-85, p. 2. This is not an official birth certificate. The Appellant acknowledged that the U.S. passport agency (the Department of State) would not accept it as proof of her date of birth. The Appellant's official birth certificate is from the Marion County Health Department, and states she was born on May 18, 1947. S-85, p. 1.

26. On the city certificate with the 1954 birth date, the "19" in that year is pre-printed on the form. The "54" is typed in a blank space on the form. There is a dark smudge where "54" is typed, as if the document may have been altered. The smudge does not fall along either of the two fold-lines of the document, which are darkened apparently due to folding. S-85, p. 2.

27. At the hearing this was pointed out to the Appellant, and she was asked whether the original of the city certificate was in her possession so that it could be examined for authenticity. The Appellant testified she no longer had the original. She stated that the U.S. passport agency refused to return the original to her, and she had not made a serious attempt to get it back because it was more important to her to get a passport (which she succeeded in doing upon presenting her official Marion County birth certificate). The Appellant acknowledged it is not the usual practice of the U.S. passport agency to refuse to return original documents.

28. It is not credible that the Appellant would have acquiesced in the Department of State retaining this document. It is allegedly a family heirloom, found by the Appellant's brother in their grandmother's Bible when the grandmother died. (The Appellant testified the grandmother died some time before 1984, when the Appellant moved to Washington State.) It is also not credible in light of several instances in the record where the Appellant intelligently and persistently asserted her rights in dealing with public agencies (e.g., OSPI and SPS).

29. The Appellant testified that after the alleged discovery of this city certificate she was unsure whether she was born in 1947 or 1954. This testimony is not credible. The Appellant's mother, who lived until May 2006, always told her she was born in 1947. In 2001, the Appellant obtained a copy of her official birth certificate from the Marion County Health Department, stating she was born in 1947. Also in 2001, the Department of State issued her a passport based on the 1947 Marion County birth certificate after refusing to issue one based on the 1954 city certificate. Despite this, the Appellant continued to use the 1954 date of birth after obtaining her passport in 2001.

30. The dates that the Appellant attended public school as a child also make it not credible that she was unsure whether she was born in 1947 or 1954. The Appellant started kindergarten in the Indianapolis School District in 1952 and left the district after eighth grade.⁹ In the fall of 1952 she was five years old, having been born in May 1947. Unless the Appellant attended kindergarten two years before she was born, she could not possibly have been born in 1954.

31. The Appellant testified she has been unable to figure out whether she was born in 1947 or 1954 ever since the city certificate was found more than 25 years ago. The Appellant has shown herself to be a very resourceful and intelligent person. She could long ago have checked her school records if she had such doubts.

32. The Appellant had a motivation to use a false date of birth. She had misdemeanor convictions in Marion County, Indiana, that she chose not to disclose when she moved to Washington and became a teacher. She sometimes disclosed one of those convictions because, for reasons discussed below, it was the only one that appeared on her FBI and Indiana State Patrol RAP sheets.¹⁰

Renewal Application to OSPI for Teacher Certification - 1988

33. When the Appellant renewed her teacher certificate in 1988, she certified under penalty of perjury that she had never been convicted of any crime. This was false. She also gave OSPI a false date of birth.

34. The renewal application asked the following question: "Have you ever been convicted of any crime for violation of any law, police regulation or ordinance (excluding minor traffic violations for which a fine or forfeiture of \$100 or less was imposed)?" The Appellant answered "no" to this question. S-3, p. 3. She signed an affidavit at the end of the form stating:

I, Carolyn AlAseer, certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. If the answers to any question on the application or the moral character and personal fitness section on the application change prior to my being granted certification, I must immediately notify Professional Education and Certification at SPI.

S-3, p. 4.

⁹ This information came into evidence as hearsay from the Indianapolis School District student records office, through SPS HR analyst Sue Means, who communicated with that office. The Appellant did not deny this information, question it, or state that she attended school different dates. It therefore does not unduly abridge her opportunity to cross-examine witnesses or rebut evidence to base a finding of fact on this hearsay evidence.

¹⁰ See S-88, pp. 1 - 3; A-4, pp. 4 - 5. Witnesses at the hearing, including Benjamin Murciego of the King County Sheriff's office, used the term RAP sheet. Mr. Murciego did not know what the acronym RAP stands for. No other witness testified what it stands for. Mr. Murciego explained that there are two types of RAP sheets: conviction and arrest. The FBI RAP sheet in the record is a conviction-only RAP sheet. S-88, pp. 1 - 3.

35. Another section of the renewal application asked for her date of birth, and the Appellant wrote "5-18-54". S-3, p. 1. This portion of the application had the same affidavit language quoted above, and the Appellant signed it. S-3, p. 2.

36. In 1967, when she was 20 years old, the Appellant was arrested for shoplifting in Indianapolis, and was fingerprinted. She gave the police the name of an acquaintance of hers, Angela Northington, instead of her own name. The Appellant was convicted of a misdemeanor under the name Angela Northington. Her ten-print fingerprints were assigned the identification number (gallery number) 19427. C-3, pp. 2, 5; S-89, p. 1. The conviction and fingerprint information, including the Appellant's true 1947 date of birth, are in her FBI RAP sheet. S-88, pp. 1-2.

37. In later years (but not in the 1988 teacher certification renewal application to OSPI), the Appellant acknowledged the 1967 conviction when asked about her criminal background on official forms. She also acknowledged this conviction at the hearing. The Appellant knows the conviction appears on her FBI and Indiana State Patrol RAP sheets, and will be found if either fingerprints or the correct name and date of birth are used.

38. In 1971, when the Appellant was 24 years old, she was convicted again for shoplifting in Indianapolis. She gave the police the name Linda Harris. Linda Harris was an acquaintance the Appellant knew growing up in Indianapolis. The Appellant was fingerprinted and jail personnel determined from the fingerprints that she was the same person as the Angela Northington convicted in 1967. C-3, p. 3; S-89, p. 2.

39. The Appellant denies the 1971 conviction was hers. The denial is not credible. The manager of identification from the Indianapolis Metropolitan Police Department, Paula Wright, examined the 1967 and the 1971 fingerprints and testified credibly that they matched, meaning the same person provided both sets of fingerprints.¹¹ Ms. Wright has been with the Indianapolis Metropolitan Police Department for 24 years. She is a certified 10-print examiner. She worked in her agency's latent print section before becoming manager of identification. Her agency is the keeper of criminal records for Marion County, Indiana.

40. In 1975, an individual was arrested for shoplifting in Indianapolis. She gave the police the name Carolyn Northington, and was convicted under that name. C-3, p. 4; S-89, p. 3. She was fingerprinted and jail personnel determined based on fingerprints that she was the same person as the Angela Northington of the 1967 conviction and the Linda Harris of the 1971 conviction. The same fingerprint gallery number was assigned to all three convictions: 194279. C-3, pp. 3 - 5.

41. Ms. Wright examined the fingerprint from the 1975 defendant to see if she could confirm the identification of that fingerprint made by jail personnel as belonging to gallery number 19427. The copy of the 1975 fingerprint was not clear enough for Ms. Wright to make an identification. In the 1980s, these records were transferred to microfilm and the paper records were destroyed. The copy of this record from the microfilm is not clear.

¹¹ The 1967 set of fingerprints was all ten fingers, since it was the Appellant's first contact with law enforcement. All subsequent fingerprints are thumb prints. Copies of all of these fingerprints are in the record. C-3, pp. 2 - 5.

42. The Appellant denies that the 1975 conviction under the name Carolyn Northington is hers. It would unduly abridge the Appellant's right to rebut evidence and cross-examine witnesses to base a finding of fact exclusively on the written statement of jail personnel from 1975 regarding a fingerprint match. The jail personnel did not testify and could not be cross-examined at the hearing. Also, the Appellant cannot properly confront the 1975 fingerprint evidence because the copy in the record is not clear enough to permit identification. For these reasons, it has not been proven that the 1975 conviction belonged to the Appellant.

43. It is found that the Appellant untruthfully certified to OSPI in 1988 that she had never been convicted of any crime. She had criminal convictions in 1967 and 1971.¹²

44. The Appellant acknowledges that she wrote May 18, 1954 as her date of birth on the 1988 teacher certification renewal application. S-3, p. 1. She wrote the same date of birth on the release she signed at that time allowing OSPI to check her criminal history. S-4, p. 1. The Appellant did not quite deny that she wrote this date of birth on the release form, but stated she did not know that she filled it out and questioned whether some of the numerals looked like hers. Given that the Appellant acknowledges writing the 1954 date of birth on the renewal application, it is found that she also wrote it on the criminal background release form, which she signed only an inch below the date of birth. *Id.*

45. On the criminal background release form, the Appellant gave her then-current married surname, Al Aseer. The release also asked for aliases and maiden names. She listed her maiden name, but did not list the aliases Angela Northington and Linda Harris, under which names she was previously convicted. Not surprisingly, the background check resulted in no criminal record being found, because the date of birth was wrong. S-4, pp. 1 - 2. The Appellant's FBI RAP sheet has her correct date of birth, May 18, 1947. S-88, p. 1.

46. The Appellant's RAP sheet lists only her 1967 conviction. S-88; A-4, pp. 4 - 5.¹³ The reason for this is as follows. Mr. Murciego of the King County Sheriff's office explained that RAP sheets do not necessarily show all convictions. If the arresting agency either did not obtain fingerprints, or obtained them but did not submit them to the FBI, the conviction will not appear on the person's FBI RAP sheet.

47. Paula Wright of the Indianapolis Metropolitan Police Department explained that her department sends all fingerprint information to the Indiana State Patrol (ISP), but in years past the ISP would not accept some misdemeanor fingerprint records.

48. SPS HR analyst Sue Means spoke with Wade Anderson, lead identification technician in the King County Sheriff's office fingerprint unit. He told Ms. Means that it was not unusual, especially

¹² When she initially applied to OSPI for teacher certification in 1984, the Appellant was only asked about convictions within the last 10 years. S-5, p. 6. The Appellant answered no to this question, which was not untruthful since the 1975 conviction has not been proven to belong to her.

¹³ The Indiana State Patrol RAP sheet lists this, as well as a conviction for failing to obtain vehicle inspection stickers, which carried a fine of \$4.00. A-4, p. 5. It is not obvious that this second conviction is for vehicle stickers; this was explained by Paula Wright of the Indianapolis Metropolitan Police Department.

for misdemeanors, and especially in the years before identity theft was a concern, for police agencies not to report the fingerprints or convictions to their state patrol or the FBI. Mr. Anderson said it was not unusual for this to happen in the 1960's and 1970's for petty crimes. S-88, p. 4.

49. On August 15, 1988, the Appellant signed the main part of OSPI's renewal application. S-3, p. 2. On August 20, 1988, the Washington State Patrol certified that the Appellant, with a false 1954 date of birth, had no criminal history. S-4, p. 2. After this report came back, on August 31, 1988, the Appellant signed the Moral Character Supplement to the renewal application, stating she had never been convicted of any crime. S-3, p. 4. The Appellant's teacher certification was renewed.

50. The Appellant testified she thought she only had to report convictions in the last ten years, unless they were felonies or crimes against children or vulnerable persons. However, the question is very clear: "Have you ever been convicted of any crime for violation of any law, police regulation or ordinance", with an exclusion only for minor traffic violations. S-3, p. 3 (emphasis added). If the Appellant thought she was only required to list certain convictions, and not all, she had an obligation to annotate her answer, or to ask OSPI about the question, rather than answer the question untruthfully.

