



# 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. D09-10-072
	)	
DAROLD SIMS	)	AGREED ORDER
Certificate No. 313477B	)	OF SUSPENSION
_____	)	

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 suspend the Washington Education Certificate, No. 313477B, of Darold Sims, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Darold Sims was issued a Washington Education Certificate, No. 313477B, on April 8, 1992. That certificate currently remains valid.
2. Darold Sims was employed by the Longview School District.
3. On October 16, 2009, the Office of Professional Practices, within OSPI, did receive a complaint letter from Suzanne Cusick, the superintendent of the Longview School District alleging a lack of personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Darold Sims.

DAROLD SIMS  
 AGREED ORDER OF SUSPENSION

4. On November 24, 2005, Darold Sims' ex-wife ( [REDACTED] Sims) reported during a Castle Rock Police Department investigation that Darold Sims broke a window at her residence, that she was receiving numerous phone calls from Darold Sims, and that Darold Sims had made threats to kill her; Castle Rock Police Department Incident #'s. C05-2227 and C05-2228.

5. On November 25, 2005, Darold Sims was issued criminal citation #CR9522388 for Malicious Mischief 3<sup>rd</sup> Degree – Domestic Violence (DV), RCW 9A.48.090 and criminal citation # CR9522389 for Telephone Harassment-DV, RCW 9A.61.230. These charges were subsequently dropped. A Domestic Violence No Contact Order was issued to Darold Sims by Cowlitz County District Court; Castle Rock Police Department Incident #'s C05-2227 and C05-2228.

6. On May 16, 2006, [REDACTED] Sims reported to a Castle Rock police officer that she had been receiving repeated phone calls from her estranged husband, Darold Sims. [REDACTED] Sims stated that some of the phone calls from Darold Sims were semi-threatening and she was planning to obtain a court order; Castle Rock Police Department Incident #C06-929.

7. On May 24, 2006, in Castle Rock, WA, Darold Sims threw an object at [REDACTED] Sims, his estranged wife, and forced open a door that she was holding. Darold Sims told [REDACTED] Sims that he was "going to get a gun and put a bullet in your head". Darold Sims was arrested by Castle Rock Police Department. While incarcerated, Darold Sims called [REDACTED] Sims' residence, in violation of a Domestic Violence No Contact Order; Castle Rock Police Department Incident #C06-993.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

8. On May 25, 2006, an Arrestee Information and Probable Cause Sheet was filed in Cowlitz County, citing probable cause for the charges of Harassment (C Felony); RCW 9A.46.020, 4<sup>th</sup> Degree Assault-DV; RCW 9A.36.041, and two (2) Counts Violation of a No-Contact Order; RCW 9A.46.040, against Darold Sims; Cowlitz County Superior Court Cause # 06-1-00644-2. These charges were ultimately dropped by the District Attorney except as provided in finding twelve (12) below.

9. On May 30, 2006, an Information was filed in Cowlitz County Superior Court, Cause # 06-1-00644-2, charging Darold Sims with: Felony Harassment, RCW 9A.46.020(1)(a)(i) and (2)(b) and RCW 10.99.020; Assault in the 4<sup>th</sup> Degree-DV, RCW 9A.36.041(1) and RCW 10.99.020(3); Malicious Mischief 3<sup>rd</sup> Degree-DV, RCW 9A.48.090 and RCW 10.99.020; and two (2) Counts Violation of a No-Contact Order-DV, RCW 26.50.110(1) and RCW 10.99.020(3).

10. On August 4, 2006, Darold Sims was arrested for Driving While Under the Influence, RCW 46.61.502, by a Longview Police Department officer; Citation # CR116591, Longview Police Case #06-21959.

11. On October 18, 2006, in Cowlitz County District Court, Darold Sims pleaded guilty to Negligent Driving in the First Degree and was sentenced; Case #C116591.

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DAROLD SIMS  
AGREED ORDER OF SUSPENSION

12. On November 29, 2006, a Statement of Defendant on Plea of Guilty to Non-Sex Offense and Judgment and Sentence were filed in Cowlitz County Superior Court. Darold Sims was found guilty, under an Alford Plea, to Violation of a No-Contact Order-DV, and was sentenced; Cowlitz County Superior Court Cause #06-1-00644-2.

