

Nichole Anderson certify that on May 25, 2011, I mailed a copy of this document, certified & postage prepaid, to all parties or their counsel of record. I certify under penalty of perjury, under the laws of the state of Washington, that the foregoing is true and correct.

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
DANIEL RIOS)
Certificate No. N/A)

OPP No. A08-05-149

FINAL ORDER OF
DENIAL OF CERTIFICATE

COMES NOW Gene Sharratt, Review Officer of the Office of Superintendent of Public Instruction (OSPI), having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby deny of the certificate application of DANIEL RIOS, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Daniel Rios applied for a Washington education certificate on May 8, 2008 as a candidate through the Central Washington University (CWU).

2. On the Character and Fitness Supplement, a part of the application process, Daniel Rios answered 'yes' to question 1, section III, Criminal History, regarding having been arrested for any crime or violation of law. As part of the character and fitness supplement, Daniel Rios provided a written explanation and supporting documentation.

3. On January 25, 2008, Daniel Rios was arrested by Kittitas County Sheriff's Office and charged with Driving Under the Influence, Revised Code of Washington (RCW) 46.61.502; Kittitas County Sheriff's Office No. S08-01263 and Lower Kittitas County District Court No.

9733 KCS. On September 20, 2008, the charge was amended to Negligent Driving 1st Degree, RCW 46.61.525.

4. On April 25, 2008, Daniel Rios was arrested by Kittitas County Sheriff's Office and charged with Driving While License Suspended (DWLS) 2nd Degree, RCW 46.20.342(2); Lower Kittitas County District Court No. 9851 KCS. On September 30, 2008, the charge was dismissed.

5. On June 29, 2008, Daniel Rios was arrested by Central Washington University Police Department and charged with DWLS 2nd Degree, RCW 46.20.342(2); Lower Kittitas County District Court No. 4899 CWU. On September 30, 2008, the charge was amended to No Driver's License on Person, RCW 46.20.015, and Daniel Rios was ordered to pay a fine of one hundred and twenty four dollars.

6. On October 3, 2008, the Office of Professional Practices (OPP) issued Daniel Rios a Notice of Clearance.

7. Daniel Rios applied for a Washington education certificate on November 30, 2010 as a candidate through CWU.

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8. On the Character and Fitness Supplement, a part of the application process, Daniel Rios answered 'yes' to questions 1, 2, 3, and 4, section III, Criminal History, regarding having been arrested for any crime or violation of law, having been fingerprint as a result of any arrest for any

crime or violation of the law, having been convicted of any crime or violation of any law, and having been convicted of any felony crime. Daniel Rios also answered 'yes' to question 2, section IV, Fitness regarding engaging in any conduct which resulted in the damage or destruction of property. As part of the character and fitness supplement, Daniel Rios submitted a written explanation and supporting documentation.

9. On August 29, 2010, a burglary report was filed with the Central Washington University Police Department. The victim of the burglary stated that a flat screen television and blu-ray player were missing. The victim informed the police officer that he suspected Daniel Rios had taken the items and that he also suspected that Daniel Rios had earlier stolen an i-Pod; Central Washington University Police Department report # U10-2275.

10. On August 30, 2010, Daniel Rios was contacted by a Central Washington University Police Department officer. During the contact, Daniel Rios admitted to stealing the i-Pod, television and blu-ray player. Daniel Rios stated that he had given the television and blu-ray player to his mother. Daniel Rios was arrested, booked into Kittitas County Correction Center, and charged with Residential Burglary, RCW 9A.52.025, Theft 2nd Degree, RCW 9A.56.040, and Malicious Mischief 3rd Degree, RCW 9A.48.090; Central Washington University Police Department No. U10-2275 and Kittitas County Superior Court No. 10-1-00210-2.

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11. On September 1, 2010, an Information was filed in Kittitas County Superior Court charging Daniel Rios with Residential Burglary, RCW 9A.52.025, Theft 2nd Degree, RCW 9A.56.040, and Theft 3rd Degree, RCW 9A.56.050; Kittitas Superior Court No. 10-1-00210-2.

12. On November 19, 2010, in Kittitas County Superior Court, Daniel Rios signed a Statement of Defendant on Plea of Guilty and pleaded guilty to Residential Burglary, RCW 9A.52.025, and Theft 3rd Degree, RCW 9A.56.050; Kittitas Superior Court No. 10-1-00210-2.

13. On November 19, 2010, Daniel Rios was found guilty by plea and sentenced; Kittitas Superior Court No. 10-1-00210-2.

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

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over DANIEL RIOS and over the subject matter of this action.
2. DANIEL RIOS has failed to provide clear and convincing evidence of good moral character or personal fitness to receive a Washington education certificate, Washington Administrative Code (WAC) 181-86-113, to receive a Washington educational certificate, WAC 181-86-170.

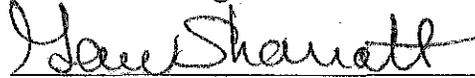
ORDER

THEREFORE, it is hereby ordered that the application for certification of DANIEL RIOS be denied.

This Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 24th day of May, 2011.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



DR. GENE SHARRATT
Review Officer