

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

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

**MICHAEL LINDQUESTER, a Permanent Certificated Employee,**

**v.**

**TWIN RIVERS UNIFIED SCHOOL DISTRICT**

**OAH No. 2022010198**

**ORDER DENYING MOTION FOR IMMEDIATE REVERSAL OF  
SUSPENSION**

**(Ed. Code, § 44939, subd. (c)(4))**

Administrative Law Judge Karen Reichmann, Office of Administrative Hearings, State of California, heard this matter by telephone on February 4, 2022.

Lesley Beth Curtis, Attorney at Law, represented Michael Lindquester, the moving party.

William F. Schuetz, Jr., represented the Twin Rivers Unified School District (District).

## **PROCEDURAL HISTORY**

A statement of charges was filed and served against Michael Lindquester, pursuant to Education Code section 44932, alleging causes for dismissal including immoral conduct. The District placed him on immediate suspension without pay pursuant to Education Code section 44939, based upon the allegations of immoral conduct.

The moving party filed a timely motion for immediate reversal of his suspension without pay, pursuant to Education Code section 44939, subdivision (c)(1). He argues that the District has not alleged a sufficient basis to place him on immediate unpaid status because the factual allegations in the statement of charges do not establish that he engaged in immoral conduct and that there is no nexus between the alleged conduct and his fitness to teach.

## **DISCUSSION**

Education Code section 44939, subdivision (b), provides that a school district may immediately suspend a permanent employee of the school district who has been charged "with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the School District, or with violation of [Education Code] section 51530."

Pursuant to Education Code section 44939, subdivision (c)(1), "review of a motion filed pursuant to this section shall be limited to a determination as to whether the facts as alleged in the statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section."

The written submissions and oral argument of the parties have been considered. Based upon a review of the statement of charges, the District has alleged facts which, if true, are sufficient to constitute a basis for immediate suspension under Education Code section 44939, subdivision (b), on the grounds of immoral conduct. If the District proves the allegations at hearing, the issue of whether there is a nexus between the conduct and the moving party's fitness to teach will be determined by the Commission on Professional Competence.

## **ORDER**

Michael Lindquester's motion for immediate reversal of suspension is DENIED. The District's immediate suspension based on allegations of immoral conduct is upheld.

DATE: 02/09/2022

*Karen Reichmann*

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings