

**BEFORE THE  
COMMISSION ON TEACHER CREDENTIALING  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**JOHN ANDREW BELL, Respondent**

**Agency Case No. 2-424025335**

**OAH No. 2023100317**

**PROPOSED DECISION**

Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, heard this matter by videoconference on April 8, 2024, from Sacramento, California.

Phillip L. Arthur, Deputy Attorney General, represented complainant Mary Vixie Sandy, Ed.D., Executive Director of the California Commission on Teacher Credentialing (Commission), State of California.

Ernest H. Tuttle, III, of the law firm Tuttle & McCloskey, represented respondent John Andrew Bell, who appeared.

Evidence was received, the record closed, and the matter submitted for decision on April 8, 2024. A Protective Order Sealing Confidential Records protecting Witness 1's and Witness 2's identities was issued at the conclusion of the hearing. A

Confidential Names List identifying Witness 1 and Witness 2 was included in the record as Exhibit 5 and sealed pursuant to the Protective Order.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. The Commission issued respondent a certificate of clearance on August 11, 2014. The certificate expired September 1, 2019, and has not been renewed. The expiration of a credential does not deprive the Commission of jurisdiction to discipline the credential. (Ed. Code, § 44440, subd. (b).) The term “credential” includes “a credential, certificate, life document, life diploma, permit, certificate of clearance, or waiver issued by the commission.” (Ed. Code, § 44002.)

2. The Commission issued respondent an intern single subject teaching credential on August 3, 2015, which expired September 1, 2017, and has not been renewed. The Commission issued respondent a preliminary single subject teaching credential on June 7, 2016, which expired July 1, 2021, and has not been renewed. The Commission issued respondent a clear single subject teaching credential with an authorization in English on May 22, 2017. The credential expires June 1, 2027, unless renewed.

3. Complainant authorized the filing of the Accusation on September 14, 2023. The Accusation alleged cause to discipline respondent’s credentials because he demonstrated evident unfitness for service and committed acts of unprofessional conduct, immoral conduct, and conduct involving moral turpitude when he engaged in inappropriate sexual conversations with a high school student.

## **Respondent's Background**

4. Respondent grew up attending a conservative, non-denominational Christian church. His Christian upbringing played a big role in how he thought and acted. He was taught that strict abstinence prior to marriage was the "most God-honoring" type of romantic relationship.

5. Respondent earned his bachelor's degree in business from William Jessup University and began working for the County of Fresno. About the same time, he became active in his church and volunteered as a youth group leader for middle school and high school students. He later volunteered as a camp counselor for the church's summer and winter camps.

6. As a youth group leader, respondent was required to sign a code of conduct agreeing to abstain from consuming drugs and alcohol, even if he was of legal drinking age. He was encouraged to be open and accepting to openly homosexual youth, but to encourage any who were questioning their sexuality to follow the church's teachings that marriage is only between a man and a woman. He was supposed to discourage any discussions about homosexuality.

7. Respondent eventually found his job with the County of Fresno unfulfilling. However, he enjoyed working with students through his church and decided to become a teacher. He earned his teaching credential and master's degree from Fresno Pacific University.

8. Respondent's first teaching job was with Sanger Unified School District (District). He was assigned to teach 11th grade English at Sanger High School for the 2015/2016 school year. He continued teaching English at the high school for the next five years, albeit at varying grade levels. The District placed respondent on

administrative leave during the 2021/2022 school year, and he resigned effective June 30, 2022.

9. The Fresno Unified School District hired respondent as a teacher for the 2022/2023 school year. He was assigned to teach at Hamilton Elementary School. He currently teaches English at University High School, a free public charter high school currently authorized by the Fresno Unified School District. Respondent worked at both school sites without incident.

### **Witness 1's Complaint and the District's Investigation**

10. On November 5, 2021, Witness 1 filed a complaint against respondent with the District. Witness 1 was a senior at Sanger High School. He alleged respondent engaged him in sexually inappropriate conversations over the past year.