Washington State Driver's Licenses - 1989 to 2007

1989 Driver's License

51. In September 1989, the Appellant applied for a Washington State driver's license.¹⁴ She gave her date of birth as May 7, 1952. S-94.¹⁵ This is a different date in May, as well as a different year, than she previously used in documents in the record.

52. The Appellant also gave a false social security number (SSN) in this driver's license application. Her full social security number is not reproduced here to protect the confidentiality of that information. The Appellant's true SSN has "50" as the middle two digits (i.e., the fourth and fifth digits, between the hyphens). The SSN on this application has "92" as the middle two digits.

53. On the 1989 application, the Appellant used the first three digits from her actual SSN. She moved the last two digits of her actual SSN ("92") into the middle position. Finally, she varied the last four digits slightly from the last four digits of her actual SSN. The last four digits of the SSN are somewhat difficult to read in the copy in the record, but the first three digits and the middle two digits are clear. S-94.

¹⁴ The license application lists September 28, 1989 as the date the Appellant took the driving test. It lists December 28, 1989 as the Exam Fee Date. S-94. DOL considers the date of the license application to be September 28, 1989. See S-102, p. 1.

¹⁵ The "05-07-1952" date of birth on the 1989 driver's license application is difficult to read (see S-94), but is confirmed elsewhere. In Washington, driver's licenses expire on the applicant's birthday. The expiration date listed on the application in question is "05-07-93". This falls on the Appellant's asserted date of birth (May 7), four years after the 1989 application (1993). S-94. The "05-07-1952" date of birth on this document is also confirmed on another driver's licensing document. In 2001, the Appellant applied to change DOL's record of her date of birth from May 7, 1952 to May 7, 1959. S-95.

54. The Appellant testified she had a Washington State driver's license with a May 18, 1954 date of birth prior to 1989. This testimony is not credible. On her 1989 license application the following question is answered "NO": "Have you had a license before?" There is no answer given to the follow-up questions: "If YES, where?" and "Under what name?" *Id.* The type of application is coded "31" on the application form. This is DOL's code for an original license issuance. See S-102, p. 1. Also, the Appellant filled out an OSPI form in her own handwriting a year earlier (the criminal background release form) indicating she had no driver's license in any state. The Appellant filled out all other lines on the release form except the line for "Drivers Lic. Number/State". She left this blank, indicating to law enforcement that she had no driver's license. S-4, p. 1. Thirteen months later, in September 1989, she applied for her first driver's license.

55. The Appellant alleges that all of the incorrect information typed on her 1989 license application was due to DOL typing errors, though the Appellant signed the application next to a certification stating the information was true and correct. Likewise she alleges that all of the driver's licenses with false information that she obtained from 1989 to 2006 were due to DOL errors or refusal to let her correct the errors. This is not credible, for the reasons discussed below.

56. The name on the 1989 driver's license application is "Carolyn Akilahalasia Darwish". S-94. The Appellant testified that DOL made a mistake on her middle name, running together Akilah (the unofficial middle name she testified her stepfather gave her) and Al Asir (one of several variant ways she spelled her second husband's surname).

57. The Appellant's testimony that DOL made a mistake on her middle name is not credible. The Appellant's signature on the driver's license application has a very long middle name that appears to be Akilahalasia, clearly separated from the first name "Carolyn" and the surname "Darwish". *Id.* This same middle name appears on the Appellant's driver's license four years later, in 1993. S-96. The Appellant could have corrected it when she renewed her license but she did not.

58. Regarding the surname Darwish, the Appellant testified as follows: Darwish was part of her second husband's name that he began using after he had an argument with his father. After that argument he stopped using the surname Al Aseer and began using Darwish as his surname. The Appellant testified she followed suit and started using the surname Darwish. Their marriage certificate does not list Darwish as any part of his name, but rather lists his name as "Munir Adil Al-Aseer". He signed the certificate "Munir Al-Aseer". S-86.

59. The record contains a 1990 postal change of address form for the two of them, changing their address from the Bilal House location to General Delivery in Los Angeles. They did not live at Bilal House; it was a commercial property. The Appellant denied filling out this form and testified Mr. Al-Aseer probably did. The form includes several variant spellings of his name, but does not include Darwish in any part of it. S-29. It is also odd that the signature on the 1990 postal change of address form is completely different from Munir Al-Aseer's signature on his 1984 marriage certificate. S-86; S-29.

60. The Appellant used varying combinations and hyphenations of what she testified were three married names over the years. Whether the Appellant used Darwish or any other surname to misrepresent her identity, and whether she used any of her driver's licenses with different names

and dates of birth for any improper purpose, is unknown. There is no evidence the Appellant used the surname Darwish, or any other surname, to deceive SPS or OSPI: SPS tracked her identity by her employee identification number, regardless of the names she used. OSPI tracked her identity by her teacher certification number, regardless of the names she used. However, the Appellant did use names to deceive OSPI in 1988, by not listing her aliases Angela Northington and Linda Harris when required to list aliases for OSPI's criminal background check.

61. In 1989, the Appellant presented two forms of identification when she applied for a driver's licence: Her King County marriage certificate to Munir Al-Aseer, and a birth certificate. The marriage certificate listed her age as 29. Since the marriage certificate was issued in April 1984, she was claiming to have been born in May 1954.¹⁶ DOL did not calculate her year of birth from the marriage certificate, and instead relied on the birth certificate to establish her date of birth as May 7, 1952. See S-102, p. 2.

62. How the Appellant obtained a birth certificate with a May 7, 1952 date of birth is unknown. She may have altered the city certificate of birth registration more than once. (The copy in the record reads "May 18, 1954". However, it appears that both the "18" and the "54" were typed on top of something that was written earlier. See S-85.) However she did it, the birth certificate the Appellant presented to DOL with a May 7, 1952 date of birth was a falsified document. Because the Appellant retained this date of birth on her driver's license for the next 12 years, through three license renewals, her assertion that it was due to a DOL typing error is not credible.

63. The signature line on the 1989 driver's license application stated: "I certify that the information I have provided on this application is true and correct." S-94. The Appellant signed the application, which contained a false social security number, false date of birth, and false middle name.¹⁷

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¹⁶ In the copy of the marriage certificate that is in the record, the "9" in the number "29" listed for the Appellant's age is faint. It looks like it might be a 4, making the Appellant's asserted age 24. S-86. However, the Appellant presented this marriage certificate (#840413 7033) to obtain her driver's license in 1989. See S-94; S-86. The DOL investigated her driver's licenses in 2007 and stated that the marriage certificate "clearly states that on your last birthday you were 29". S-102, p. 1. DOL may have had in its records, or obtained from King County, a more legible copy of the marriage certificate than the one in S-86, which was copied from microfilm and probably photocopied again before arriving in the court's copy of the exhibits. The faint numeral is near the edge of the page. In any event, the marriage certificate clearly does not state the Appellant's true age, which was 36 at the time of her marriage in April 1984.

¹⁷ There is no copy of the original 1989 license in the record, only the application for it. The Appellant obtained a duplicate of the 1989 license in January 1993, perhaps because she lost the original. A copy of the January 1993 license is in the record. S-96. That would explain why a license issued in January 1993 has an expiration date of May 7, 1993 -- only four months later. S-96. May 7, 1993 was the expiration date of the original 1989 license. S-94.

1993 Driver's License

64. In May 1993, the Appellant renewed her driver's license. She did not change the false May 7, 1952 date of birth. Nor did she change the long middle name that she asserts was a DOL error. The expiration date for this license was May 7, 1997. S-97.

1997 Driver's License

65. In 1997, the Appellant renewed her 1993 driver's license, which expired on May 7, 1997. Although a copy of the Appellant's 1997 driver's license is not in the record, she presented it as identification for the federal I-9 form in 2000 when she was re-hired by SPS. The driver's license she presented for the I-9 had the same license number as the Appellant's 1993 license, and had an expiration date in May 2001. S-54. The Appellant thus renewed her license again without correcting the false May 7, 1952 date of birth or the erroneous middle name.

June 11, 2001 Driver's License

66. The Appellant obtained a new driver's license on June 11, 2001. She kept the same false date of birth, May 7, 1952, as on her previous licenses. She changed the name on her license to Carolyn Bilal-Faye (no middle name). S-98.

67. According to a medical insurance form the Appellant filled out for SPS, she married Cheikh J. Faye in August 2000. S-56. She testified that she reverted to using her first married name of Bilal in combination with Faye because Bilal is her children's surname.

June 12, 2001 Driver's License

68. The next day, June 12, 2001, the Appellant obtained a new driver's license with the same name (Carolyn Bilal-Faye) but with a different date of birth. S-99. She used a DOL form titled "Change of Name of Record / Date of Birth" to do this. S-95. She changed the date of birth from May 7, 1952 to May 7, 1959 -- another false date of birth, and a different one than she ever gave to OSPI or SPS.

2006 Driver's License

69. In May 2006, the Appellant renewed the license she had obtained on June 12, 2001. She did not change the false May 7, 1959 date of birth. S-100.

February 2007 Driver's License

70. SPS discharged the Appellant in January 2007. On February 7, 2007, a DOL investigator from the Drivers Special Investigation unit wrote to the Appellant stating, in part:

It is my understanding based on documents presented and verified by the Social Security Administration (SSA) that your actual date of birth is that of 05/18/1947 and that you will be coming in to one of our offices to obtain a driver's license with a valid date of birth.

S-102, p. 2. The Appellant did so the same day. On February 7, 2007, the Appellant for the first time obtained a driver's license with her true date of birth, May 18, 1947. It was issued under the name Carolyn Bilal (no middle name). S-101.

71. The DOL investigator did not charge the Appellant with fraud because the Appellant claimed all of the errors in her dates of birth and SSN were made by DOL, not by her. The DOL investigator concluded:

At this time, there is no fraud found as it relate to driver's licensing. A review of your record indicates that there are many discrepancies but based on the passage of time (1989 to the present) many of the documents necessary to determine how some of the discrepancies occurred are no longer available.

S-102, p. 2.

72. The Appellant claims she was merely negligent in signing DOL documents without noticing the errors DOL made in her date of birth and SSN. She testified she noticed the errors in her date of birth after she received the licenses, but due to her work hours, and to DOL rebuffing her attempts at correction, she was unable to get the errors corrected.

73. This testimony is not credible. For more than 17 years, from 1989 to 2007, the Appellant carried licenses with incorrect dates of birth -- first one incorrect date, then another. During many of those years she did not have full-time employment or regular work hours. According to the work history she wrote on her job application to SPS in 2000, she wrote free-lance articles for a local newspaper (1993 - 95), worked as a consultant for 10 hours a week (1995 - 96), and worked for Kelly Services as a temporary employee 8 to 40 hours a week (1996 - 2000). S-51, pp. 2 - 3.

74. The only attempt at correcting her date of birth in DOL's records was on June 12, 2001, when the Appellant used a "Change of Name of Record / Date of Birth" form to change from one false date of birth (May 7, 1952) to another (May 7, 1959). S-95. The Appellant claims a DOL employee did the handwriting on this form. The handwriting looks like the Appellant's. Even assuming a DOL employee wrote it, it is unlikely that several DOL employees over the years typed or wrote something different than what the Appellant told them. Even in the unlikely event that this occurred, the handwriting on the June 12, 2001 form is large, clear and dark. The form is only half a page long. The only change made on the form is the date of birth. The Appellant signed the form below a certification that the statements on the form were true and correct. S-95. There is no record of the Appellant attempting to change the 1959 birth date that resulted from this form until DOL directed her to do almost seven years later, in February 2007.

