

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

**In the Matter of the Accusation and Statement of Issues  
Against:**

**CHRISTIAN ROBERT HANSEN, Respondent**

**Agency Case No. 2-115932060**

**OAH No. 2021100295**

**PROPOSED DECISION**

Marion J. Vomhof, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter via video and teleconference on March 29, 2022.

Alan Macina, Deputy Attorney General, Department of Justice, State of California, represented complainant, Mary Vixie Sandy, Ed.D., Executive Director, California Commission on Teacher Credentialing (CTC).

Christian Robert Hansen, respondent, represented himself.

The matter was submitted on March 29, 2022.

## **FACTUAL FINDINGS**

### **Background**

1. The CTC is responsible for the credentialing of public-school teachers, including issuing credentials and taking adverse action against applicants and credential holders. The CTC's Committee of Credentials (Committee) is responsible for investigating alleged acts or omissions that may be cause for the CTC to take adverse action. An "adverse action" means the denial of an application for a credential, a private admonition, or public reproof of a credential holder, or the suspension or revocation of a credential. (Ed. Code, § 44000.5.)

2. On October 10, 2017, the CTC issued a Certificate of Clearance (certificate) to respondent. The certificate will expire on November 1, 2022. On October 1, 2018, the CTC issued respondent an Intern Education Specialist Instruction Credential (credential). The credential expired on November 1, 2020, and has not been renewed. The expiration of any credential does not deprive the CTC from taking disciplinary action against the credential. (Ed. Code, § 44440, subd. (a).)

3. On April 1, 2020, the CTC received an application from respondent for a Preliminary 5-year Education Specialist Instruction Credential (preliminary credential). On March 31, 2020, respondent certified under penalty of perjury to the truthfulness of all the statements in the application. That application is pending.

4. At its April 21 through 23, 2021, meeting, as documented in a letter dated April 30, 2021, the CTC found probable cause to recommend the revocation of respondent's credential and certificate. The findings were based on allegations relating

to respondent's 2020 felony conviction for two counts of conspiracy to commit securities fraud. Respondent timely requested an administrative hearing.

4. On September 21, 2021, complainant signed and filed an accusation and a statement of issues against respondent.

The accusation alleged the following as grounds for discipline: unprofessional conduct, immoral conduct, moral turpitude, and evident unfitness for service. The factual allegations relate to respondent's 2020 felony conviction for two counts of conspiracy to commit securities fraud. Complainant seeks revocation of all credentials, certificates, and authorizations issued to respondent.

The statement of issues alleged that respondent's application for a preliminary credential should be denied because he committed acts of moral turpitude.

In aggravation, complainant alleged that a greater degree of adverse action is needed to protect the public, schoolchildren, or the profession because: a) the misconduct evidences multiple acts of wrongdoing or demonstrate a pattern of misconduct; b) the misconduct was surrounded by or followed by bad faith, dishonesty or other violation of the laws governing educators; c) the misconduct significantly harmed a child entrusted to the care of a credential holder or applicant, significantly harmed the public or the educational system; and d) the holder or applicant demonstrated indifference toward the consequence of the misconduct, which includes failure to comply with known court orders.

5. Respondent timely filed a Notice of Defense. This hearing followed.

## **Respondent's 2020 Felony Conviction**

6. On November 4, 2019, in the United States District Court Southern District of California in a criminal proceeding entitled *United States of America v. Christian Hansen, et al*, no. 3:19-CR-04499-AJB, respondent pled guilty to two counts of securities fraud under 18 U.S.C. section 371. In a plea agreement, respondent admitted that between 2011 and 2013, he conspired with others to fraudulently sell securities, and in 2017, he conspired with others to fraudulently trade securities, through which he and his co-conspirators illegally received a total of approximately \$77,000 in illicit profits. Respondent further agreed to pay mandatory restitution to any person directly harmed by his criminal conduct.

On May 21, 2020, respondent was convicted on his plea of guilty to two counts of securities fraud under 18 U.S.C. section 371, both felonies and carrying a maximum prison term of five years. Respondent was placed on probation for three years in lieu of prison. He was assessed a fine of \$100 per count for a total of \$200.

