



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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

IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D11-11-062
	)	
DAVID MCMILLEN	)	FINAL ORDER OF
Certificate No. 299998E	)	MANDATORY PERMANENT
	)	REVOCATION

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby permanently revoke the Washington Education Certificate, No. 299998E, of David McMillen, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. David McMillen was issued a Washington Education Certificate, No. 299998E, on July 18, 1990. That certificate currently remains valid.

2. David McMillen was employed by the Selah School District.

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3. On November 14, 2011, the Office of Professional Practices, within OSPI, did receive a complaint letter from Steve Chestnut, the superintendent of the Selah School District alleging a lack of personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by David McMillen.

4. On February 28, 2006, David McMillen was issued a Letter of Reprimand for his inability to get to work on time. The reprimand was issued by Marc Gallaway, principal at Selah Junior High School.

5. On May 5, 2006, David McMillen was issued a Probable Cause to Suspend Letter for failure to show up for work. The suspension was for one (1) day, and issued by Dr. Larry Parsons, the superintendent of Selah School District.

6. On November 20, 2006, David McMillen was issued a Probable Cause to Suspend Letter for failure to arrive at work on time. The length of the suspension was for two (2) days, and the letter was issued by Dr. Larry Parsons, superintendent of Selah School District.

7. On June 22, 2009, David McMillen was issued a Letter of Reprimand for failure to arrive at work at the scheduled time on June 5, 2009 and June 11, 2009. The Letter of Reprimand was issued by Marc Gallaway, principal at Selah Junior High School.

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8. On or about October of the 2011-2012 school year, David McMillen placed a miniature video camera under a student desk for the purpose of observing the lap area of unsuspecting female middle school students who were assigned to sit in the adjacent desk.

9. On October 13, 2011, a male 9<sup>th</sup> grade student in David McMillen's 7<sup>th</sup> period class discovered a miniature video camera under a student desk aimed at the adjacent desk of a female student who was assigned to sit in that specific desk and was wearing a skirt at the time of the discovery.

10. On October 13, 2011, Selah Police Department initiated an investigation regarding David McMillen's allegations of voyeurism; Selah Police Department Case No. 11-H002195.

11. On October 14, 2011, David McMillen was placed on paid administrative leave by Steve Chestnut, Ed. D., superintendent of the Selah School District.

12. On October 27, 2011, David McMillen entered into a Settlement Agreement and Release of Claims with the Selah School District.

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13. On or about April 25, 2013, in Snohomish County, David McMillen did knowingly view, photograph and film the intimate areas of S.S. (DOB 6/11/80) without her knowledge and consent while under circumstances where S.S. had a reasonable expectation of privacy in a public or private place and such conduct was for the purpose of arousing and gratifying the sexual desire of any person; Bothell Police Department Case No. 2014-00014148.

14. Between May 1, 2013 and June 26, 2013, in King County, Washington, David McMillen, for the purpose of arousing or gratifying the sexual desire of any person, knowingly photographed and filmed K.B. (DOB 4/18/02), without her knowledge and consent, and while she was in a place where she would have a reasonable expectation of privacy and knowingly photographed or filmed the intimate areas of K.B. (DOB 4/18/02), without her knowledge and consent, and under circumstances where she had a reasonable expectation of privacy, whether in a public or private place;; Bothell Police Department Case No. 2014-00014148.

15. On or about June 16, 2013, in King County, David McMillen for the purpose of arousing or gratifying the sexual desire of any person, knowingly filmed or photographed A.T. (DOB 10/29/92) without her knowledge and consent and while she was in a place where she would have a reasonable expectation of privacy and for the purpose of arousing or gratifying the sexual desire of any person, knowingly filmed or photographed the intimate areas of A.T. without her knowledge and consent, and under circumstances where she had a reasonable expectation of privacy, whether in a public or private place; Bothell Police Department Case No. 2014-00014148.

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16. On June 25, 2014, Bothell Police Department initiated an investigation regarding several incidents of voyeurism allegations involving more than one adult female by David McMillen in Snohomish County; Bothell Police Department Case No. 2014-00014148

17. On August 8, 2013, a Declaration of Probable Cause and Information were filed in Yakima County Superior Court charging David McMillen with the following charges: Count 1) Voyeurism; RCW 9A.44.115(2)(a) or (b); Count 2) Attempted Voyeurism, RCW 9A.44.115(2)(a) or (b) and 9A.28.020, Count 3) Attempted Voyeurism; RCW 9A.44.115(2)(a) or (b) and 9A.28.020, and Count 4) Tampering with Physical Evidence; RCW 9A.72.150; 020; Yakima County Superior Court Case No. 13-1-01169.

18. On May 13, 2014, Snohomish County Sheriff's Department assisted in serving a search warrant on David McMillen's residence, which was located in Snohomish County; Snohomish County Sheriff's Department Case No. 14-2024.

19. On June 2, 2014, an Information was filed in King County Superior Court charging David McMillen with the following crimes: Two (2) Counts of Voyeurism, RCW 9A.44.115; King County Superior Court No. 14-1-03605-8 KNT.

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20. On June 23, 2014, an Amended Information was filed in King County Superior Court charging David McMillen with two (2) Counts of Voyeurism, RCW 9A.44.115; King County Superior Court Case No. 14-1-03605-8 KNT.

21. On October 28, 2014, an Information and Affidavit of Probable Cause were filed in Snohomish County Superior Court, charging David McMillen with one (1) Count of Voyeurism; Snohomish County Superior Court Case No. 14-1-02112-1.

22. On November 18, 2014, an Amended Information and a Statement of Defendant on Plea of Guilty to Felony ex Offense was filed in King County Superior Court charging David McMillen with two (2) Counts Voyeurism, RCW 9A.44.115; King County Superior Court Case No. 14-1-03605-8 KNT.

23. On December 14, 2014, an Amended Information and Statement of Defendant on Plea of Guilty to Felony Sex Offense was filed in Yakima County Superior Court amending Count 1 to Voyeurism; RCW 9A.44.115(2)(a),(b), 9.9A.535(3)(n) and 9.9A.535(3)(d).

24. On February 27, 2015, David McMillen plead guilty to one (1) Count of Voyeurism (RCW 9A.44.115(2)(a)(b), 9.94A.535(3)(n) and 9.94A.535(3)(d)) in Yakima County Superior Court; Yakima County Superior Court Case No. 13-1-01169-2.

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25. On February 27, 2015, a Judgment and Sentence was filed in King County Superior Court, showing that David McMillen was found guilty on November 18, 2014 by Plea of: Two (2) Counts Voyeurism, RCW 9A.44.115; King County Superior Court Case No. 14-1-03605-8 KNT.

26. David McMillen has pleaded guilty or been convicted of a crime identified in Revised Code of Washington (RCW) 28A.410.090(3). Such a plea or conviction authorizes OSPI to permanently revoke the Education Certificate.

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

### CONCLUSIONS OF LAW

1. OSPI has jurisdiction over David McMillen and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 299998E, of David McMillen, 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 181-87-060(1); WAC 181-86-013; WAC 181-86-014.

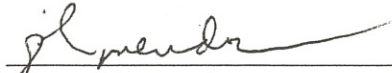
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**ORDER**

Therefore, it is hereby ordered that the Washington Education Certificate, No. 299998E,  
of David McMillen be permanently revoked.

DATED This 10<sup>th</sup> day of August, 2015.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington

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

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