Employment Application to SPS - 2000

75. In October 2000, the Appellant was rehired by SPS as career center specialist at Garfield High School. The Appellant made numerous misrepresentations in the employment application and resume she submitted to get this job.

76. First, she wrote that her previous SPS employment as a teacher was from 1984 to 1990. These dates appear both in handwriting on her application and typed on her resume. S-51, pp. 1, 5.

For some reason SPS did not adequately verify these dates and gave her credit for six years' prior employment in setting her salary. See S-52 and S-53; S-78 and S-79; A-6, p. 8.

77. The Appellant actually taught for SPS for only four years, from September 1984 to June 1988. She thus overstated her prior experience by 50 percent. Near the end of the school year in 1988 she was granted a leave of absence to care for her son, who was then about 11 years old (he was born in 1977). She testified he has [REDACTED] and it was difficult to respond to his unpredictable medical needs while being a classroom teacher. Her health leave officially began September 1, 1988. She resigned employment a few months later, on November 28, 1988. S-69.

78. The Appellant claims she did not resign from SPS until April or May 1989, when she received a letter asking if she would be returning to work in Fall 1989. She responded that she would not be returning. (The Appellant later testified this occurred in April or May 1990, justifying her writing that she was employed through 1990.)

79. The Appellant asserts that the notation on her Teacher Permanent Record card saying "11-28-88 Resigned from Leave" was a mistake. *Id.* This assertion is rejected for the following reasons. First, the Appellant showed she agreed with this resignation date when she received a seniority review in 2005. The seniority review was a brief email containing five bullet points and concluding that the Appellant's seniority had accrued correctly. Two of the bullet points were as follows:

- On 9/1/88 you went on health leave without pay;
- You resigned from leave on 11/28/88;

S-67. The Appellant had a two-word reply to this email: "Thank You!!!" *Id.* She did not dispute the facts stated, as she would be expected to do if they were wrong, since they might affect her seniority status. She did not offer in evidence any subsequent correspondence showing she later disputed the resignation date.

80. The second reason why November 28, 1988 is credited as the Appellant's resignation date is that something important happened in her life that day which would prevent her from returning to SPS. Since at least September 19, 1988, the Appellant had been negotiating to lease space at 21500 Cypress Way in Lynnwood, Washington and open her own private school, Bilal House. S-7, pp. 35 - 38. November 28, 1988 was the date she finally executed the lease for the property. S-7, pp. 2, 15. She could no longer return to SPS as of November 28, 1988, because on that date she became legally obligated on a one-year lease for Bilal House.

81. The resume the Appellant submitted to SPS in 2000 makes no reference to her teaching for four years, then being an employee on leave status for some period thereafter. Instead, the resume makes it appear that she had teaching experience for six years. The resume entry reads:

1984-1990 Seattle School District Seattle, WA

Classroom Teacher

- Plan, design, implemented classroom program

- Internal/external customer service
- Maintain files/ records

S-51, p. 5 (emphasis in original).

82. The Appellant supports her theory that the November 28, 1988 resignation date in her SPS Teacher Permanent Record is a mistake by pointing to other alleged mistakes in that document. She states that her Teacher Permanent Record does not list all the elementary schools at which she worked from 1984 to 1988. This may be true. The main purpose of the record is to document teachers' employment information (the years they worked; the number of days present and absent; leaves granted; return-to-service dates; and resignation dates).

83. Paula Evans is a SPS classification and compensation analyst. She has been with SPS for 30 years, and has been in the HR Department for 20 years. Ms. Evans explained that Teacher Permanent Records were updated only once a year in the past, so not all schools were necessarily listed if the teacher moved during a school year. With cutbacks in staff, Teacher Permanent Records are now updated only when a teacher's employment status changes or when they leave employment. Ms. Evans is found to be a credible witness. The Appellant has failed to undermine the reliability of her SPS Teacher Permanent Record and, as stated above, five years ago she manifested her agreement with the resignation date stated in that record.

84. Turning to other matters in the Appellant's 2000 SPS job application, neither her application nor her resume mentions Bilal House. Instead, she claims to have taught full-time for SPS during the first part of her years at Bilal House (1988 to 1990), and to have worked at the YMCA in Indianapolis from 1990 to 1993, which covers the latter part of her years at Bilal House and extends forward another two years. S-51, pp. 1, 3, 5.¹⁸

Like her SPS work experience, the Appellant's YMCA work experience is misrepresented in the 2000 job application. Witnesses from Indianapolis corroborated the Appellant's testimony that she worked for the YMCA from approximately 1980 to 1983 – ten years earlier than stated on her application. The Appellant testified she simply could not remember the correct years, because it happened so long ago. This testimony is not credible for the following reasons.

¹⁸ The Appellant alleged that she started Bilal House but then ran it as an absentee owner from Indianapolis, only flying back to Washington to check on the business for a few days at a time. She testified she did not work in Indianapolis during this time.

The absentee-owner testimony seems somewhat unlikely based on correspondence to and from Bilal House that is in the record. It is also unlikely based on the testimony of Michael Saahir, one of the Appellant's witnesses from Indianapolis and the Imam of the mosque she attended there. According to Mr. Saahir, the Appellant never moved back to Indianapolis after she moved to Washington State, and only came back to visit once every couple of years. He explained that the Appellant still had a son and daughter living in Indianapolis. Her ex-husband, Mr. Bilal, still lives in Indianapolis and attends Mr. Saahir's mosque.

It is unnecessary to determine in this proceeding whether the Appellant was an absentee-owner of Bilal House. However, her credibility is once more brought into question by the fact that in job applications and resumes (discussed both above in text and below), the Appellant contradicts the assertion that she lived in Indiana during those years by listing employment she had in Washington during the same time period.

86. First, the Appellant obtained the YMCA job as a work-study position through Purdue University, and worked there throughout her three years at Purdue (1980 to 1983). She listed her Purdue years correctly on the job application and resume. S-51, p. 2.¹⁹ She would have strongly associated her work at the Indianapolis YMCA with her years at Purdue -- not with the period ten years later, by which time she had been living and working in Washington for seven years.

87. Second, the Appellant falsely represented that she worked first for SPS in Seattle from 1984 to 1990, then moved back to Indianapolis and worked at the YMCA 1990 to 1993, and finally returned to Seattle and worked at a variety of jobs from 1993 to 2000. This is the order in which her jobs are listed in the application and resume. She actually listed as her reason for leaving the YMCA: "Came back to Washington - Program funding cut". S-51, p. 3. The Appellant would have known that she did not "c[o]me back to Washington" after the YMCA. When she worked at the YMCA during college she had not yet lived in Washington. That is something she would not have forgotten.

88. Third, the Appellant's 2000 resume states she volunteered in the King County (Washington) Courts CASA Program from 1992 to 1995. S-51, p. 6. She thus knew she lived in the Seattle area during those years. When she decided to misrepresent the years of her Indianapolis YMCA employment as being 1990 to 1993, she did not adequately edit the resume to remove contradictory information.

89. Finally, the Appellant had a motivation to make her YMCA employment appear much more recent than it was. In 2000, she was applying for a position as career center specialist at a high school. Nearly all of her experience in education was with preschoolers and elementary-age children. Her only experience working with older children was at the YMCA almost two decades earlier. The job description for career center specialist listed the "Minimum Qualifications" for the position, including knowledge of "Current career education materials and resources;" S-103, p. 3. Knowledge nearly two decades old is not "current".

90. When it rehired the Appellant in 2000, SPS did not adequately verify her prior employment with the YMCA and credited her with three years of relevant experience in setting her salary. See S-52 and S-53; S-78 and S-79; A-6, p. 8. As part of its investigation in 2006, SPS attempted to verify the Appellant's employment history. The Indianapolis West Side YMCA (also known as the West District YMCA) had no record of her working there in the 1990s because she did not. Its program director told SPS that older employment records were archived and could not be readily accessed.

91. The Appellant also significantly overstated her duties at the YMCA. The resume she gave to SPS had this entry for the YMCA:

1990-1993	YMCA	Indianapolis, IN
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¹⁹ The 2000 job application states she attended Purdue 1980 to 1983. S-51, p. 2. The resume submitted with the job application states she attended Purdue 1979 to 1983. S-51, p. 6. The discrepancy in her years of attendance is due to the following. The Appellant attended a different institution, Indiana University-Purdue University Indianapolis (IUPUI), from June 1979 to June 1980. She then transferred to Purdue University in West Lafayette (outside of Indianapolis) and attended there from June 1980 until she graduated in June 1983. S-5, p. 7.

Youth Services Assistant Director

- Plan, design, implemented teen jobs career services program
- Train/ supervise staff
- Implemented activities for fundraising, self esteem building
- Developed job career manual

S-51, p. 5 (emphasis in original).

92. The Appellant acknowledged that the children she worked with at the YMCA were from 7 to 17 years old. Only the oldest among them, the 15-to-17 year olds, would have been candidates for job and career services.

93. The two witnesses familiar with her work at the YMCA stated the Appellant was an assistant to Paul Al-Amin. Mr. Al-Amin's daughter described her father's job as "teen athletic director" or "teen group counselor". She described some career-preparation activities, but the other witness, Michael Saahir, testified that Mr. Al-Amin coordinated activities such as ping-pong, pool tables, and recreational programs. Mr. Saahir did not recall any job placement or career testing activities there. Mr. Saahir is the Imam the mosque Mr. Al-Amin attended. He knew Mr. Al-Amin from about 1975 until Mr. Al-Amin's death approximately 25 years later.²⁰

94. Regarding other job duties listed in the Appellant's resume, neither of these witnesses mentioned any other "staff" in Mr. Al-Amin's program, nor that the Appellant trained or supervised anyone. S-51, p. 5.

95. Regarding another alleged job duty, the Appellant was asked whether she developed a job career manual at the YMCA. She responded that she does not recall doing that. When later shown the entry in her resume stating that she "[d]eveloped [a] job career manual" at the YMCA (S-51, p. 5), she changed her testimony to state that maybe she did.

96. The Appellant alleged SPS did not find records of her YMCA employment because SPS checked only the West Side YMCA, whereas she worked at a location known as the Falls Creek YMCA. This is not why SPS found no record of the Appellant's YMCA employment. The Appellant herself wrote that her employer was "YMCA - West Side" located in "Indpls, Indiana". S-51, p. 3. The West Side YMCA offered programs at several different locations, using facilities at churches, schools, and parks. The reason SPS found no record was because the Appellant purposely misled SPS to believe she had worked there in the 1990s instead of the 1980s. If the Appellant had been truthful, SPS would have known the YMCA had archived her employment records and could have requested them if it wished.

²⁰ The program director of the Indianapolis West District YMCA has been employed by that YMCA since 1989. She told Ms. Means that she has no recollection of a Paul Al-Amin working there. An employee in the HR department told the Appellant that Mr. Al-Amin's file would have been archived, and that employment records may be purged after seven years.

SPS did a national database search for employment, death and other public records for Paul Al-Amin and found no record of anyone by that name working or living in Indiana in the last 20 years. See S-77, p. 2. This may be because he also went by the name Paul Jones. It is unknown whether his name was legally changed. His daughter, Paula Jones, did not testify about this question, nor did any other witness.

97. There is another mystery about the Appellant's work at the Indianapolis YMCA, but it may have a legitimate explanation. In her initial application for teacher certification to OSPI in 1984, she wrote that she worked at the Indianapolis YMCA from April 1977 to June 1979 with children in pre-school to fourth grade. S-5, p. 9. She did not list her work at the YMCA with older children from 1980 to 1983. This may be because the OSPI application asked only for "educational service," and her work with older children at the YMCA was more recreational in nature. S-5, p. 9.