13. On December 23, 2006, Darold Sims was arrested by a Puyallup Police Department officer for: Driving on a Suspended/Revoked Driver's License in the 2<sup>nd</sup> Degree, RCW 46.20.342 (1)(b); Possession of Marijuana, RCW 69.50.401(e); and Use/Possession/Deliver Drug Paraphernalia, RCW 69.50.412; Puyallup Police Department Incident #06011620.1. Darold Sims was found guilty of Use/Possession/Deliver Drug Paraphernalia. The other two charges were dismissed.

14. On January 2, 2007, [REDACTED] Sims contacted Castle Rock Police Department stating that Darold Sims was at her house and she did not want him there; Castle Rock Police Department Incident #C07-9.

15. On April 3, 2007, [REDACTED] Sims contacted Castle Rock Police Department stating that Darold Sims had been at her residence and refused to leave when requested; Castle Rock Police Department Incident #C07-614.

16. On August 27, 2009, Lori Courtney, Principal of Mt. Solo Middle School, spoke with Darold Sims. During the conversation, among other comments, Ms. Courtney told Darold Sims that he needed to leave his fiancée [REDACTED] alone and asked him if he was drinking again.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

17. On August 30, 2009, it was reported that Darold Sims, at approximately 1:00 AM, used a knife to pry open a window and enter [REDACTED] residence. K.J., [REDACTED] daughter, confronted Darold Sims inside the residence, causing him to leave. [REDACTED] [REDACTED] [REDACTED]s sister, reported that she confronted Darold Sims outside [REDACTED] residence, and that he left, driving away in a reckless manner. Longview Police Officers responded to a 911 call and observed Darold Sims driving in a reckless manner. When police officers attempted to initiate a traffic stop on Darold Sims' vehicle, Darold Sims fled, on foot, from his vehicle; Longview Police Department Incident #L09-20401.

18. On August 31, 2009, Darold Sims was arrested near Mt. Solo Middle School by Longview Police Department officers and issued criminal citation #CR124399 for Reckless Driving, RCW 46.61.500, Failure to Obey Officer; RCW 46.61.022, and criminal citation #CR124398 for 1<sup>st</sup> Degree Trespassing-DV, RCW 9A.52.070; Longview Police Department report #L09-20401. These charges were ultimately dropped by the District Attorney.

19. On August 31, 2009, Darold Sims was given a notification of a mandatory referral to the Longview School District Employee Assistance Program at Riverview Psychiatric and Counseling Service and was given written notification that he was being placed on Paid Administrative Leave, effective September 1, 2009.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

20. On September 12, 2009, Darold Sims approached and contacted [REDACTED] in Kelso, WA. During the contact, Darold Sims damaged a door handle on [REDACTED] vehicle; Longview Police Department Incident #L09-21630.

21. On September 13, 2009, Darold Sims went to [REDACTED] residence in Longview, WA, and knocked on a window. As a Longview Police Officer was investigating this, Darold Sims was stopped and arrested by Longview Police Department officers. The officers observed indicia of intoxication on Darold Sims during the traffic stop and arrest. Darold Sims was booked into jail and issued criminal citation #CR125190 for Stalking (RCW 9A.46.110), Harassment; RCW 9A.46.020) and criminal citation #CR 125191 for 3<sup>rd</sup> Degree Malicious Mischief; RCW 9A.48.090; Longview Police Department Report #'s L09-21629 and L09-21630. Darold Sims pled guilty through an Alford Plea to Harassment and Malicious Mischief in the 3<sup>rd</sup> Degree. The other charges were dismissed.

22. On September 14, 2009, Darold Sims was issued a No Contact Order (DV) in Cowlitz County District Court, prohibiting contact with [REDACTED] and ordered to stay at least 50 yards from any known residence of [REDACTED] Cowlitz County District Court Case #'s C125190, C125191, and Incident #09-21630.

23. On September 23, 2009, Darold Sims participated in an Investigative Interview with Longview School District personnel.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

24. On September 28, 2009, the Longview School District received an Employee Assistance Program report from Ronald Lehto, Riverview Psychiatric and Counseling Service, regarding Darold Sims. The report states, among other comments, Darold Sims reported that on September 13, 2009, after bailing out of jail: he was detained for a mental health evaluation at the request of Cowlitz County Correctional Facility staff; after the evaluation, he was detained at St. John's Medical Center for 72 hours; and was released from St. John's on September 16, 2009 after stipulating to a 90-day Lesser Restrictive Alternative Commitment Order.