## **Respondent's December 21, 2020, Letter to the CTC**

7. In a December 21, 2020, letter to the CTC, respondent wrote that on November 8, 2019,<sup>1</sup> he pled guilty to two counts of violating securities law. In the letter, which was received into evidence, respondent provided the following information:

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<sup>1</sup> Respondent signed the plea agreement on November 4, 2019, but was not convicted until May 21, 2020, based on that plea.

8. Regarding Count One, he was a marketing consultant at an investor relations firm. The managing partners directed him to accept and sell shares in client companies and direct all sales proceeds back to the managing partners. This was a violation of securities law due to the free-trading status of the company's shares because they had been given for investor relations purposes. As for Count Two, he purchased shares in a publicly traded company from the company's attorney and former CFO. Upon liquidation of the stock, he gave a portion of the proceeds to the attorney and to the former CEO. This was a violation of securities law due to his failure to disclose to the clearing firm that he had returned the proceeds to the company's officers.

### **Respondent's April 21, 2021, Appearance Before the CTC**

9. On April 21, 2021, respondent appeared remotely and provided sworn testimony before the CTC. The following was obtained from a transcript prepared from this audio-recorded meeting:

10. Respondent was asked if, at the time he engaged in the conduct that led to his conviction, he knew that his actions violated securities law. He said with Count No. 1, he was not aware that there was a violation. He was "basically under the guidance and instruction of the managing partners." "I was assured by the partners that their activities were legitimate at the time." When he was asked what the partners said to assure him the activities were legal, he did not answer the question but said that the partners instructed him to accept the shares in his name, deposit them in a brokerage firm, and sell the shares. He was to give them a majority of the money, and "then I would retain a small percentage as a commission, more or less." He found out later that it was illegal, and he said, "[t]hat's when I left the firm."

Regarding Count No. 2, he stated:

[T]he purchase of the stock was legitimate; however, . . . the security violation was returning the proceeds back to the company.

What I did was I falsely put down to the clearing firm that I would not give money back to the company. So I knew that that was wrong and I shouldn't have done that and that was a violation and I . . . pled guilty . . . and accepted full responsibility for that action.

11. The FBI was trying to obtain more information on the managing partners, which he was willing to give them. "I was a conduit for the FBI to get to those managing partners in that case (Count No.1)." He will continue to cooperate with the U.S. Attorney and the FBI.

12. Respondent was asked how much he personally profited from the activity in both cases. He said he was directed to do this "and that this would be my -- my [sic] salary." He said, ". . . it would be hard to say that I gained so much more because I didn't get any salary or anything on top of it. It was just a commission, and that was what my pay was." "In Count No. 2, I think my total gain was around 40,000."

He can assure the CTC that this misconduct will not occur again because he has been barred from small cap securities, so he is not able "to have anything to do with the securities industry." He said, "I gave my life to teaching and coaching."

If a parent or student asked him about his conviction, he "would be honest" in his position as a mentor. He said, "I would be quite frank in doing the right thing and

not . . . taking shortcuts like I did in Count 2. It was basically a shortcut to a gain." "It's something I would never ever do again."

He has accepted full responsibility for his actions. He said, "I want to be a great coach and I want to be a great teacher to children with disabilities."

## **Respondent's Testimony**

13. Regarding Count No. 1, the transactions "seemed legitimate" to respondent, but when he learned several years later that this was illegal, he resigned from the firm in 2013. The total proceeds were more than \$300,000. In his plea agreement he admitted he received a gain of \$33,000, which he described as "my salary." He received no additional commission.

Regarding Count No. 2, the CFO received restricted shares, and respondent purchased these shares from the CFO. The sale of the shares was legitimate. Referring to his plea agreement, respondent said, "I am not disputing any details." He acknowledged that he deposited the shares into his account and that he made false representations that he had not worked with an insider and that he would not share the proceeds with the person from whom he acquired the shares. He admitted that not registering the shares was illegal. He sold the shares for approximately \$77,000 and gave \$17,000 each to the CFO and the CEO. He had a personal gain of \$43,000.