98. The Appellant testified she might have had two different periods of employment with the Indianapolis YMCA, one in the 1970s and one in the 1980s. This may be true. The Appellant never listed the preschool-to-fourth-grade work at the YMCA on any future applications or resumes, but she no longer needed to: By the time of her next application (1988 renewal application to OSPI) she had four years of SPS elementary school teaching under her belt, and the YMCA work with young children was approximately a decade old. If the Appellant had two different periods of employment at the Indianapolis YMCA, there is a legitimate explanation why the earlier period of employment is never mentioned again in the record.

99. The next misrepresentation in the 2000 SPS job application concerns the Appellant's criminal history. The application asked: "Have you ever been arrested and/or charged with a crime at any time?" A-6, p. 4. The Appellant responded yes, but did not disclose any criminal convictions. She disclosed only an arrest for obstructing a public servant in 1992. *Id.* The charges from the 1992 arrest, which occurred in Lynnwood, Washington, were dismissed. See S-61, p. 2.

100. The Appellant asserted that failing to disclose her Indiana criminal record did not matter, because SPS already knew about her 1967 criminal conviction (the only one the Appellant acknowledges). There is no evidence to support this assertion. It is unknown what criminal background questions she was asked when she applied to SPS in 1984. That application is not in evidence.²¹ When the Appellant first applied to OSPI for teacher certification in 1984, she was only asked about convictions in the last ten years. When she renewed her teaching certificate in 1988, she was asked more broadly if she had ever been convicted of any crime. She answered "no". S-3, p. 3. There is no reason to believe she had contradicted this and acknowledged a criminal conviction to SPS four years earlier.

101. SPS learned of the 1967 conviction (but no other conviction) after fingerprinting the Appellant in the rehiring process in October 2000. S-55. SPS requested her FBI RAP sheet in December 2000. See S-88, p. 1. SPS questioned the Appellant about an abbreviation in the RAP sheet the following year, in October 2001. The Appellant was asked what a conviction for "OAPA" meant. She truthfully stated she had been convicted of shoplifting. See S-87. (OAPA in Indiana statutes stands for Offense Against Property Act. See A-4, p. 5)

102. The Appellant's explanation for why she failed to disclose her Indiana convictions to SPS in the 2000 job application was, again, that she thought she only had to report convictions in the last ten years, unless they were felonies or crimes against children or vulnerable persons. However, the question on the SPS 2000 employment application was very clear: "Have you ever been

²¹ SPS destroys employee personnel files ten years after an employee leaves, but retains their payroll records, according to Paula Evans of the HR department. The Appellant left SPS in 1988, and did not return until more than ten years later, in 2000.

arrested and/or charged with a crime *at any time?*" A-6, p. 4 (emphasis added). If the Appellant thought she was only required to list certain convictions, not all, she had an obligation to annotate her answer, or to ask SPS about the question, rather than answer the question untruthfully.

103. The Appellant also engaged in misrepresentation in connection with her federal I-9 form when she applied to SPS in 2000. She presented a driver's license with a false May 7, 1952 date of birth, license no. DARWICA482KG. S-54; S-97.²² She signed directly beneath the following statement in bold print:

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

S-54 (emphasis in original). The Appellant made the mistake of writing her true May 18, 1947 date of birth on the I-9 form while presenting a driver's license with a different date of birth. The discrepancy was noticed by SPS six years later, in 2006, when HR analyst Sue Means reviewed the Appellant's personnel file to respond to a union grievance on an unrelated matter.

SPS Verification of Employment Form from Islamic School - 2000

104. There were suggestions in the record that the Appellant may have forged the 2000 form that verified her Islamic School employment. S-93. This has not been proven. There are several errors in the form, but these were just as likely made by the Islamic School administrator as by the Appellant.

105. The person who filled out the form appears not to have understood the meaning of certificated and classified employment. She should not have been filling out the part of the form in which those terms appear, because that section is marked "SCHOOL DISTRICTS ONLY". Under "TYPE OF POSITION" there are two columns: one marked "CERT." and one marked "CLASS". *Id.* The writer was supposed to mark one or the other, to indicate whether the employee was certified or classified.

106. The person who filled out the form put an "X" in the "CERT." column even though the Appellant was not a certificated teacher when she worked for the Islamic School (the 1983-1984 school year) and even though certification was not required for the position. In the "CLASS" column, the writer interpreted this to mean what class the Appellant taught, and wrote "ECE" for early childhood education. *Id.*

107. The writer put 1983 to 1985 as the Appellant's dates of employment at the Islamic School. The Appellant actually worked there only through June 1984. The form was filled out many years later, in 2000. The current director of the school, Dr. Ann El-Moslimany (not the person who filled out the form) explained that the school closed down for a period of time, and she is unsure if the

²² Exhibit S-97 is a copy of the Appellant's driver's license no. DARWICA482KG issued May 18, 1993. Its expiration date is May 7, 1997. The Appellant apparently renewed this license in 1997, because the person who checked her license for the I-9 form wrote on the form that the license would expire in May 2001.

Appellant worked until 1984 or 1985, though Dr. El-Moslimany did volunteer at the school during part of the Appellant's employment.

108. The errors on this form are consistent with it being filled out by a school administrator who did not understand what SPS meant by certificated and classified employment, and did not have good records from 17 years earlier. OSPI asserted during the hearing that the signature of the administrator resembles the Appellant's signature. It does not, however, resemble the Appellant's signature on other documents. See A-6, p. 4; S-58; S-93. OSPI may have been referring to some of the writing on the form (rather than the signature) looking like the Appellant's. Even if this is correct, it would not have been improper for the Appellant to fill out part of the form and ask the administrator to sign it.

SPS Insurance Forms - 2000

109. On November 16, 2000, the Appellant filled out a SPS group enrollment card for life and disability insurance. S-58. She wrote that her date of birth was May 18, 1967. This is a year of birth different from any of the four years she had previously used with SPS, OSPI, or DOL. The "67" is written purposefully, in dark ink over something else that was written underneath it. *Id.*

110. The Appellant does not dispute that she did the writing on this form and that she signed it. The Appellant testified she made a mistake in writing the year of birth, and there must have been something going on with her that day. This is not credible because the "67" is written darkly over something else, and because she wrote the same date of birth on another insurance form four days later.

111. On November 20, 2000, the Appellant wrote the same date of birth, May 18, 1967, on a group medical plan enrollment form for SPS. S-56. She testified she may have put her husband's date of birth instead of her own. This testimony is not credible: Elsewhere on the same page she wrote that her husband's date of birth was May 28, 1963. This is a different day and a different year than she wrote for her own date of birth.

112. The Appellant testified she must have been having a bad day because she made several corrections on the November 20, 2000 form. This testimony is not credible given that she wrote the same date of birth for herself four days earlier. The Appellant presented no evidence that she was in any way medically or psychologically impaired during this period. In fact, she received a very favorable performance appraisal at Garfield High School for a five-month period that encompassed the two occasions on which she wrote that her date of birth was May 18, 1967. See A-9, p. 5.

113. OSPI posits that the Appellant listed herself as much younger than she was to gain more benefits from these insurance plans. However, there is no evidence that the Appellant's portion of her health insurance premiums would be lower if she were younger. Regarding the life and disability insurance, she would have to die or become disabled to gain any benefit from that.

114. It is possible the Appellant's motivation was as innocuous as wanting her new husband, Mr. Faye, to believe she was younger than him. He was born in 1963. The Appellant wrote that she was born in 1967. While most people could not pretend to be 20 years younger than they are, the Appellant may have done this. She had a youthful face and physique at the time of the hearing,

when she was about to turn 63 years old. The Appellant did something similar on the marriage certificate to her second husband, Mr. Al-Aseer. That certificate states Mr. Al-Aseer was 32 years old when they married in April 1984. The Appellant was 36 years old at that time, but the certificate states she was 29 years old. S-86.

115. The Appellant may have thought she would get correspondence at home (where her husband would see it) from insurance plans, and it might identify her by date of birth, unlike correspondence from SPS, which would identify her by employee number.

116. Even assuming the Appellant's motivation was as innocuous as wanting to mislead her new husband about her age, it is her willingness to put false information on official forms that evidences a behavioral problem. These particular forms governed important matters: her employer-provided health and life insurance.

SPS Washington Department of Retirement Systems Enrollment Form - 2000

117. In December 2000, the Appellant filled out the employee's portion of a form for retirement benefits. She listed the false date of birth May 18, 1954. She signed the form immediately below the following certification: "I hereby certify that all of the information I have entered on this form is true and complete." S-57.

OSPI Continuing Education Registration Forms - 2001

118. The Appellant likewise used the false birth date of May 18, 1954 on two OSPI continuing education inservice registration forms in September 2001. The Appellant signed an affidavit on the forms certifying that the information she gave was true and correct. S-59, pp. 1 and 2.

Renewal Application to OSPI for Teacher Certification - 2002

119. On this renewal application, the Appellant stated that her baccalaureate degree was in education. She stated that she also completed 30 quarter hours (or 20 semester hours) in consumer and family sciences. S-60, p. 2. This was a reversal of the truth. The Appellant's baccalaureate degree was in consumer and family sciences. Her minor was education.

120. Regarding her work history, the Appellant wrote that she was self-employed from 1990 to 1996, while working for Pacific Publishing and Project L.A. S-60, p. 2. On her 2000 job application to SPS, she wrote that she worked for these organizations from 1993 to 1996. S-51, pp. 2-3. This is a large difference – six years as opposed to three years. She omitted from both applications any mention of her work at Bilal House from 1988 to 1991, despite listing her work history back to 1983.²³

121. The YMCA employment dates of 1990 to 1993 that were on her 2000 SPS job application are omitted here. This is despite the fact that the Appellant claims she only found out those dates were incorrect in 2010, when she contacted her witnesses for this hearing (presumably the two Indianapolis witnesses who testified about the YMCA). The Appellant used the false YMCA dates to

²³ The Appellant was only required to list her work history for the past ten years on the form, but she chose to list it back to 1983, and presented a continuous work history with no gaps in time. S-60, p. 2.

obtain her SPS job as a career center specialist, since she claimed the YMCA work was largely career-oriented. The Appellant did not need these false YMCA dates to get her teaching certificate renewed, so she dropped them. She filled in the time period by extending her Pacific Publishing/Project L.A. work backward by three years to cover 1990 to 1993.

122. The Appellant claims her memory of the period after October 1992 is poor because she suffered from post-traumatic stress. In October 1992, the Appellant was arrested for obstructing a public servant in Lynnwood, Washington. The charges were ultimately dismissed. S-61, p. 2.²⁴ The Appellant testified that a police officer entered her home without permission. She also testified as follows: The police officer came up behind her in an office-type building. He was too close to her, she turned around, and he kind of pushed her. She said to stop, and said she had a camera and would photograph him. He then jumped her, pulled her to the ground, frisked her body, removed her head scarf (which she wears for religious reasons), and made her walk out to the street without the scarf.

123. The Appellant claims that post-traumatic memory loss from this incident caused her to write incorrect dates in her early-1990s job history. This testimony is not credible. First, the Appellant's falsifications of her personal history occurred long before 1992, and continued through 2008 (see below). Second, she did not mention a post-traumatic memory problem during either the SPS or the OSPI investigations on these matters. Third, the Appellant offered no medical, counseling, or other documentation of alleged post-traumatic stress or a memory problem, despite testifying she was in therapy after the October 1992 incident. Fourth, if the Appellant had a memory problem she could have consulted her employment records, pay statements, or tax returns (W-2 and 1099 forms) to see which years she worked for which organization. Finally, the manner in which the dates in her job history are rearranged appears quite purposeful, designed to present a continuous work history with no gaps, and to fill in the Bilal House years with other alleged employment. The Appellant did similarly purposeful rearranging in the resume she submitted to SPS during the 2004-2005 school year (discussed below).

