



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. 14-07-065
)	
Brian Bennett)	FINAL ORDER
Certificate No. 412711D)	OF REVOCATION
)	

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby revoke the Washington Education Certificate, No. 412711D, of Brian Bennett, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Brian Bennett was issued a Washington Education Certificate, No. 412711D, on November 5, 2003. That certificate currently remains valid.

2. Brian Bennett was employed by the University Place School District.

3. On July 24, 2014, the Office of Professional Practices, within OSPI, did receive a complaint letter from the superintendent of the University Place School District alleging a lack of personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Brian Bennett.

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4. During the 2013-2014 school year, Brian Bennett unlawfully possessed and delivered Oxycodone, a schedule II narcotic, while within one thousand (1,000) feet of a school or school bus stop and did unlawfully possess Heroin, a schedule I narcotic. Brian Bennett did not have a valid medical prescription for possession of Oxycodone. Brian Bennett ingested heroin while in his personal vehicle in the school parking lot during the school day. Brian Bennett left the school property during the regular school day to deliver a controlled substance to wit Oxycodone.

5. On June 14, 2014, the Tacoma Police Department initiated an investigation into the activities of Brian Bennett based on information received from a confidential informant. During the investigation, Brian Bennett sold Oxycodone to a confidential Tacoma Police Department informant on at least three occasions. One of these occasions was at Brian Bennett's residence. Tacoma Police Department report #141630892.1.

6. On July 10, 2014, Brian Bennett was arrested by the Tacoma Police Department. During an interview with the Tacoma Police Department, Brian Bennett confessed to, among other things, smoking heroin in his car while in the school parking lot and leaving school during school hours to deliver narcotics. Brian Bennett also stated that he had used heroin prior to being arrested and was on his way to school when arrested. Tacoma Police Department report #141630892.1

7. On July 10, 2014, Brian Bennett was placed on administrative leave by the University Place School District.

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8. On July 11, 2014, an Information and Affidavit/Determination of Probable Cause were filed in the Pierce County Superior Court charging Brian Bennett with two (2) counts of Unlawful Delivery of a Controlled Substance, Oxycodone, a schedule II narcotic, RCW 69.50.401(1)(2)(a) and D; one (1) count of Unlawful Possession of a Controlled Substance with Intent to Deliver, RCW 69.50.401(1)(2)(a) and I; and one (1) count of Unlawful Possession of a Controlled Substance, Heroin, a schedule I narcotic, RCW 69.50.4013(I). Pierce County Superior Court Cause No: 14-1-02715-1.

9. On August 6, 2014, Brian Bennett submitted his resignation to the University Place School District effective June 30, 2014.

10. On December 11, 2014, an Amended Information was filed in the Pierce County Superior Court charging Brian Bennett with one (1) count of Unlawful Delivery of a Controlled Substance, Oxycodone, a schedule II narcotic, RCW 69.50.401(1)(2)(a) and D; one (1) count of Unlawful Delivery of a Controlled Substance, Oxycodone, RCW 69.50.401(1)(2)(a) and D and in the commission was within 1,000 feet of school grounds or school bus stop, RCW 69.50.435/RCW 9.94A.533(6); one (1) count of Unlawful Possession of a Controlled Substance with Intent to Deliver, RCW 69.50.401(1)(2)(a) and in the commission within 1,000 feet of school grounds or school bus stop, RCW 69.50.435/RCW 9.94A.533(6); and one (1) count of Unlawful Possession of a Controlled Substance, Heroin, a schedule I narcotic, RCW 69.50.4013(I). Pierce County Superior Court Cause No: 14-1-02715-1.

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11. On December 11, 2014, Brian Bennett plead guilty to two (2) counts of Unlawful Delivery of a Controlled Substance with one (1) of those counts being in a school zone and one (1) count of Unlawful Possession of a Controlled Substance with Intent to Deliver within a school zone and one (1) count of Unlawful Possession of a Controlled Substance – Heroin. Pierce County Superior Court Cause No: 14-1-02715-1.

12. On December 11, 2014, a Post Disposition Drug Court Petition, Waiver and Agreement and a Post Disposition Drug Court Notice to Defendant were signed by Brian Bennett and filed in the Pierce County Superior Court. Pierce County Superior Court Cause No: 14-1-02715-1.

13. On December 17, 2014 and January 5, 2015, the Office of Professional Practices sent correspondence to Brian Bennett providing him with the opportunity to respond to the allegations. As of January 15, 2015, a response has not been received.

14. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

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CONCLUSIONS OF LAW

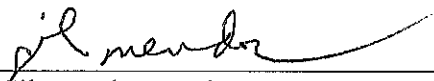
1. OSPI has jurisdiction over Brian Bennett and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 412711D, of Brian Bennett, should be revoked for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090; WAC 181-86-075; WAC 181-87-055; WAC 181-86-013; WAC 181-86-014.

ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 412711D, of Brian Bennett be revoked.

DATED This 6th day of March, 2015.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Gil Mendoza, Ed. D
Deputy Superintendent
K-12 Education

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