Respondent said, "This was a shortcut and the wrong thing to do. I am not trying to diminish my conduct. I am culpable. I am accepting responsibility for what I've done." He had two brokerage accounts but no trading or securities license. The partners "paid everyone a 1099," although they should not have done so.

Respondent believes he was first contacted by the FBI in Spring 2018. His admission of what he had done helped the FBI's investigation. The criminal case was filed in 2019, and he entered his plea in November 2019.

Respondent was convicted of felony offenses that can carry prison time. He received three years' non-supervised probation, which is scheduled to end May 2023. He is barred from trading any securities, either over-the-counter (OTC) or through an e-Trade account. His banking and computers are monitored.

Respondent's personal gain in Count No. 2 was \$43,000. He was ordered to pay restitution to all affected clients. The clients were notified and provided time to file a claim; only 11 claims were received. Respondent is in the process of paying a total of \$12,520.74 in restitution to those 11 clients. He paid a lump sum initially and is currently paying \$250 per month. To date, he has paid \$8,000 of the restitution.

In 2015, was hired to coach basketball at Madison High School. He obtained his bachelor's degree in 2016. He received his internship credential in 2018. He was hired by the San Diego Unified School District (district) and began teaching special education at Garfield High School. In 2019, he completed his master's degree. He did not initially notify the district of his conviction because he stated that he was not required to do so. He did notify the district of his conviction when he applied to the CTC for a permanent credential. The principal and vice principal at Garfield High School provided character reference letters. He told both authors that he had pled guilty to two counts of felony securities violations. No parents or students are aware of his conviction.

Respondent has no other securities "blemish." He has never had criminal issues anywhere else. He said, "these are a couple of outliers with many legitimate



transactions.” He understands the CTC’s concern and that a teacher needs to set a positive example for kids. He understands that a credential is a privilege, but he said, “It also confirms that this person is fit to teach kids.”

## **Character Reference Letters**

14. Jolie Pickett, Ed.D., is principal at Garfield High School. In a December 18, 2020, letter, she wrote that respondent has worked at Garfield High School as a special education teacher since 2018. All of his evaluations reflect that he is “a very effective teacher.” He is currently the Special Education Department Chair and a member of the Instructional Leadership Team. He is a very good teacher for his students and a good colleague for his peers. Recently when staff were facing cuts, she actively worked to ensure respondent could remain as part of the school staff.

15. Miriam Atlas is vice principal at Garfield High School. In a December 21, 2020, letter, she wrote that respondent came to the high school as a new special education teacher, and from the beginning he showed leadership skills, as well as humility and willingness to learn. He is an expert in mathematics, and not only supports students in the classroom but offers afterschool tutoring to assist students who are struggling in math. He volunteers as coach for an after-school basketball league. He goes above and beyond in service to students; they trust him and look up to him.

16. Neither author referenced respondent’s conviction, although respondent stated that he told each of them that he had been convicted of securities fraud.

## **Closing Arguments**

### **COMPLAINANT**

17. Respondent's conduct was a violation of trust. This was not an impulsive act; it required planning and involved dishonesty and false statements. There were actual names of people harmed; respondent is paying back those people. This conduct is too serious not to take action. Evidence shows the co-conspirators were immoral and their conduct was hostile to the general public. Even if the first serious conduct was inadvertent, respondent continued this conduct.

Moral turpitude is defined in the Education Code as conduct that is contrary to honesty, justice, and good morals. Respondent's dishonesty and moral turpitude cover a period of years. He testified that he knew he should not do this, but he did it anyway. He harmed the public. He falsified documents that were submitted the SEC. There is no justification for his actions.

In aggravation, respondent's conduct was not an isolated event but rather a pattern of multiple acts, which harmed the public and showed his indifference due to repetition. He is held to a high standard as a teacher. He provided verbal assurance and character letters, which did not mention his conviction. Although he said the authors were aware of his conviction, there is no evidence.