OSPI Continuing Education Registration Forms - 2003

124. In 2003, the Appellant again used the false 1954 date of birth on an OSPI continuing education form. S-62. This is two years after she received a copy of her official birth certificate from Marion County in 2001, showing her true 1947 date of birth. It is also two years after the U.S. Department of State refused to issue her a passport based on the 1954 city certificate, and only issued her a passport after she presented the Marion County birth certificate.

Resume Submitted to SPS - 2004-2005 School Year

²⁴ The Appellant was charged with violating RCW 9A.76.020, which in 1992 was a misdemeanor offense (it subsequently became a gross misdemeanor). Only the first page of a two-page docket sheet is in evidence. It states there was a separate civil action against the City of Lynnwood. S-61, p. 2. The Appellant placed in evidence a typed note to her from the police officer involved in the incident, dated more than a year after the incident. The note may have been an outcome of the civil suit. It states: "Under the circumstances, I expect that both of us would rather not have met each other in the Fall of 1992. I did not intend to offend you in any way during that time. If you took offense at anything I did or said, I am sorry." A-4, p. 7.

125. During the 2004-2005 school year, while the Appellant was working for SPS as a youth development specialist (YDS), she submitted a resume to SPS. S-73. This probably occurred toward the end of the school year, after she received a layoff notice on May 9, 2005.²⁵

126. The resume contains a number of misrepresentations. First, the Appellant states she was a classroom teacher for SPS for five years, when it was actually four years, as discussed above.

127. Second, the Appellant falsified the dates of her Islamic School employment. Her actual employment was for one school year, 1983-1984. The resume states it was for more than two school years, and that it occurred approximately 15 years more recently than it did: September 1997 to September 2000.

128. Third, the resume falsifies the Appellant's employment with Kindercare Learning Centers. It states she worked as a director for Kindercare in Kent, Washington, for two and a half years, from April 1995 to November 1997. The Appellant acknowledged at the hearing that she only worked for Kindercare for an initial training period plus three weeks on the job.²⁶ On resumes and job applications in the past, the Appellant wrote that during the years in question, 1995 to 1997, she was self-employed with Pacific Publishing, then with Project L.A., and then worked for Kelly Services as a temporary employee. See S-51, pp. 2 - 3, 5; S-60, p. 2. The combined effect of falsifying her employment history with the Islamic School and Kindercare was to make it appear from her resume that she had an uninterrupted period of educational employment for the last decade, from 1995 to 2005.

129. Finally, the resume falsifies the Appellant's college degree. It states:

Purdue University
BS ECE [early childhood education], Elementary Education: West Lafayette, IN

S-73. The Appellant's bachelor's degree was actually in consumer and family sciences. S-6, p. 3. Education was her minor, not her major.

130. SPS HR analyst Sue Means found the resume in the Appellant's personnel file during her investigation in 2006. Ms. Means marked the items in the personnel file with document numbers. She marked this resume as "#15". S-73, p. 1.

131. To excuse the falsifications in this and other resumes discussed below, the Appellant alleges as follows: She kept a folder of draft or mock-up resumes in her desk during her final period of employment with SPS. When she was discharged in January 2007, she was not allowed to collect her personal belongings, and the folder of resumes was left behind. She posits that SPS placed

²⁵ The resume states the Appellant worked as a YDS from October 2004 to the "present". S-73, p. 1. It was therefore written after she started the YDS position in October 2004, and before the position ended in June 2005. It most likely was written after the May 9, 2005 layoff notice, when the Appellant would be expected to begin looking for other positions.

²⁶ When SPS contacted Kindercare in 2006 to verify the Appellant's employment history, Kindercare stated the Appellant was employed for a total of three months. See S-77, p. 2.

some of these draft resumes into her personnel file after discharging her in January 2007. She denies having submitted these resumes herself.

132. This testimony is not credible. The resume in question was marked with a document number by Ms. Means in 2006, before the Appellant's 2007 discharge (the discharge is when the Appellant claims she left behind a folder of draft resumes). To credit the Appellant's testimony, one would have to find Ms. Means testified untruthfully about what she found in the personnel file and when she marked the items in that file, including the resume, with document numbers. One would also have to discredit Ms. Means' testimony that HR personnel view personnel files as important permanent records and would not place extraneous material in them.

133. Ms. Means is found to be a credible witness. She came to believe the Appellant engaged in more falsifications than are found herein, but this was not due to fault on Ms. Means' part. She concluded the Appellant had never worked for the Indianapolis YMCA, when it appears the Appellant did work there in the early 1980s. The reason Ms. Means and the Indianapolis YMCA program director could find no record of the Appellant's employment is that the Appellant falsified her dates of employment by stating they were in the 1990s. Likewise Ms. Means came to believe the Appellant altered a letter of recommendation from SPS principal Dr. Barbara Casey because Dr. Casey asserted the text of her letter had been altered. This is found not to be the case, as discussed below. But Ms. Means reasonably relied on Dr. Casey's assertions that the letter she (Dr. Casey) wrote had been altered.

134. The Appellant alleges Ms. Means (and her superior, HR manager Misa Garmoe), targeted the Appellant for investigation and discharge on two impermissible grounds: because the Appellant is Muslim and because she filed a union grievance. Regarding the first ground, the Appellant asserted at the hearing that a December 2006 letter composed by Ms. Garmoe and Ms. Means, but signed by two school principals, summarily revoked the Appellant's permission to attend services at lunch on Fridays, the Muslim holy day. The Appellant had previously combined her lunch period and two rest breaks to go Friday services.

135. When the December 2006 letter was later introduced in evidence, it was found to be a reprimand concerning absenteeism, tardiness, and the Appellant's practice of moving and combining her lunch and two rest breaks every day, not just on Fridays. The letter explained that Washington law allows employees to waive their lunch breaks, but not their rest breaks. A-13. It set a more regular schedule for the Appellant, allowing her to waive her lunch breaks, and stated:

It was not clear from your communication to Ms. Garmoe if you were formally requesting that your break times be clustered on Fridays for religious purposes. If you are interested in requesting religious observance accommodations, please contact Misa Garmoe or her assistant Sue Means at 206-252-0028 to discuss accommodation options.

Id.

136. This letter is not evidence of religious discrimination. There is also nothing in the earlier drafts of the letter, or the internal emails about its drafting, that evidences any form of discrimination. See A-14. School staff and the HR department addressed the Appellant's attendance and tardiness

because she had a poor attendance record. This is reflected in her performance appraisal of April 2006 (A-9, p. 4) and in testimony about her attendance from witnesses Barbara Quintana and Felicidad Regan.²⁷ SPS took great care in writing the letter because it was simultaneously in the midst of an investigation about the Appellant's falsification of her identity and background that would ultimately lead to her discharge.

137. The Appellant further alleged that Ms. Means and Ms. Garmoe showed their prejudice against her as a Muslim when they stated they did not know who the Appellant was. The Appellant testified this meant they were afraid of her, that she could be a terrorist carrying a bomb. There is no evidence to support reading such a meaning into Ms. Means' and Ms. Garmoe's statement that they did not know who the Appellant was. They had discovered so many falsifications by the Appellant that they did not, in fact, know who the Appellant was. She had given five different dates of birth, and had so extensively falsified her employment and criminal history that it was difficult to know the truth.

138. Regarding the second type of discrimination asserted by the Appellant to undermine Ms. Means' credibility – union grievance discrimination – there is no evidence of this either. The union grievance filed on the Appellant's behalf concerned the reduction from 100% to 80% FTE following her layoff and rehiring in 2005. See S-75. This was a garden-variety grievance, during the investigation of which Ms. Means happened to notice two different dates of birth that the Appellant had given SPS. The ensuing inquiry into the Appellant's date of birth uncovered four different dates of birth she had given to SPS. Further inquiry found discrepancies in information she had given SPS regarding other aspects of her background. The ensuing investigation was unrelated to the union grievance, and the Appellant presented no evidence it was undertaken out of anti-union animus.

139. It is concluded that Ms. Means is a credible witness. It is not found, as the Appellant alleges, that Ms. Means inserted a draft resume found in a private folder of the Appellant's into the Appellant's personnel file and then falsely claimed that she (Ms. Means) found the resume in the personnel file the previous year.

SPS Group Medical Plan Enrollment and Change Form - 2005

140. In September 2005, the Appellant wrote the false 1954 date of birth on another SPS form, a Group Medical Plan Enrollment and Change Form. S-70.

Federal Way Public Schools Employment Applications - 2006

141. In April 2006 and June 2006 the Appellant submitted job applications to Federal Way Public Schools (FWPS) in Washington. S-81, pp. 1-3; S-81, pp. 4-5. FWPS uses an online application

²⁷ Witness Felicidad Regan is the head secretary and administrative assistant at Cleveland High School. In her testimony she used terms such as "always" and "never", and generally seemed to exaggerate her observations, giving more generalities than specifics. This may be natural given the passage of time and the fact that she dealt with attendance at Cleveland High School every day. Her testimony that the Appellant was difficult to find and had poor attendance is credited to some degree, but discounted for exaggeration. The testimony of Barbara Quintana and the performance appraisal by Cleveland's principal (A-9, p. 4) are found more reliable.

that the candidate can apparently update as time goes on: Information more recent than the application dates is found in these applications.

142. The Appellant applied to FWPS again in 2008 and 2009 (see S-81, pp. 6 - 7; A-3, p. 4), so it is unknown exactly when she entered the information in the online applications. However, the Appellant does not dispute that she entered all of the information found in these online applications.

143. In her first application to FWPS (as well as her second), the Appellant falsely listed her 2000-2006 employment with SPS in the section for "**Certificated Experience**". S-81, pp. 1, 4 (emphasis in original). She actually worked in classified, paraprofessional positions during those years. The Appellant has never held an endorsement to teach above the eighth grade. See A-8, p. 2. Nonetheless, in the column for "Assignment - Grade/Subject," she wrote "Skills Remediation 9 - 12". S-81, p. 1. Her job assignments during those years were actually career center specialist and YDS, but she did not write this.

144. As a public school employee who had worked in both certificated and classified positions, and as someone who has kept her teaching certification current for more than two decades, the Appellant was well aware of the difference between certificated and classified jobs. She demonstrated this awareness in documents in the record and in testimony at the hearing. The Appellant wrote "Skills Remediation 9 - 12" to make it appear this was in a certificated position, after listing it under the heading "**Certificated Experience**". *Id.* The Appellant testified this was justified because she helped students with academic skills, e.g. helping them read career materials and write better resumes. The Appellant could have stated this elsewhere in her application or in a cover letter. It is not an excuse to fundamentally misrepresent the nature of her employment.

145. Second, the Appellant falsely stated that she worked for SPS from September 1988 to June 1989 doing "skills remediation" in grades 4 through 7 *Id.* During that school year the Appellant was actually on a family health leave from September to November 1988, and then resigned from SPS in November 1988. She performed no work for SPS during that school year.

146. Third, she gave a false answer to the question: "Have you been convicted of any crime other than a minor traffic violation, or released from prison?" S-81, p. 2. Since SPS had learned in 2000 about her 1967 conviction, the Appellant now acknowledged a shoplifting conviction. However, she stated it happened as a "teen". *Id.* She did not disclose that there was more than one conviction, and that she was not a teen even at the time of the first offense.