25. On September 30, 2009, [REDACTED] reported that Darold Sims followed her on I-5, near Castle Rock, WA, and then went to her residence and took her dog. Ms. [REDACTED] also reported that Darold Sims used the cell phone belonging to S.S., his 14-year old daughter, to call [REDACTED] approximately 10 times, that Darold Sims instructed S.S. to call and send a text message to [REDACTED] phone, and that Darold Sims instructed S.S. to give a false and misleading statement to the deputy sheriff about Darold Sims being with her that day; Cowlitz County Sheriff's Office Incident #A09-12761.

26. On September 30, 2009, as Ms. [REDACTED] was reporting the incident on I-5 to a Cowlitz County Deputy Sheriff, Darold Sims called Ms. [REDACTED]'s cell phone twice. During the second call, the deputy recognized background noises from Darold Sims' phone and determined that Darold Sims was in the immediate area. Darold Sims was located in the area and arrested for two Counts Violation of a No-Contact Order and Stalking (in violation of No-Contact Order); Cowlitz County Sheriff's Department Case #A09-12761 and Cowlitz County Superior Court

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

Cause #09-0101206. Darold Sims pled guilty through an Alford plea to two counts of Violation of a No-Contact order. The Stalking charge was dismissed.

27. On October 1, 2009, Darold Sims was served with a Domestic Violence No-Contact Order (Felony) in open court, restraining him from "Entering or knowingly coming within or knowingly remaining within 100 yards of [REDACTED] residence, school or place of employment.", Cowlitz County Sheriff's Department Case # 09-12761; Cowlitz County Superior Court Case # 09-1-0101206.

28. On October 1, 2009, an Arrestee Information and Probable Cause Sheet, was filed in Cowlitz County Superior Court citing probable cause to charge Darold Sims with Stalking - Domestic Violence, Violation of No Contact Order and two (2) Counts Domestic Violence; Cowlitz County Superior Court Cause #09-1-0101206.

29. On October 7, 2009, Darold Sims was issued a Notice of Probable Cause to Terminate Employment by Suzanne Cusick, Superintendent of the Longview School District.

30. On October 8, 2009, it was alleged that Darold Sims failed to report to Cowlitz County District Court Offender Services as required as a condition of pre-trial release for Cowlitz County District Court Case #'s C125190 and C125191; Cowlitz County District Court Case #'s C125190 and C125191. These charges were not pursued.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION



31. On October 12, 2009, Darold Sims appealed the Notice of Probable Cause to Terminate Employment.

32. On October 21, 2009, Kirsten Cain, an employee of Offender Services reported that Darold Sims was in violation of his pre-trial conditions for Cowlitz County District Court Case #'s C125190 and C125191 by failing to report to Offender Services on October 8, 2009. Kirsten Cain requested a warrant to be issued for Darold Sims for violating his pre-trial conditions; Cowlitz County District Court Case #'s C125190 and C125191.

33. On November 18, 2009, a Criminal Complaint was filed in Cowlitz County District Court charging Darold Sims with two (2) Counts Violation No-Contact Order-DV; RCW 26.50.110(1); Cowlitz County District Court Case #PC633.

34. On December 2, 2009, a Statement of Defendant upon Plea of Guilty was filed in Cowlitz County District Court with Darold Sims pleading guilty to two counts of Violation of Protection Order-DV. A Judgment and Sentence was filed and Darold Sims was found guilty by plea and sentenced; Cowlitz County District Court Case #PC633.

35. On December 2, 2009, a Statement of Defendant upon Plea of Guilty was filed in Cowlitz County District Court with Darold Sims pleading guilty, under an Alford Plea, to one (1) Count of Harassment. A Judgment and Sentence was filed and Darold Sims was found guilty by plea and sentenced; Cowlitz County District Court Case #C125190.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

36. On December 2, 2009, Darold Sims was served with No-Contact Order-DV (After Conviction), prohibiting him from contacting [REDACTED] Darold Sims was also ordered not to go within 50 yards of any known residence of [REDACTED] Longview Police Department Case #L09-21630; Cowlitz County District Court Case #C125190.