11. The District hired an independent investigator to investigate Witness 1's complaint. The investigator concluded the preponderance of the evidence established respondent engaged in sexually inappropriate conversations with Witness 1. The conversations occurred online, via Instagram, and in person.

### **Termination of Employment and Notice to the Commission**

12. After reviewing the investigator's report, the District concluded respondent's interactions with Witness 1 violated state and federal laws and District policies and regulations. On February 8, 2022, the District issued a Notice of Intent to Dismiss and Statement of Charges recommending respondent's termination. He was immediately suspended without pay pending the outcome of the Notice of Intent.

13. Respondent appealed the District's Notice of Intent. The District requested an administrative hearing on the Notice of Intent. Prior to hearing, the

parties agreed to the terms of a settlement whereby respondent resigned from the District, effective June 30, 2022. The District's governing board accepted his resignation the following month.

14. The District immediately notified the Commission of respondent's resignation. (See Ed. Code, § 44242.5, subd. (b)(3)(B) [the Commission must be notified when a teacher resigns while allegations of misconduct are pending]; accord Cal. Code Regs., tit. 5, § 80303, subd. (a)(2).) The District included a copy of Witness 1's complaint and the investigation report with its notice.

## **Evidence at Hearing**

15. Complainant offered Witness 1's and Dennis Wiechmann, Ed.D.'s, testimony at hearing. Dr. Wiechmann has been the District's Superintendent since July 1, 2023. Prior to that, he was its Assistant Superintendent, Human Resources. He notified the Commission of respondent's resignation and included Witness 1's complaint and the investigation report.

16. Dr. Wiechmann met with respondent regarding Witness 1's complaint. However, he did not recall the extent to which they discussed the substance of the complaint because it was being investigated by an outside investigator. He did recall respondent agreed he played video games with Witness 1 and denied anything untoward occurred while doing so.

17. Complainant did not call the investigator to testify at hearing or introduce his investigation report. Nor did she introduce Witness 1's complaint. She introduced Dr. Wiechmann's notice to the Commission.

18. Respondent introduced correspondence he sent the Commission in response to Witness 1's complaint and testified consistently with that correspondence. He also offered the testimony of one of his former students who was part of the online video game group and a character witness. He introduced his performance evaluations for his first four years at Sanger High School and numerous character references.

### **WITNESS 1'S TESTIMONY**

19. The 2020/2021 school year was Witness 1's junior year at Sanger High School. Throughout the year, he played video games online with four boys who had already graduated from Sanger High School, including his older brother, Witness 2. The video games had a "chat" feature that allowed players to talk to one another in real time while playing games.

20. Witness 1 never had respondent as a teacher. They first met "virtually" and got to know each other when he joined the online group to play video games "every so often." Witness 1 learned during online chats respondent was engaged to be married.

21. Witness 1 recalled respondent being uncharacteristically quiet during one of the gaming sessions in or around August 2021. Someone asked respondent what was wrong, and he explained he had recently ended his engagement because of "compatibility" issues with his former fiancée. He did not disclose any other reasons for ending his engagement.

22. Witness 1 also recalled respondent discussing his sex life during online chats. For instance, respondent said something about not being able to perform sexually. Witness 1 could not recall respondent's specific words or any specific

performance issues respondent described. Respondent did not discuss any other inappropriate topics.

23. However, Witness 1 also said respondent discussed being able to perform better sexually with men after ending his engagement, frequenting, Grindr, a social networking application for gay, bisexual, transgender, and queer people, and how sleeping with a lot of men made him feel like a "hoe." Respondent mentioned sleeping around with several men and engaging in sexual acts, but not in graphic form. He described two specific homosexual sex acts and said one was "more gay" and caused him a lot more physical pressure than the other.

24. Respondent maintained an Instagram account and added Witness 1 as a "friend." Respondent was a bodybuilder and posted photographs and videos of himself at the gym flexing his muscles while wearing a Speedo swimsuit and no shirt.

25. Respondent wanted to post a picture on his Instagram account for his 30th birthday. He sent Witness 1 several photos of himself flexing his muscles and asked for help selecting one. Witness 1 provided his suggestion. On another occasion, Witness 1 asked respondent to send pictures of himself because Witness 1 liked drawing pictures of different people. Both times respondent sent the pictures via direct message through Instagram.

26. Witness 1 visited respondent's classroom and introduced himself at the beginning of the 2021/2022 school year. That was the first time they saw each other. About one week later, Witness 1 stopped by respondent's classroom to see how he was doing. Respondent broke down crying and said he might be gay. Witness 1 tried consoling him. Witness 1 continued to stop by respondent's classroom from time to time over the next several weeks. He would quickly ask how respondent was doing, or

respondent would give him a quick thumbs up or thumbs down, before Witness 1 continued on his way.

27. Witness 1 eventually concluded respondent's comments about his sexual activities were inappropriate because he was a teacher and an adult and Witness 1 was a student and a minor. Witness 1 also believed it was inappropriate for respondent to have sent pictures through Instagram for the same reasons. When Witness 1 asked respondent to stop making inappropriate comments, respondent blamed him for introducing himself at the beginning of the year.

### **RESPONDENT'S CORRESPONDENCE AND TESTIMONY**

28. Respondent knew the older four members of the online video gaming group because they were former students of his from Sanger High School. In the spring of 2021, one of his former students invited him to join the online video game group. That was when he was first introduced to Witness 1.

29. Respondent developed a close relationship with everyone in the online video game group. Everyone "followed" each other on Instagram, including respondent. He was engaged to be married in June 2021 when he joined the group, and he shared details of his pending nuptials during online chats. The members knew his fiancée's name and what she looked like. They would regularly tease him about getting married and ask when they would receive their wedding invitations.

30. Respondent broke off his engagement in May 2021 because his mother was widowed nine months prior and was demanding a lot of his time, his mother and fiancée did not get along, he and his fiancée had financial issues, and they were not compatible sexually. Respondent grieved the termination of his engagement, and his grief apparently showed during a subsequent chat while playing video games with the



online video game group shortly thereafter. The others engaged in their typical banter about the pending wedding. Respondent became extremely emotional, broke down, and told them he had ended his relationship with his fiancée and called off the wedding. When asked why, he explained his fiancée's and his parents did not get along, neither he nor his fiancée was certain about marriage, and there were "sexual issues" between them. He did not elaborate about what the sexual issues were, and no one asked.

31. Respondent began attending therapy after breaking off his engagement. Through the therapeutic process, he began to question his sexuality. By the end of the summer of 2021, he concluded he is gay. This caused him to become very depressed and withdrawn out of fear and shame over a lifestyle he was taught was incompatible with his religious beliefs. Respondent was uncertain whether his family, work colleagues, and church family would continue to accept him.

32. Witness 1 went to respondent's classroom and introduced himself at the beginning of the 2021/2022 school year. That was the first time they met in person. Afterward, Witness 1 stopped by respondent's classroom for casual, brief conversation two or three times over the next few weeks. Students regularly went to respondent's classroom to eat lunch and visit with him and others, and Witness 1 joined them once or twice.

33. One day, Witness 1 walked by respondent's classroom at the end of the school day, waved goodbye, and saw respondent crying through the window. He stopped, entered the room, and asked if respondent was okay. Respondent said he was not and explained, "I'm afraid I am gay. I don't want to be gay. I think it's wrong." He also explained he feared disclosing his sexuality to others and being rejected by them. Witness 1 was extremely supportive and encouraging as he consoled

respondent and assured him everything would be okay. They each grabbed their belongings and went their separate ways.

34. For the next few weeks, Witness 1 stopped by respondent's classroom more frequently – at least once a week, if not every few days. The conversations were brief and casual. They mostly consisted of Witness 1 asking how respondent was doing or sharing what he was doing in drama class.

35. Respondent gradually stopped talking to Witness 1 around the end of September or the beginning of October. Witness 1 stopped by respondent's classroom when class was about to start or respondent needed to quickly attend to other business during a short break or lunch, so respondent was unable to visit with Witness 1. Other times, Witness 1 would ask if respondent was doing better, and respondent would respond with a thumbs up or short answer. Eventually, Witness 1 stopped visiting respondent's classroom altogether.

36. Witness 1 later told respondent he had crossed the line when he tearfully told Witness 1 he is gay. Respondent agreed and apologized. Witness 1 also said he should not have been responsible for checking on respondent's well-being afterward. Respondent apologized for Witness 1 feeling such a burden but explained he never expected or asked Witness 1 to check on him and Witness 1 voluntarily did so. Witness 1 filed his complaint with the District shortly thereafter.

37. Other than saying there were "sexual issues" between him and his fiancée, respondent denied engaging in any sexually inappropriate conversations with Witness 1. He further denied sending any pictures of himself to Witness 1. Although he admitted posting pictures of himself flexing his muscles on Instagram, he explained he was a weightlifter at the time and posted various pictures of him lifting weights.

38. Respondent further explained he would not have made any of the alleged comments about homosexuality because he did not admit his sexuality until the end of the summer of 2021. After, he struggled with accepting his sexuality because he feared his family's, colleagues', and church family's reactions.

39. Indeed, respondent was given the choice of attending counseling "to drop the gay lifestyle" or leave the church when he disclosed his sexuality to the youth pastor. He was told he could be reinstated as a youth group leader after he completed counseling, but he was banned from having any contact with the children in the meantime.

40. Respondent explained his participation in the online video game group taught him numerous valuable lessons. He now recognizes he exercised poor judgment by joining a group unrelated to school that included a school-age member, even if that member was not one of his students. He also recognizes the position of authority teachers hold over students and how those lines can become blurred when the two groups interact more as "friends" than as "teacher v. student."

41. Respondent has developed an understanding of the need to keep his work life separate and apart from his personal life. He has come to recognize and understand why it is inappropriate to share personal, intimate details with students. Significantly, he understands the position of trust and authority teachers hold with students and the need to conduct himself around students in a manner that is beyond reproach.

### **NOAH DURAN'S TESTIMONY**

42. Noah Duran graduated from Sanger High School several years ago. Respondent was his English teacher his junior year. Mr. Duran described respondent as

“probably the best teacher” he ever had and one whom he felt actually cared about the students.

43. Respondent currently acts as Mr. Duran’s “gym mentor” and provides various weightlifting tips. Mr. Duran estimated he currently communicates with respondent at least once a week when they see each other at the gym or exchange funny memes by text message.

44. Mr. Duran said he developed a friendship with respondent his senior year of high school because he liked going to respondent’s classroom to play video games. He was part of the online video gaming group that included Witness 1 and respondent. He recalled respondent sharing with the group that respondent had called off his wedding. Respondent explained things were moving too fast with his fiancée and he learned he was gay. He did not say anything about being sexually incompatible with his fiancée. Respondent did not make any sexually inappropriate comments during that conversation or any others. He never disclosed information about his sex life, other than being gay.

### **SHANNON VIZCARRA’S TESTIMONY**

45. Shannon Vizcarra testified and wrote a character reference letter for respondent. She is in her 12th year of teaching English at Sanger High School. Respondent was assigned to Sanger High School at the beginning of her third year. They worked closely with each other and other members of their Professional Learning Community (PLC) – a group of educators who met regularly to share expertise and work collaboratively to improve teaching skills and students’ academic achievement.

46. Ms. Vizcarra recalled respondent as a first-year teacher and described him as one who “came into this profession with the absolute best intentions” and

"truly had the intention of making the world a better place." She explained "most teachers lose the rose-colored glasses by year three," but respondent did not. She described him as never having lost his passion for teaching and never becoming cynical. She also said, "[Respondent] is the only teacher I've ever known that looks forward to summer break ending because he was excited to be back with students."

47. Ms. Vizcarra ended her correspondence with the following:

I am somewhat aware of the matters, and the day that [respondent] was removed from the classroom was a sad day for us at Sanger High School. His students asked about him daily, and the teachers struggled in his absence – he was such an integral part of our PLC. [Respondent] has always held himself to the highest ethical and professional standard on campus, off-campus, and even at staff parties. He is truly a gift to the field of teaching and to the students past, present and future.

## **PERFORMANCE EVALUATIONS**

48. Respondent's performance evaluations confirmed the District hired him as a probationary certificated employee to teach 11th grade English at Sanger High School during the 2015/2016 school year. He continued in that assignment for at least his first four years with the District. He became a permanent certificated employee at the beginning of the 2017/2018 school year.

49. Over the years, respondent showed continued improvement in his teaching skills and abilities. Each performance evaluation evaluated him under six standards – Standards 1 (Engaging and Supporting All Students in Learning), 2

(Creating and Maintaining Effective Environments for Student Learning), 3 (Understanding and Organizing Subject Matter for Student Learning), 4 (Planning Instruction and Designing Learning Experiences for All Students), 5 (Assessing Student Learning), and 6 (Developing as a Professional Educator). Each Standard contained multiple sub-standards for which he received a rating of does not meet standard, meets the standard minimally, meets the standard, or exemplary implementation of standard.

50. For his first year of teaching, respondent's ratings for Standard 2 were all meets standard, except one was meets standard minimally. He received one more rating of meets standard than meets standard minimally for Standards 1, 5, and 6. He received mostly ratings of meets standard minimally with some ratings of meets standard for Standards 3 and 4.

51. During respondent's fourth year, all ratings were exemplary implementation of standard, except two were meets standard, for Standard 2. All ratings were meets standard for Standards 1, 4, and 5. All ratings for Standard 3 were meets standard, except one was exemplary implementation of standard. All ratings for Standard 6 were meets standard, except two were exemplary implementation of standard.

## **CHARACTER REFERENCES**

52. Respondent introduced six character references, including Ms. Vizcarra's. Each author met respondent as a colleague at Sanger High School. Some acknowledged familiarity with this administrative proceeding, while others did not. All the authors spoke of respondent's skills as a teacher in laudatory terms, particularly his ability to relate to, connect with, and motivate students.

## Analysis

### CREDIBILITY OF WITNESSES

53. Complainant's sole evidence of respondent's alleged inappropriate sexual conversations with Witness 1 was Witness 1's testimony. She did not call the investigator who investigated Witness 1's complaint as a witness, and she did not introduce his investigation report or Witness 1's complaint. Dr. Wiechmann included both documents with the notice of respondent's termination he sent the Commission. Complainant's failure to produce such evidence cast doubts over the credibility of Witness 1's testimony. (See Evid. Code, § 412 ["If weaker and less satisfactory evidence is offered when it was within the power of the party to produce stronger and more satisfactory evidence, the evidence offered should be viewed with distrust"]; *Vallbona v. Springer* (1996) 43 Cal.App.4th 1525, 1537, fn. 11.)

54. Additionally, Witness 1's testimony was internally inconsistent and contradictory. For instance, he testified respondent mentioned his inability to perform sexually. Witness 1 could not recall respondent's exact words or how he said he was unable to perform, but Witness 1 said respondent did not discuss any other inappropriate topics. However, he subsequently testified respondent explained he was able to perform better sexually with men after ending his engagement. Witness 1 also said respondent described his frequenting Grindr.