147. In her second application to FWPS the Appellant made additional misrepresentations. First, she wrote "Family Illness" as her reason for leaving SPS in January 2007. S-81, p. 4. She was actually discharged. Her leave for family illness had occurred almost 20 years earlier, in 1988. Elsewhere in the application she likewise answered "no" to the following questions: "Have you ever been discharged or requested to resign from a position?" and "Have you ever been disciplined for misconduct by a past or present employer?" S-81, p. 5.

148. Second, she falsified her reason for leaving SPS in the 1980s, stating it was due to "Funding Cuts" and "Seeking Advancement". S-81, p. 4. She actually left SPS in 1988 for a family health leave and to start Bilal House. Third, as in previous job applications, she overstated the number of years she taught for SPS. Fourth, she again falsely listed her undergraduate major as ECE and

elementary education. *Id.* Finally, she listed teaching at the Islamic School under "**Certificated Experience**". *Id.* (emphasis in original.) The Islamic School did not require a teaching certificate, and the Appellant did not yet have one when she worked there.

OSPI Statement of Provisional Status - April 2006

149. In April 2006, the Appellant filled out an OSPI form entitled Statement of Provisional Status Employment. The form asked: "Have you ever completed Provisional Status employment (first two years of employment) at a public school or approved private school in Washington?" A-2, p.6. The Appellant answered "no" to this question. This allowed her to receive an open-ended residency teaching certificate instead of a five-year limited residency certificate. The open-ended teaching certificate is valid until a teacher completes his or her first two years of teaching in the state.

150. The Appellant had previously taught in Washington for four years, from 1984 to 1988. However, that was under an initial certificate. Provisional status can only be completed after issuance of a residency certificate, according to Linda Guile, a certification officer for the Puget Sound Educational Service District. A-2, p. 3. The Appellant therefore did not engage in misrepresentation by stating she had not completed provisional status.

Letter of Recommendation from Dr. Barbara Casey - June 2006

151. Dr. Barbara Casey was an assistant principal at SPS's Garfield High School when the Appellant worked there as a career center specialist. In June 2006, after the Appellant had moved to a different SPS high school, Dr. Casey wrote a letter of recommendation for her. The Appellant used this letter of recommendation in her search for principal positions and other positions in area school districts. S-80, p. 6.

152. In August 2008, after SPS discharged the Appellant, and more than two years after Dr. Casey wrote the letter of recommendation, Dr. Casey was asked to review a copy of the letter to see if it was authentic. Dr. Casey did not have a copy of the original letter she wrote, but concluded that it was not authentic based on language in the letter. She wrote an email stating it had been extensively altered, cut and pasted, but that her signature on the letter was authentic. A-3, p. 2. Dr. Casey testified to the same effect at the hearing.

153. Ted Howard, principal of Garfield High School, testified that some of the statements in the letter of recommendation about the Appellant's activities and job title at Garfield were untrue.

154. The allegation that the Appellant altered Dr. Casey's letter of recommendation is not sustained. Documentary evidence and the testimony of Seattle University's (SU) educator career services coordinator, Beverley Silver, establish that Dr. Casey's letter of recommendation went directly into the Appellant's SU placement file, and the Appellant waived of the right to review the letters of recommendation in that file. S-80, p. 5; A-3, p. 3.

155. Neither OSPI nor SPS appeared to be aware, until the hearing in this matter, that an original of the letter of recommendation had been submitted to the tribunal. The Appellant submitted it with

her motion for summary judgment more than a month before the hearing.²⁸ The Appellant testified that her former attorney obtained it in discovery. The text of the original letter is identical to the text of the copy of the letter that Dr. Casey believed had been cut and pasted.

156. At the hearing, Dr. Casey examined the original and acknowledged it appeared authentic and that her signature on it appeared to be an original signature. She did state that letterhead stationery was widely available at Garfield High School.

157. One of the sentences Dr. Casey testified was untrue was the opening line of the letter: "Carolyn Bilal completed her practicum experience for her Principal certification during the 2004-2005 school year at Garfield High School." S-80, p. 6. Dr. Casey testified the Appellant did not do a principal practicum under her supervision at Garfield. However, documentary evidence and the testimony of SU assistant professor Dr. Michael Silver establish the contrary. The Appellant's principal practicum was conducted at Garfield High School under the supervision of Dr. Casey during the 2004-2005 school year, with the final part being completed at Cleveland High School during the 2005-2006 school year. A-3, p. 5; S-80, pp. 5 - 6. The Appellant then completed her principal internship (different than a principal practicum) at Cleveland High School. A-3, p. 5.

158. It is found that the Appellant did not alter or falsify Dr. Casey's June 2006 letter of recommendation.

Jury Service - November 2006

159. The Appellant was summoned for jury duty at King County Superior Court beginning November 8, 2006. A-7, p. 5. She was placed on a large jury panel and was required to report to the court on three days: November 8, 20 and 21, 2006. She was released from service on November 21, 2006, having not been selected for the jury.²⁹

160. The Appellant was thus entitled to three days of paid jury duty leave from SPS for November 8, 20 and 21, 2006. However, the Appellant claimed eight days of jury duty leave. The additional dates she claimed were: November 13, 14, 15, 17 and 22, 2006. S-104, pp. 1 - 2.

161. The jury panel on which the Appellant served was in Judge Theresa Doyle's courtroom. Rasheeda McGoodwin was the bailiff to Judge Doyle at that time, and continues in that position presently.

162. Ms. McGoodwin explained the following: There were 200 jury panel members from which a jury was ultimately selected. The Appellant was in group 1 through 75. On November 13, 2006, motions were heard and no jury panel members were asked report to court. On November 14, voir dire was conducted for group 76 through 125; the Appellant was not asked to report to court. On

²⁸ The original letter of recommendation is in the OAH case file as Exhibit B to the Appellant's motion for summary judgment (originally marked by the Appellant as Exhibit 10). Her motion for summary judgment was filed February 25, 2010.

²⁹ There are documents in the record concerning other occasions when the Appellant was on jury duty, but no misrepresentation is alleged regarding those occasions.

November 15, no additional panel members were asked to report to court. On November 17, the court was not in session. On November 22, the Appellant had no duty to report to court because she had been released from jury service the previous day, November 21. (November 22, 2006 was the Wednesday immediately preceding Thanksgiving Day.)

163. Ms. McGoodwin also explained how she informed stand-by jury panel members, like the Appellant, whether to report to court on a particular day. Standby jurors were free to go to work as long as they provided a contact telephone number or voice mail. By 1:30 p.m., Ms. McGoodwin would call and tell them whether to report to court the following morning. Regarding afternoon service, standby jurors were required to call the court in the morning, between 8:00 and 10:00 a.m., to find out whether to report to court that afternoon, typically at 1:30 p.m.

164. Many jurors have asked Ms. McGoodwin whether they are free to go to work. No one, including the Appellant, ever asked Ms. McGoodwin whether they are free *not* to go to work; that decision is left up to them.

165. The Appellant argued that SPS had no rules about stand-by jury service, so she did not know what to do. If the Appellant did not know what to do, she could have asked a superior or someone in the HR department. She did not do so. It should have been obvious that if not required to be in court, she was required to go to work if she wanted to be paid by SPS. The court gave her ample advance notice whether she was needed at court. Instead, the Appellant claimed five days of pay for not reporting either to work or to court.

Employment Application for SPS Bilingual Education Program Manager - December 2006

166. In December 2006, the Appellant applied to SPS for a transfer to the position of bilingual education program manager. She submitted a cover letter and resume. S-76. The resume contains several misrepresentations. First, the Appellant falsely stated that she held teaching certificates in both Washington and Indiana. S-76, p. 3. She has never held a teaching certificate from Indiana.

167. Second, the Appellant listed a new set of false dates for her Islamic School employment: 1989 to 1991. S-76, p. 4. She actually worked there for one year, not two, and she finished that employment seven years earlier than is represented in this resume.³⁰

168. Third, the Appellant wrote that she taught at SPS's North Beach Elementary School 1988 to 1989. *Id.* The Appellant did not teach for SPS at all that year. She was on a family health leave, then resigned her employment in November 1988. The Appellant placed in evidence a staff photograph from North Beach Elementary School in which she appears. The placard placed on the floor next the staff reads: "North Beach Elem. Staff Fall 1987". A-6, p. 11. It thus appears the Appellant worked at that school during her last year as a classroom teacher, 1987-1988.

³⁰ These are different false dates for her Islamic School employment than she gave SPS when she applied for new positions following her May 2005 layoff notice. At that time, she submitted a resume stating she had worked for the Islamic School from September 1997 to September 2000. S-73.

169. The Appellant disavows the resume, asserting it was one of the drafts found in the folder she allegedly left behind when she was discharged in January 2007. This testimony is not credible for the following reasons, which are distinct from the reasons stated earlier with regard to another resume she alleged was inserted into her personnel file.

170. First, HR analyst Sue Means received both the resume and the cover letter from the person coordinating recruitment for the bilingual education position. Ms. Means is found to be a credible witness, and her testimony to this effect is accepted. Second, the cover letter the Appellant submitted for the bilingual education position is stamped received by SPS on December 13, 2006 -- more than a month *before* her discharge. At the end of the letter, under the Appellant's signature, it states "Enclosure". S-76, p. 1. The resume would have been the enclosure. (The resume does not have a received stamp on it. Paula Evans of the HR department explained that sometimes incoming paperwork is stamped received only on the top page, and sometimes each page is separately stamped. Ms. Evans tries to do the latter. Here, only the first page of the cover letter, was stamped received.) Finally, there are no indications in the resume that is a draft, such as alternative language, cross-outs, or questions. The formatting is perfect and it reads like a finished product.

Loudermill Hearing³¹ - January 2007

171. Prior to the Loudermill hearing, Ms. Means and Ms. Garmoe reviewed a Purdue University transcript the Appellant provided. Neither party offered the transcript in evidence, but it is undisputed the transcript states the Appellant was in the class of 1979 at John Marshall High School. This is a high school in the Indianapolis Public Schools (IPS).

172. Ms. Means and Ms. Garmoe questioned this, since the IPS student records office found no record of a Carolyn Bilal ever attending its schools. The Appellant insisted at the Loudermill hearing that she graduated from IPS's John Marshall High School in 1979 under the name Carolyn Bilal. See S-77, p. 3.

173. Ms. Means asked IPS to check the name Carolyn Brown (the Appellant's maiden name), and her records were found. According to IPS, the Appellant started kindergarten in 1952 and left the school district after eighth grade. The Appellant did not dispute this information.

174. Ms. Means also learned from the Indiana state education agency (the equivalent of OSPI) that the Appellant did not graduate from high school, but received a GED. At the hearing the Appellant did not dispute this information. The Appellant was 32 years old in 1979 when she received her GED.

175. Ms. Means learned information from the Indiana state education agency that led her to conclude the Purdue transcript's statement about the Appellant being a member of the class of 1979 was probably not altered or falsified. In the period when the Appellant received her GED, if she studied for it at John Marshall High School the state education agency would have recorded the GED

³¹ A Loudermill hearing is a pre-termination hearing that gives public employees an opportunity to present their side of the story. It takes its name from a U.S. Supreme Court decision on due process rights, *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 105 S.Ct. 1487 (1985).

in the manner stated on the Purdue transcript. IPS, on the other hand, would not have recorded it this way.

176. Although the Appellant was absolved of having altered her Purdue transcript, it is still troubling that she was untruthful to SPS, insisting she received a high school diploma. She took advantage of the manner in which her GED was recorded on her Purdue transcript to change one more small fact about her history.