He was recently convicted and is still on probation for another year. The "clock" showing rehabilitation-- real rehabilitation that is not court mandated-- begins after probation has ended. Applying the *Morrison* factors, respondent's conduct reflects his unfitness for service.

## **RESPONDENT**

18. In 2021, he performed 300 hours of voluntary community service and completed 200 hours of professional development. Since his plea he has earned a master's degree. He is a special education teacher. There is a lack of male special education teachers. He also co-teaches four classes, so he helps mentor more than 60 students on a daily basis. In his first year of teaching, he was named Department Chair. He completed his seventh year as basketball coach at Madison High School.

If he does not have his CTC credentials, he will lose his coaching and teaching position. His ex-wife is dying, so he will soon be a single parent to his teenage daughter. He owes \$85,000 in student debt, which will soon be due. He cooperated fully with the FBI and did not deny his conduct.

He was a confidential informant to the FBI. The federal government fined him only \$100 per count and gave him three years' probation. "The CTC is seeking to give me a lifetime ban on being an educator and male mentor. . . I am only asking for a second chance."

## **LEGAL CONCLUSIONS**

### **Burden and Standard of Proof**

1. Complainant bears the burden of proof of establishing that the charges in the accusation are true. (Evid. Code § 115.) The standard of proof in an administrative disciplinary action seeking the suspension or revocation of a professional license is clear and convincing evidence. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Clear and convincing evidence requires a

finding of high probability, or evidence so clear as to leave no substantial doubt; it requires sufficiently strong evidence to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

In the denial of an application, the burden of proof is on the applicant to prove by a preponderance of the evidence that his license or credential should be granted. "Preponderance of the evidence means evidence that has more convincing force than that opposed to it.' [Citations.] . . . The sole focus of the legal definition of 'preponderance' in the phrase 'preponderance of the evidence' is on the *quality* of the evidence. The *quantity* of evidence presented by each side is irrelevant." (*Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314,324-325.)

## **Applicable Education Code Sections**

2. Education Code section 44000, et seq., and California Code of Regulations, title 5, section 80001, et seq., provide that the CTC is responsible for credentialing of public-school teachers, including issuing credentials and taking adverse action against applicants and credential holders.

3. Education Code section 44421 states:

The Commission on Teacher Credentialing shall privately admonish, publicly reprove, revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system, 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.

4. Education Code section 44246 states:

When a hearing is held to deny, suspend, or revoke a credential, the proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

5. Education Code section 44345 states as follows in part:

The commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who falls under any of the following categories:

[¶] . . . [¶]

(e) Has committed any act involving moral turpitude. . .

6. Under Education Code section 44345, any denial on the grounds of moral turpitude must "be based upon reasons related to the applicant's fitness to teach or fitness to perform other duties for which that applicant is certificated, or competence to perform the duties which the credential would authorize the applicant to perform." (Ed. Code 44345.)

7. Education Code section 44440, states:

(a) No applicant who is under review by the commission shall be allowed to withdraw his or her

application for a credential without the written consent of the commission. The commission shall retain its authority over those applicants to proceed with the denial of the credential upon any ground provided by law, or to enter an order denying the credential upon any ground provided by law.

(b) The suspension or expiration of any credential, its surrender without the written consent of the commission, or a revocation pursuant to Section 44423 does not deprive the commission of its authority to do any of the following:

(1) Institute or continue a disciplinary proceeding against the credential holder upon any ground provided by law.

(2) Enter an order suspending or revoking the credential.

(3) Issue a public reproof or private admonition to the credential holder.