55. Witness 1 described respondent discussing his sexual involvement with several men, but not in graphic terms. Witness 1 later said respondent described two specific homosexual sex acts and said one was "more gay" and caused him more physical pressure than the other. Witness 1 also explained he believed it was inappropriate for respondent to have sent pictures through Instagram. However,

Witness 1 testified he asked respondent to send pictures because he enjoyed drawing pictures of different people.

56. Lastly, the timing of Witness 1's complaint was suspect. He introduced himself to respondent at the beginning of the 2021/2022 school year, occasionally visited respondent's classroom over the following weeks, comforted and consoled respondent when he saw him distraught, and checked on respondent's well-being thereafter. At the end of September or the beginning of October, Witness 1's conversations with respondent lessened and eventually stopped. He then confronted respondent about it being inappropriate for respondent to have placed on Witness 1 the responsibility of checking on respondent's well-being. Respondent denied giving Witness 1 that responsibility and stated Witness 1 voluntarily took that responsibility without having been asked. Witness 1 filed his complaint shortly thereafter.

57. On the other hand, respondent testified consistently with correspondence he previously sent the Commission. He readily admitted making a mistake by explaining he broke off his engagement because there were "sexual issues" between his fiancée and him. Respondent's testimony that he did not engage in inappropriate sexual conversations with Witness 1 was corroborated by Mr. Duran's testimony.

58. Complainant introduced Dr. Wiechmann's notice as a business record. Such evidence was competent to prove only the: (1) fact of respondent's resignation (2) dates on which he resigned and the District's governing board accepted his resignation; (3) events which led to his resignation; and (4) District's notice to the Commission. (Evid. Code, § 1271 [a business record documenting "an act, condition, or event is not . . . inadmissible . . . hearsay when offered to prove the act, condition, or event"].) Significantly, the notice was incompetent evidence of the truth of the events



which led to respondent's resignation. (*People v. Cummings* (1993) 4 Cal.4th 1233, 1295, fn. 36 [court records are admissible business records of the occurrence of events documented therein, but not as evidence of the truth of events documented]; *People v. Reyes* (1974) 12 Cal.3d 486, 503 [the truth of a psychiatrist's conclusion in his report was not "an act, condition, or event" under Evid. Code, § 1271].)

59. For the reasons explained above, respondent's testimony was more credible and persuasive than Witness 1's. Any discrepancies between their testimony were resolved in favor of respondent's.

### **ALLEGED MISCONDUCT**

60. Complainant alleged cause existed to discipline respondent's credentials because he demonstrated evident unfitness for service and committed acts of unprofessional conduct, immoral conduct, and involving moral turpitude when he engaged in inappropriate sexual conversations with Witness 1. She failed to prove any of the allegations by clear and convincing evidence.

61. Although Witness 1 testified about respondent's alleged misconduct, respondent denied each allegation. His denials of wrongdoing were more credible and persuasive than Witness 1's testimony to the contrary. Therefore, no cause exists to discipline respondent's credentials.

## **LEGAL CONCLUSIONS**

### **Applicable Burden/Standard of Proof**

1. Complainant has the burden of proving the grounds for discipline alleged in the Accusation by clear and convincing evidence to a reasonable certainty.

(*Daniels v. Dept. of Motor Vehicles* (1983) 33 Cal.3d 532, 536 [an administrative agency seeking to discipline a license has the burden of proving the grounds for discipline alleged in the accusation]; see *Gardner v. Com. on Professional Competence* (1985) 164 Cal.App.3d 1036, 1039–1040 [recognizing that the clear and convincing evidence standard applies to disciplining a teaching credential].) “The courts have defined clear and convincing evidence as evidence which is so clear as to leave no substantial doubt and as sufficiently strong to command the unhesitating assent of every reasonable mind [citations]. It has been said that a preponderance calls for probability, while clear and convincing proof demands a *high probability* [citations].” (*In re Terry D.* (1978) 83 Cal.App.3d 890, 899; italics original.)