177. It is immaterial to this proceeding whether the Appellant graduated from high school or earned a GED. It is likewise not particularly significant that she had shoplifting convictions more than a decade before becoming a teacher. What is more significant is her repeated practice of being untruthful about her identity and personal history. This practice spanned four decades and included untruthfulness to official agencies such as the Indianapolis police, OSPI, DOL, the U.S. Department of State, SPS, and other Washington school districts. It included being untruthful in much of her testimony at the hearing in this matter.

Renton School District Employment Application - March 2007

178. In March 2007, the Appellant applied to become a school principal in the Renton School District (RSD). The application and resume she submitted contain several misrepresentations.

179. First, she again lists five years of teaching for SPS when she only taught for four years. S-82, pp. 1, 5. Second, she again states she holds both an Indiana and a Washington teaching certificate, when she has never held an Indiana certificate. S-82, p. 3. Third, she states she holds an Indiana vocational education certificate when she has never held one. *Id.* Fourth, she again misrepresents her teaching at the Islamic School as being two years instead of one, and being seven years more recent than it was. S-82, p. 4. Fifth, she again omits all mention of Bilal House, and fills in those years by falsely stating she taught for SPS and the Islamic School during those years (1988 to 1991). S-82, pp. 4 - 5. At the hearing she testified she did not even live in Washington during those years, but lived in Indianapolis and flew to Seattle occasionally to check on Bilal House.

180. The Appellant disavowed the resume in question, stating it must have been another draft taken from the folder she left behind at SPS. This testimony is not credible. To accept it, one would have to assume that, after discharging the Appellant, SPS inserted something found in that folder into a different school district's HR files. There is no evidence this occurred.

181. Marsha Rockabrand of RSD testified at the hearing. Ms. Rockabrand has been an applications selection and recruiting coordinator in RSD's HR department for 20 years. The resume that appears in Exhibit S-82, pp. 3 - 6 is an exact copy of the Appellant's resume currently on file with RSD. (RSD retains job applications for six years.) The top page of the RSD application form that the Appellant filled out in handwriting was stamped received by the district. The remaining pages of the application form and resume were not. This follows the HR department's practice of stamping only the top page of documents received. Ms. Rockabrand's testimony is found to be credible.

182. The Appellant had her SU placement file sent to RSD in support of her application for a principal position. (The SU placement file was sent to four other school districts as well, at the Appellant's request. See A-3, p. 4.) The SU placement file contains the following misrepresentations.

183. First, it states the Appellant worked for Kelly Services for seven and a half years, from April 1993 to September 2000. S-80, p. 4. In her 2000 SPS job application, the Appellant wrote that she worked for Kelly Services for four years, from 1996 to the present. S-51, p. 2. Ms. Means found a verification form from Kelly Services in the Appellant's SPS personnel file verifying those four years of employment. Therefore, the seven years stated in her SU placement file is a misrepresentation. It created the appearance of an uninterrupted history of employment for 23 years, from 1983 to 2006 (the year the placement file was created). This follows a pattern of the Appellant changing dates of employment to create such an appearance.³²

184. Second, the Appellant again wrote that she was a classroom teacher at SPS for five school years (six calendar years), from September 1984 to September 1990. She actually taught for only four school years. S-80, p. 4.

185. Third, she listed her major at Purdue as "Elementary Education". She listed nothing in the column for minor. Her actual major, consumer and family sciences, is not mentioned at all. *Id.*

186. Fourth, the Appellant gave false information regarding her years at Bilal House. This is the only instance of the Appellant listing her work at Bilal House on any application or resume in the record. She testified she was largely an absentee owner of Bilal House, but here she listed it under "SIGNIFICANT EMPLOYMENT EXPERIENCE". *Id.* Although the form calls for "Employer Name, City, State", she listed only the city and state, not the name. The entry states she worked at an infant, toddler, ECE learning center in Lynnwood, Washington from September 1990 to April 1992 as curriculum consultant and program director. *Id.*

187. The Appellant acknowledged that this entry refers to Bilal House. The dates listed are false. As discussed above, Bilal House operated from December 1988 to June 1991. The false dates for Bilal House were necessitated by her listing false dates for her SPS employment: Since the SPS employment dates were extended to cover most of the period she operated Bilal House, she moved Bilal House forward in time. Finally, the Appellant listed as her "Immediate Supervisor" someone who worked under her. The Appellant did not have a supervisor at Bilal House.

Unemployment Benefits Appeal Decision - May 2007

188. The Appellant successfully appealed a denial of unemployment benefits stemming from her discharge by SPS. The ALJ who heard the appeal wrote: "I was struck by the claimant's credibility in her testimony. I therefore credit the claimant's assertion that she did not deliberately give the employer false information in order to better her position." A-1, p. 3. He further wrote:

³² The Appellant herself typed the page in her SU placement file setting forth her work experience and other background information. S-80, p. 4. Beverley Silver of SU explained that SU provides a blank template that students can fill in and have sent to prospective employers as part of their placement file.

The record shows that the employer has submitted substantial evidence of misleading or false information by the claimant. However, the claimant has provided a reasonable explanation for all of the incidents involved. Furthermore, I found the claimant to be credible.

A-1, p. 4.

189. The present decision is not bound by the decision in the unemployment appeal. See Order Denying Summary Judgment, March 23, 2010. However, the facts and conclusions of the unemployment appeal decision have been carefully reviewed to see if they offer persuasive analysis.

190. The findings in the unemployment appeal decision did not have the benefit of the much more extensive record in the present case. The only witnesses at the unemployment hearing were the Appellant and SPS's Ms. Means and Ms. Garmoe. In the present case there were 21 witnesses, and the hearing lasted five days instead of four hours. The ALJ in the unemployment appeal hearing was struck by the Appellant's credibility in her testimony. The Commissioner's Review Office deferred to the credibility findings of the ALJ in affirming his decision. A-1, pp. 8-9. The Appellant is highly intelligent, well-organized, pleasant, and appears very sincere. She has developed her explanations for most of the discrepant facts over a number of years. It is only with the benefit of more evidence than presented at the unemployment hearing that a clearer picture emerges.

Employment Application to FWPS - July 2008

191. In July 2008, the Appellant again applied to FWPS for employment. She submitted an "Applicant Disclosure Form" that contained several misrepresentations and omissions. S-81, pp. 6-7.

192. Question number 1 on the form was: "Have you ever been dismissed, discharged or fired from any employment?" The form stated: "If you answer 'yes' to questions 1 through 4, on a separate sheet of paper, give a complete explanation, including dates, circumstances, and any supporting documentation." S-81, p. 6. The Appellant answered "yes" and attached a single sentence that was incomplete and misleading: "I was dismissed from employment, due to human error, inadvertently [sic] made on document forms." S-83. She gave no circumstances and did not attach her discharge letter (S-77) or any other supporting documentation.

193. Question number 4 asked in part: "have you ever been found to be guilty of misconduct or harassment by an employer?" S-81, p. 6. The Appellant answered "no" despite the fact that SPS had found her guilty of misconduct.

194. Question number 7 asked: "Have you ever been convicted of any crime?" The question went on to define "convicted" and to exclude traffic violations with fines under a certain amount. Applicants who answered "yes" were then directed to provide a detailed set of information and documents about their convictions. The form stated that a "yes" answer would not necessarily bar an applicant from employment. S-81, p. 7.

195. The Appellant did not answer question number 7. Since she last responded to a similar question by disclosing one conviction, SPS had contacted the Marion Circuit Court in Indiana and

received copies of three convictions attributed to the Appellant by that court. (There is sufficient evidence in the record to prove the Appellant was the defendant in two of those convictions, but not the third, for reasons set forth above.) Question number 7 is the only question on the form that the Appellant left blank.

196. The form authorized FWPS to contact the Washington State Patrol and the FBI regarding her background. This did not pose a problem, because the Appellant knew those agencies only had on record the one conviction she previously disclosed to Federal Way in earlier job applications.

197. The Appellant testified she must have just overlooked question number 7. This testimony is not credible for several reasons. First, the testimony is speculative and not definitive, and the Appellant was so untruthful in her testimony overall that it is given very little weight. Second, she had always answered criminal background questions in the past. Third, she almost never skipped a question on an employment or teacher certification application in the record since 1984.³³ Finally, there was a much higher risk of discovery in 2008 if she answered the question untruthfully -- as she had in the past -- because FWPS might contact SPS for a reference. On the other hand, telling the truth would also have posed difficult problems: The Appellant had disclosed only one criminal conviction in her earlier applications to FWPS. S-81, pp. 2, 5. Disclosing more at this time would show she had earlier been untruthful.

198. Leaving the question blank was the best option for avoiding discovery of her criminal record and her prior untruthfulness to FWPS. Just as she testified here, she could tell FWPS she simply overlooked the question if asked about it, and suggest they run a criminal background check. A background check would reveal only the one conviction she previously disclosed to FWPS.

OSPI Testimony on Appropriate Level of Discipline

199. Charles Schreck was director of OSPI's Office of Professional Practices (OPP) for seven years, until March 2010. He was OPP's director throughout the investigation and disposition of the Appellant's case. Prior to becoming director, Mr. Schreck served as OPP's chief investigator for more than two years.

200. In addition to testifying about the factors in WAC 181-86-080 concerning the appropriate level of discipline to impose (see Conclusions of Law, below), Mr. Schreck compared the Appellant's case with other OPP discipline cases. In Mr. Schreck's nine years at OPP, the agency has issued eight to ten revocation orders in similar cases of falsification by teachers.

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³³ The Appellant declined to write her SSN on forms when the forms explicitly stated it was optional. S-60, p. 1; A-2, p. 1. She did not fill in a driver's license number on a form because she had not yet obtained a driver's license. S-4, p. 1. She did not fill in the date-of-birth box in one OSPI form in April 2006. A-2, p. 6. This was probably an inadvertent omission. The Appellant always gave OSPI a date of birth in the past, and neither OSPI nor SPS had yet discovered that she used different dates of birth. Also, the date-of-birth box was directly above the optional box for SSN, making it more likely this was an inadvertent omission.

CONCLUSIONS OF LAW

Jurisdiction and Burden of Proof

1. The Washington Professional Educator Standards Board has the authority to develop regulations determining eligibility for, and certification of, personnel employed in the common schools of Washington pursuant to RCW 28A.410.010. OSPI administers these regulations, with the power to issue and revoke education certificates. *Id.* OSPI may delegate to OAH the authority to hear appeals of actions to suspend or revoke education certificates. WAC 181-86-150. OAH hearings of those appeals are governed by Chapter 34.05 RCW, Chapter 34.12 RCW, Chapter 10-08 WAC.
2. The burden of proof in a suspension or revocation hearing lies with OSPI. WAC 181-86-170(2). OSPI "must prove by clear and convincing evidence that the certificate holder is not of good moral character or personal fitness or has committed an act of unprofessional conduct." *Id.*
3. Clear and convincing evidence requires more than a mere preponderance of the evidence. *Nguyen v. Dept. of Health, Medical Quality Assurance Comm'n*, 144 Wn.2d 516, 534, 29 P.3d 689 (2001), *cert. denied*, 535 U.S. 904, 122 S.Ct. 1203 (2002).

