

BEFORE THE  
OFFICE OF ADMINISTRATIVE  
HEARINGS STATE OF CALIFORNIA

In the Matter of the Motion for Immediate  
Reversal of Suspension Filed by:

FARSHAD FARNOOSH,  
A Permanent Certificated Employee,  
  
Moving Party,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT,  
  
Responding Party.

OAH No. 2019060990  
(Related Case No. 2019060112)

**ORDER DENYING MOTION FOR  
IMMEDIATE REVERSAL OF  
SUSPENSION**  
(Ed. Code, § 44939, subd. (c)(4))

Administrative Law Judge Jill Schlichtmann, State of California, Office of  
Administrative Hearings, heard this matter telephonically on July 12, 2019, from Oakland,  
California.

Erica Deutsch, Attorney at Law, represented respondent and moving party Farshad  
Farnoosh.

M. Cristina Cruz, Assistant General Counsel, represented the Los Angeles Unified  
School District (District).

*Procedural History*

On April 26, 2019, a District representative served a statement of charges alleging  
cause to dismiss Farshad Farnoosh (respondent) from employment with the District as a  
seventh grade math teacher. The District charges respondent with immoral conduct;  
unprofessional conduct; unsatisfactory performance; evident unfitness for service and  
persistent violation of, or refusal to obey, the school laws of the state or reasonable  
regulations; and willful refusal to perform regular assignments without reasonable cause.  
Based on the charges, the District has suspended respondent from employment without pay.

On July 10, 2019, respondent timely filed a motion seeking immediate reversal of his  
suspension and reinstating his salary and benefits pending resolution of the charges.

Respondent argues that the District has not alleged an adequate basis to suspend him from employment without pay before resolution of these charges, because the allegations do not describe immoral conduct or the willful refusal to perform assignments. Respondent requested that official notice be taken of a ruling in a motion for immediate reversal of suspension made in a case involving a different school district with distinct factual allegations. The District opposes respondent's motion and the request for official notice.

During oral argument, the motion that official notice be taken was denied because the information offered was not relevant and the ruling was not precedential.

### *Statutory Authority*

Education Code section 44939 permits the District to suspend immediately, without pay, a permanent employee who the District alleges to have committed "immoral conduct" or willfully refused to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the District. (Ed. Code, § 44939, subd. (b).) The District may only take such action "if it deems that action necessary." (*Ibid.*) Administrative review of an order for immediate suspension is available, but such review "shall be limited to a determination as to whether the facts alleged in the statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section." (*Id.*, subd. (c)(1).)

### *Conclusion*

The statement of charges has been considered in light of the parties' written and oral arguments. The District has alleged facts which, if true, would establish immoral conduct and/or the willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the District. These allegations are sufficient to constitute a basis for immediate suspension under Education Code section 44939, subdivision (b).

## ORDER

The motion by respondent and moving party Farshad Farnoosh for immediate reversal of suspension and for reimbursement of pay and benefits during the period of suspension is denied.

DATED: July 17, 2019

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*Jill Schlichtmann*  
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JILL SCHLICHTMANN  
Administrative Law Judge  
Office of Administrative Hearings