37. On December 2, 2009, a Statement of Defendant upon Plea of Guilty was filed in Cowlitz County District Court with Darold Sims pleading guilty, under an Alford Plea, to one (1) Count of Malicious Mischief 3<sup>rd</sup> Degree, RCW9A.48.090. A Judgment and Sentence was filed and Darold Sims was found guilty and sentenced; Cowlitz County District Court Case # C125191.

38. On December 5, 2009, [REDACTED] reported that Darold Sims was observed driving past Ms. [REDACTED] residence and then seen knocking on a window at Ms. [REDACTED]'s residence. Darold Sims was arrested by Longview Police Department officers for Violation of two (2) Domestic Violence Protection Orders; RCW 26.50.110; Citation #R125746, Longview Police Department Case #L09-28714. These charges were ultimately dropped by the District Attorney.

39. [REDACTED] reported that on December 28, 2009, she received a letter from Darold Sims.

40. On December 29, 2009, [REDACTED] reported that Darold Sims sent two text messages to her cell phone and followed her for about twenty minutes. While [REDACTED] was at the Longview Police Department filing a complaint, she observed Darold Sims knocking at the front window of the police department in an attempt to gain her attention. Once he had [REDACTED]

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

██████████ attention Darold Sims attempted to communicate with her. A short time later, Darold Sims contacted Z.J., ██████████ son., and told him to give ██████████ a message; Longview Police Department Case # L09-30569 and Cowlitz County Superior Court Cause #10-9-00694-6.

41. On December 30, 2009, Cowlitz County District Court dismissed the charge of Criminal Trespass; Cowlitz County District Court Case #C124398.

42. On January 1, 2010, Darold Sims was arrested and booked into jail by a Castle Rock Police Department sergeant for the reported violation of restraining order that occurred on December 29, 2009 in Longview, WA. Darold Sims later spoke with Longview Police Officer Hawley; Longview Police Department Case #L09-30569 and Cowlitz County Superior Court Cause #10-9-00694-6.

43. On January 4, 2010, an Arrestee Information and Probable Cause Sheet was filed in Cowlitz County Superior Court citing probable cause to charge Darold Sims with four (4) Counts Violation of Criminal Contact Order under RCW 10.99; RCW 25.50.110 (1)(a)(i)(5); Cowlitz County Superior Court Cause #10-1-0002-7.

44. On January 6, 2010, an Information Charging: Counts I-V-Violation of Protection Order (Domestic Violence) was filed in Cowlitz County Superior Court charging Darold Sims with five (5) counts of Violation of Protection Order (Domestic Violence); RCW 26.50.110(1)(a) and (5) and RCW 10.99.020(3); Cowlitz County Superior Court Cause #10-1-0002-7.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

45. On January 27, 2010, in violation of two no contact-DV Orders, Darold Sims: went to [REDACTED] residence and contacted her; later contacted [REDACTED] at her place of employment, in Clark County; and sent [REDACTED] numerous cell phone text messages; Longview Police Department Incident #L10-2381.

46. On January 28, 2010, an Amended Information Charging: Count I – VIII – Violation of Protection Order – DV; Count IX – Telephone Harassment – DV, was filed in Cowlitz County Superior Court accusing Darold Sims with eight (8) Counts Violation of Protection Order – DV; RCW 26.50.110(1) and one (1) Count Telephone Harassment – DV; RCW 9-61-230(1)(b) and (2)(a); Cowlitz County Superior Court Cause #10-1-00002-7.

47. On February 1, 2010, an Arrestee Information and Probable Cause Sheet was filed in Cowlitz County Superior Court citing probable cause to charge Darold Sims with two (2) Counts Felony Violation of a No-Contact Order-DV; RCW 25.50.110, and Stalking; RCW 9A.46.110; Cowlitz County Superior Court Cause #10-1-00105-8.

48. On February 3, 2010, a Prosecutor's Notice of No Charges Filed Pursuant to 72 Hour Rule was filed in Cowlitz County Superior Court, stating that the prosecutor's office will not be filing felony charges under Cause #10-1-00105-8. The charges have been filed in Cowlitz County Superior Court under Cause #10-1-0002-7, in an Amended Information to include the changes.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

49. On February 22, 2010, Darold Sims entered into a Separation Agreement with Longview School District, resigning his employment, effective May 20, 2010.