Evidentiary Matters

4. Several times in the Findings of Fact it is stated that a particular fact was not proven because, in those instances, it would unduly abridge the Appellant's opportunity to cross-examine witnesses and rebut evidence to base a finding of fact exclusively on the hearsay evidence in question. See RCW 34.05.461(4) (Administrative Procedure Act).³⁴
5. In other instances, the evidence was non-hearsay, so it was admissible without this restriction. In one document the Appellant replied "Thank You!!!" and did not challenge or object to a seniority review that included the statement: "You resigned from leave on 11/28/88". S-67. The Appellant's response constituted an adoptive admission of the statement about her resignation. It was non-hearsay. See Washington Rules of Evidence (ER) 801(d)(2)(ii).³⁵

³⁴ RCW 34.05.461(4) provides:

Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

³⁵ ER 801(d)(2) provides in pertinent part:

A statement is not hearsay if—

(2) *Admission by party-opponent*. The statement is offered against a party and is . . . (ii) a statement of which the party has manifested an adoption or belief in its truth . . .

6. In another instance, an OSPI employee received a telephone call from the Appellant. The OSPI employee filled out a form that OSPI refers to as a telephone slip, and wrote that the Appellant identified herself by giving the date of birth May 18, 1954. S-6, p. 2. The Appellant denies doing this, but it would not unduly abridge her rights to find the phone slip correct even though the writer of the phone slip did not testify and could not be cross-examined. OSPI established that what its employee wrote on the telephone slip is admissible under the business records exception to the hearsay rule. See ER 803(a)(6); RCW 5.45.020.³⁶ The credibility of the business record could be weighed directly against the credibility of the Appellant's testimony.

Standards for Revoking a Teaching Certificate

7. RCW 28A.410.090(1)(a) authorizes OSPI to revoke or suspend a professional educator certificate "based upon . . . the complaint of any school district superintendent, . . . for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state."

8. OSPI may revoke a professional educator certificate in several situations, including where:
the superintendent of public instruction has determined the certificate holder has committed an act of unprofessional conduct or lacks good moral character or personal fitness and revocation is appropriate.

WAC 181-86-075(2).

9. Falsification or deliberate misrepresentation constitutes "unprofessional conduct" in the following situations:

Any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner concerning any of the following is an act of unprofessional conduct:

(1) Statement of professional qualifications.

Manifestation of adoption or belief in the truth of a statement can be proven not only by words, but by gestures or even silence under circumstances that would normally elicit a response or denial. See *State v. Cotten*, 75 Wn. App. 669, 689, 879 P.2d 971 (1994), rev. denied, 126 Wn.2d 1004 (1995); *State v. McCaughey*, 14 Wn. App. 326, 328, 541 P.2d 998 (1975).

³⁶ ER 803(a)(6) adopts Chapter 5.45 RCW. RCW 5.45.020 provides:

A record of an act, condition or event, shall in so far as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.

See *State v. Bradley*, 17 Wn. App. 916, 918, 567 P.2d 650 (1977), rev. denied, 89 Wn.2d 1013 (1978)(information told to a police employee by telephone and recorded by the police employee in a regularly-kept record is admissible under the business records exception to the hearsay rule).

(2) Application or recommendation for professional employment, promotion, certification, or an endorsement.

(3) Application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit.

(4) Representation of completion of inservice or continuing education credit hours.

(5) Evaluations or grading of students and/or personnel.

(6) Financial or program compliance reports submitted to state, federal, or other governmental agencies.

(7) Information submitted in the course of an official inquiry by the superintendent of public instruction related to the following:

(a) Good moral character or personal fitness.

(b) Acts of unprofessional conduct.

(8) Information submitted in the course of an investigation by a law enforcement agency or by child protective services regarding school related criminal activity.

WAC 181-87-050.

10. The evidence clearly and convincingly establishes that the Appellant falsified and deliberately misrepresented material facts concerning the following matters, each of which is enumerated in WAC 181-87-050: statements of professional qualifications; applications for professional employment; applications for certification; and information submitted in the course of OSPI's official inquiry into her moral character, personal fitness, and acts of unprofessional conduct. Such falsifications and deliberate misrepresentations constitute acts of unprofessional conduct. *Id.*

11. The evidence also clearly and convincingly establishes that the Appellant lacks "good moral character and personal fitness." WAC 181-86-013. That regulation provides, in pertinent part:

As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with, to teach, and to perform supervision of children. Good moral character and personal fitness includes, but is not limited to, the following:

(3) No behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

12. The Appellant has a behavioral problem of deliberately misrepresenting her identity, date of birth, employment history, criminal history, and professional qualifications. This behavioral problem has spanned 40 years, from 1967 when she began giving the names of acquaintances instead of

her own name when arrested and convicted of misdemeanors, to 2007 when she utterly falsified her background in applying to become a school principal in the RSD. There were many other falsifications during the intervening 40 years (and beyond) as set forth in the Findings of Fact, above. Salient among them are the untruths on which SPS relied in hiring the Appellant in 2000, and the untruths the Appellant used to obtain multiple driver's licences with false dates of birth for 17 years, ending in February 2007.

13. A person with this behavioral problem cannot be relied upon to tell the truth. Such an individual cannot be entrusted to care for, supervise, or model honest conduct for the students of Washington State. The Appellant's behavioral problem presents a danger to the educational welfare of those students. She lacks the good moral character and personal fitness to be an educator.

Appropriate Level of Discipline

14. The imposition of a disciplinary order requires consideration of at least eleven factors:

Prior to issuing any disciplinary order under this chapter the superintendent of public instruction or designee shall consider, at a minimum, the following factors to determine the appropriate level and range of discipline:

- (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
- (2) The person's criminal history including the seriousness and amount of activity;
- (3) The age and maturity level of participant(s) at the time of the activity;
- (4) The proximity or remoteness of time in which the acts occurred;
- (5) Any activity that demonstrates a disregard for health, safety or welfare;
- (6) Any activity that demonstrates a behavioral problem;
- (7) Any activity that demonstrates a lack of fitness;
- (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
- (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
- (10) Any information submitted to support character and fitness; and
- (11) Any other relevant information submitted.

WAC 181-86-080.

15. *Factor (1)*. The Appellant's acts of falsification span more than 40 years, and continued through to her testimony at the hearing in this matter. Her misrepresentations over the years were extensive, covering many subject areas and made to numerous public agencies. She misrepresented her qualifications and experience, and thus was employed by SPS from 2000 to 2006 in positions for which she did not have the qualifications. She violated oaths made in affidavits that OSPI required as a condition of holding a teaching certificate. These acts had the potential to harm students whose education was entrusted in part to her. Factor (1) is therefore significant in imposing discipline and determining its appropriate level.

16. *Factor (2)*. The Appellant's criminal history is more than 30 years old and was nothing more serious than misdemeanor shoplifting. Had she been truthful about this history when required be truthful to OSPI and SPS, then it might not have been a significant concern. Even her use of false names for those convictions would not have been a significant concern if the misrepresentations of her identity had stopped then. They did not stop, but expanded over the years. However, her criminal history itself, factor (2), is not significant in imposing discipline.

17. *Factor (3)*. The Appellant became a certificated teacher when she was 37 years old, in 1984. She was over 60 years old in 2008, at the time of the final events that led to the revocation of her certificate. She was a mature adult throughout this period. Factor (3) is therefore significant in imposing discipline and determining its appropriate level.

18. *Factor (4)*. The events that led to the revocation of the Appellant's certificate occurred both remotely in time and very recently. Some of her falsifications occurred as recently as 2006, 2007 and 2008. Factor (4) is therefore significant in imposing discipline and determining its appropriate level.

19. *Factor (5)*. There is no evidence the Appellant directly and consciously disregarded the health, safety or welfare of others. It was her behavioral problem of being continually untruthful and falsifying her identity, qualifications and background that made her unfit to be charged with the welfare of children. Factor (5) is therefore not significant in imposing discipline.

20. *Factor (6)*. As discussed above, the Appellant has demonstrated a serious behavioral problem. Factor (6) is therefore significant in imposing discipline and determining its appropriate level.

21. *Factor (7)*. The Appellant's serious behavioral problem makes her unfit to be charged with the welfare of children. In her case, factors (6) and (7) are equivalent, and are not counted separately in imposing discipline and determining its appropriate level.

22. *Factor (8)*. The Appellant was discharged from employment by SPS. Her discharge was based largely on the acts that led to the revocation of her teaching certificate. Factor (8) is therefore significant in imposing discipline and determining its appropriate level.

23. *Factor (9)*. Mitigating circumstances are the good performance appraisals she received while employed at Garfield High School from 2000 to 2004 (A-9, pp. 1 - 3, 5), which were corroborated in testimony by two former Garfield staff members, Michael Dixon and Karin Engstrom. Another mitigating circumstance is the failure of OSPI to establish two falsifications alleged in its Final Order: the alleged misrepresentation by the Appellant regarding provisional status employment, and her alleged alteration of a letter of recommendation from Dr. Barbara Casey. C-1, ¶¶ 20, 31, 32.

24. Aggravating circumstances are: The wide range of falsifications the Appellant engaged in (e.g., using five different dates of birth and obtaining fraudulent driver's licences with some of them, collecting fraudulent jury duty pay, falsely asserting she held a teaching certificate from another state, misrepresenting her criminal, educational and employment background); the number of public

agencies she deceived and attempted to deceive (OSPI, SPS, DOL, RSD, FWPS, Indianapolis police, Marion Circuit Court) and the number of decades over which this conduct continued.

25. The Appellant rose from earning her GED relatively late in life, at the age of 32, to attaining advanced educational degrees. She received a master's degree from Seattle University's College of Education, and completed its post-masters principal preparation program. This can be considered both a mitigating and an aggravating factor. The Appellant is highly intelligent and hard-working, yet she did not absorb the ethical precepts that were part of her education. She instead used her strengths to gain advantage for herself by deceit.

26. Balancing the mitigating and aggravating factors, factor (9) weighs against the Appellant in imposing discipline and determining its appropriate level.

27. *Factor (10)*. This factor has been discussed under mitigating circumstances in factor (9), above.

28. *Factor (11)*. All relevant information has been discussed above.

29. Having considered the Findings of Fact, Conclusions of Law, and the factors enumerated in WAC 181-86-080, it is determined that the Appellant's teaching certificate was properly revoked.

ORDER

OSPI's Final Order of Revocation issued December 23, 2009, concerning the Appellant's Certificate No. 261734H, is upheld.

Dated at Seattle, Washington on June 28, 2010.



Michelle C. Mentzer
Administrative Law Judge
Office of Administrative Hearings

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APPEAL RIGHTS

This is a final agency decision subject to a petition for reconsideration filed within ten days of service pursuant to RCW 34.05.470. Such a petition must be filed with the ALJ at the address at OAH. The petition will be considered and disposed of by the ALJ. A copy of the petition must be served on each party to the proceeding. The filing of a petition for reconsideration is not required before seeking judicial review.

Pursuant to Chapter 34.05.542 RCW, this matter may be further appealed to a court of law. The Petition for Judicial Review of this decision must be filed with the court and served on OSPI, the Office of the Attorney General, all parties of record, and OAH within thirty days after service of the final order. If a petition for reconsideration is filed, this thirty-day period will begin to run upon the disposition of the petition for reconsideration pursuant to RCW 34.05.470(3). Otherwise, the 30-day time limit for filing a petition for judicial review commences with the date of the mailing of this decision.

In accordance with WAC 181-86-150(3), the decision of the ALJ shall be sent by certified mail to the Appellant's last known address and if the decision is to reprimand, suspend, or revoke, the Appellant shall be notified that such order takes effect upon signing of the final order and that no stay of reprimand, suspension, or revocation shall exist until the Appellant files an appeal in a timely manner pursuant to WAC 181-86-155.

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein.

Carolyn A. Bilal


via US Mail and Certified Mail

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cc: Administrative Resource Services, OSPI
Janice E. Shave, ALJ, OAH/OSPI Education Caseload Coordinator