## **Applicable Law**

2. The California Supreme Court has recognized that the terms “immoral conduct” and “unprofessional conduct” substantially overlap one another and that conduct which constitutes one, often includes the other. (See *Morrison v. State Bd. of Education* (1969) 1 Cal.3d 214, 221, fn. 9.) “Unprofessional conduct” includes “that which violates the rules or ethical code of a profession or such conduct which is unbecoming a member of a profession in good standing.” (*Bd. of Education of the City of Los Angeles v. Swan* (1953) 41 Cal.2d 546, 553, quoting 66 Corpus Juris, p. 55.) In describing what constitutes “immoral conduct” within the context of the Education Code, the court in *Bd. of Education of San Francisco Unified School Dist. v. Weiland* (1960) 179 Cal.App.2d 808, said:

In *Orloff v. Los Angeles Turf Club*, 36 Cal.2d 734, at page 740 [227 P.2d 449], the Supreme Court quotes with approval the following statement from Words and Phrases, permanent edition, volume 20, pages 159-160: “The term

'immoral' has been defined generally as that which is hostile to the welfare of the general public and contrary to good morals. Immorality has not been confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as willful, flagrant, or shameless conduct showing moral indifference to the opinions of respectable members of the community, and as an inconsiderate attitude toward good order and the public welfare."

3. The court in *San Diego Unified School Dist. v. Com. on Professional Competence* (2011) 194 Cal.App.4th 1454, said the following about the definition of immoral or unprofessional conduct:

Moreover, the definition of immoral or unprofessional conduct must be considered in conjunction with the unique position of public school teachers, upon whom are imposed "responsibilities and limitations on freedom of action which do not exist in regard to other callings." [Citation.]

(*Id.*, at p. 1466.)

4. And while "conduct constituting 'evident unfitness for service' will often constitute 'unprofessional conduct[,] . . . the converse is not true." (*Woodland Joint Unified School Dist. v. Com. on Professional Competence* (1992) 2 Cal.App.4th 1429, 1445.) "'Evident unfitness for service' requires that unfitness for service be attributable to a defect in temperament — a requirement not necessary for a finding of 'unprofessional conduct.'" (*Ibid.*)

5. The following has been said about the analysis for determining whether conduct constitutes sufficient cause for taking adverse action against a credential:

*Goldsmith v. Board of Education*, 66 Cal.App. 157, 168 [225 P. 783], quoted in *Board of Education v. Swan*, 41 Cal.2d 546, 553-554 [261 P.2d 261], found that the standards for judging the propriety of a teacher's conduct, and the extent to which that conduct may be the basis for the revocation of a credential, involves many aspects. ". . . the teacher is entrusted with the custody of children and their high preparation for useful life. His habits, his speech, his good name, his cleanliness, the wisdom and propriety of his unofficial utterances, his associations, all are involved. His ability to inspire children and to govern them, his power as a teacher, and the character for which he stands are matters of major concern in a teacher's selection and retention."

(*Moser v. State Bd. of Education* (1972) 22 Cal.App.3d 988, 991.)

## **Grounds for Discipline**

6. The Commission shall discipline a credential "for immoral or unprofessional conduct . . . , or for any cause that would have warranted the denial of an application for a credential or the renewal thereof, or for evident unfitness for service." (Ed. Code, § 44421.) An application for a credential or to renew a credential may be denied for acts of moral turpitude. (Ed. Code, § 44345, subd. (e).)

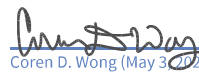
## Conclusion

7. Complainant did not prove any of the misconduct alleged in the Accusation by clear and convincing evidence. Therefore, no cause exists to discipline respondent's credentials, and the Accusation should be dismissed.

## ORDER

The September 14, 2023 Accusation filed against respondent John Andrew Bell is DISMISSED.

DATE: May 3, 2024

  
Coren D. Wong (May 3, 2024 11:53 PDT)

COREN D. WONG

Administrative Law Judge

Office of Administrative Hearings