



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Sean Clark
OSPI Case Number: D16-06-035
Document: Permanent 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: **None**

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.



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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D16-06-035
)	
SEAN C. CLARK)	FINAL ORDER OF
Certificate No. 407579B)	MANDATORY PERMANENT
)	REVOCATION
)	

INTRODUCTION

After receiving and investigating complaints from Tahoma School District (“TSD”) and Snoqualmie Valley Public Schools (“SVPS”) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that SEAN C. CLARK (“Educator”) has demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013(1), and does hereby PERMANENTLY REVOKE the Educator’s Washington Education Certificate No. 407579B, pursuant to RCW 28A.410.090(4)(c), based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On April 16, 2003, the Educator was issued Washington Education Certificate, No. 407579B. The Educator’s license does not have an expiration date.
2. The Educator has had no previous disciplinary action through the Office of Professional Practices (“OPP”).

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3. During the 2015–2016 school year, the Educator was employed as a substitute teacher in several school districts, including TSD and SVPS.

4. On or about June 8, 2016, OPP, which is within the Office of Superintendent of Public Instruction (“OSPI”), received a complaint letter from Mr. G. Joel Aune, the Superintendent of SVPS, alleging the school district had sufficient cause to believe the Educator lacks good moral character and/or personal fitness.

5. On or about June 8, 2016, OPP received a complaint letter from Mr. Rob Morrow, the Superintendent of TSD, alleging the Educator may not meet the standards of good moral character or fitness to hold a professional educational certificate.

6. On or about February 28, 2016, Detective Danial Conine of the Seattle Police Department, utilized a law enforcement version of BitTorrent, a commonly used peer to peer (“P2P”) file sharing program to monitor users distributing and receiving image and video files depicting child pornography. Detective Conine downloaded a file from the Educator’s IP address, and determined the file depicted the sexual exploitation of a minor.

7. On October 12, 2016, a Complaint for Violation was filed in the United States District Court for the Western District of Washington in Seattle, Washington, Cause Number MJ16-439. Special Agent Scott Sutehall of the Federal Bureau of Investigation, filed a Statement of Probable Cause detailing the investigation conducted by the Seattle Police Department.

8. On October 12, 2016, based on the Complaint, United States Magistrate Judge Brian A. Tsuchida, found probable cause to believe the Educator committed the offenses listed in Cause Number MJ16-439.

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9. On October 27, 2016, an Indictment was filed in the United States District Court for the Western District of Washington in Seattle, Washington, Cause Number CR16-290-RAJ. The Educator was charged with one count of Distribution of Child Pornography, and one count of Possession of Child Pornography.
10. On May 25, 2017, the Educator executed a plea agreement by entering a plea of guilty for the criminal charge of one count of Possession of Depictions of Minors Engaged in Sexually Explicit Conduct under U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2).
11. On September 8, 2017, the Educator was sentenced to forty-two (42) months confinement in the custody of the Bureau of Prisons.
12. On or about June 13, 2017, OPP sent the Educator a letter, offering the Educator an opportunity to respond to the allegations of misconduct, as per RCW 28A.410.090. As of the date of this Order, the Educator has not responded to OPP.
13. The Educator has pleaded guilty or been convicted of a crime listed in RCW 28A.410.090(4). Such a plea or conviction authorizes OSPI to permanently revoke Education Certificate number 407579B, of the Educator.

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OPSI's authority.

2. OSPI has jurisdiction over the Educator and the subject matter discussed herein.
3. The Educator has demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013.
4. There is clear and convincing evidence that the Educator has demonstrated a lack of good moral character and personal fitness. WAC 181-86-075.
5. Pursuant to WAC 181-86-080 eleven (11) factors, at a minimum, are to be considered to determine the appropriate level and range of educator 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.

6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075 (Grounds for Issuance of an Order of Revocation), RCW 28A.410.090(4)(c), WAC 181-86-013, and WAC 181-86-014, the Educator's education certificate should be permanently revoked for demonstrating a lack of good moral character and personal fitness and a felony sex offense.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 407579B, of SEAN C. CLARK is PERMANENTLY REVOKED.

DATED this 28th day of November, 2017.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Dierk Meierbachtel
Chief Legal Officer