50. On February 24, 2010, in violation of two valid no contact-DV Orders, [REDACTED] reported that Darold Sims followed her and made hand gestures to her. When W [REDACTED] went to the Castle Rock Police Department to report the contact, Darold Sims approached [REDACTED] [REDACTED]s vehicle, knocked on the window and made motions towards her; Cowlitz County Sheriff's Office Incident #AP10-2351.

51. On March 3, 2010, an Arrestee Information and Probable Cause Sheet was filed in Cowlitz County Superior Court, citing probable cause to charge Darold Sims with Stalking; RCW 9A.46.110, and Violation of No-Contact Order-DV; RCW 26.50.110; Cowlitz County Superior Court Cause #10-1-00211-9. Charges were ultimately not pursued in regard to this issue.

52. On March 3, 2010, an Information Charging: Violation of a No-Contact Order-DV, was filed in Cowlitz County Superior Court charging Darold Sims with Violation of a No-Contact Order-DV; RCW 10.99.050, RCW 26.50.110(1) and (5), and RCW 10.99.020(3); Cowlitz County Superior Court Cause #10-1-00211-9.

53. On March 31, 2010, an Order of Dismissal was filed in Cowlitz County Superior Court dismissing without prejudice, the matter under Cowlitz County Superior Court Cause #10-1-00211-9.

DAROLD SIMS  
AGREED ORDER OF SUSPENSION

54. On March 31, 2010, a Statement of Defendant on Plea of Guilty to Non-Sex Offense (Alford) and a Felony Judgment and Sentence were filed in Cowlitz County Superior Court. Darold Sims was found guilty by plea of guilty to three (3) counts of DV Court Order Violation, RCW 26.50.110(1) and RCW 10.99.020(3) and sentenced; Cowlitz County Superior Court Cause #10-1-00002-7.

55. On May 3, 2010, through his attorney, Thomas Doyle, Darold Sims was offered an opportunity to respond to the allegations of professional misconduct and/or a lack of good moral character and/or personal fitness as per RCW 28A.410.090.

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

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DAROLD SIMS  
AGREED ORDER OF SUSPENSION

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Darold Sims and over the subject matter of this action.
  
2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 313477B, of Darold Sims, should be suspended as provided for in WAC 181-86-070.
  
3. Darold Sims has violated: RCW 28A.410.090, WAC 181-86-013, and/or WAC 181-86-014.

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DAROLD SIMS  
AGREED ORDER OF SUSPENSION

ORDER

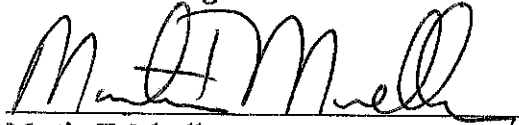
THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 313477B, of Darold Sims be suspended for thirty-six (36) months from the date of entry of this order.

**REINSTATEMENT** will require: (1) successful completion of a psychological evaluation, by a licensed psychological treatment provider mutually agreed upon by Darold Sims and OPP, which validates his ability to have unsupervised access to children; (2) that Darold Sims provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (3) that Darold Sims will provide OPP with evidence of his successful completion of or continued compliance with any treatment recommended by the provider; (4) that Darold Sims will provide written consent authorizing OPP access to all records pertaining to his treatment and to discuss any and all treatment with the provider; (5) successful completion of the terms and conditions of sentence for Cowlitz County District Court Case No. C125190, Cowlitz County District Court Case No. C125191, Cowlitz County Superior Court Cause No. 06-1-00644-2 and Cowlitz County Superior Court Cause No. 10-1-00002-7; (6) Successful completion of supervision with the Washington State Department of Corrections under Cause No.101000027; (7) no additional criminal arrests, charges, and convictions; and (8) the cost of conformance to all reinstatement requirements will be the responsibility of Darold Sims.

**AND** Reinstatement shall (also) require submission of a new application, including Character and Fitness Supplement, provided by OPP and consent to having fingerprints checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).


DATED This 10<sup>th</sup> day of May, 2011.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington



Martin T. Mueller  
Assistant Superintendent  
Student Support

Stipulated to and approved  
for entry

  
Darold Sims, Respondent  
Thomas K. Doyle, Attorney for Respondent  
WSBA# 10634

DAROLD SIMS  
AGREED ORDER OF SUSPENSION