## **Applicable Regulations**

8. California Code of Regulations, title 5, section 80300, subdivision (b), defines an aggravating factor as "an event or circumstance which demonstrates that a greater degree of adverse action for an act of professional misconduct is needed to adequately protect the public, schoolchildren or the profession. These aggravating factors may include, but are not limited to, the following:

[¶] . . . [¶]

- (2) that the misconduct evidences multiple acts of wrongdoing or demonstrate a pattern of misconduct;
- (3) that the misconduct was surrounded by or followed by bad faith, dishonesty or other violation of the laws governing educators;
- (4) that the misconduct significantly harmed a child entrusted to the care of a credential holder or applicant, significantly harmed the public or the educational system;
- (5) that the holder or applicant demonstrated indifference toward the consequence of the misconduct, which includes failure to comply with known court orders;

9. California Code of Regulations, title 5, section 80302, subdivision (a), sets forth the factors used in determining the relationship between the alleged misconduct and the applicant's or holder's fitness, competence, or ability to effectively perform the duties authorized by the credential. These factors include, but are not limited to:

- (1) The likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated;
- (2) The proximity or remoteness in time of the conduct;
- (3) The type of credential held or applied for by the person involved;

- (4) The extenuating or aggravating circumstances surrounding the conduct;
- (5) The praiseworthiness or blameworthiness of the motives resulting in the conduct;
- (6) The likelihood of the recurrence of the questioned conduct;
- (7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved, or other certified persons;
- (8) The publicity or notoriety given to the conduct.

## **Relevant Case Law**

### **UNPROFESSIONAL CONDUCT**

10. Unprofessional conduct is “conduct that violates the rules or ethical code of a profession and is unbecoming a member of a profession in good standing.” (*Board of Education v. Swan* (1953) 41 Cal.2d 546, 553, internal quotation marks omitted, overruled, in part on another ground in *Berkias v. Board of Education* (1972) 6 Cal.3d 575, 588, fn.7.)

### **IMMORAL CONDUCT**

11. There is broad discretion in determining what constitutes immoral conduct in the context of teacher disciplinary matters. (*California Teachers Assn. v. State of California* (1999) 20 Cal.4th 327.) Immoral conduct has been defined by the courts as follows:



[T]hat 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. (*Palo Verde etc. School Dist. v. Hensey* (1970) 9 Cal.App.3d 967, 972, citing *Bd. of Education of San Francisco Unified School Dist. v. Weiland*, 179 Cal. App 2d 808, 811.)

12. The statutory definition of immoral 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.'" (*San Diego Unified School Dist. v. Comm. on Professional Competence* (2011) 194 Cal.App.4th 1454, 1466) [citation omitted].)

### **MORAL TURPITUDE**

13. Moral turpitude has been defined as an act that is contrary to honesty and good morals. (*In re Scott* (1991) 52 Cal.3d 968, 978; see also *Golde v. Fox* (1979) 98 Cal.App.3d 167, 181 [moral turpitude is "any crime or misconduct committed without excuse or any dishonest or immoral act not necessarily a crime"].)

## **EVIDENT UNFITNESS FOR SERVICE**

14. Evident unfitness for service “means clearly not fit or suitable for teaching ordinarily by reason of a temperamental defect or inadequacy.” (*Woodland and Joint Unified School District v. Commission on Professional Competence* (1969) 2 Cal.App.4th 1429, 1444-1445 [Woodland].) “‘Evident unfitness for service’ connotes a fixed character trait, presumably not remediable merely on receipt of notice that one’s conduct fails to meet the expectations of the employing school district.” (*Ibid.*)

## **RELATIONSHIP TO UNFITNESS TO TEACH**

15. Adverse action against a credential is warranted when such misconduct demonstrates an unfitness to teach. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 235 [*Morrison*].) In *Morrison*, the Supreme Court set out seven factors relevant to a determination of unfitness to teach:

- (1) “the likelihood that the conduct may have adversely affected students or fellow teachers [and] the degree of such adversity anticipated;”
- (2) “the proximity or remoteness in time of the conduct;”
- (3) “the type of teaching certificate held by the party involved;” (4) “the extenuating or aggravating circumstances, if any, surrounding the conduct;”
- (5) “the praiseworthiness or blameworthiness of the motives resulting in the conduct;”

(6) "the likelihood of the recurrence of the questioned conduct;" and

(7) "the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers."

(*Broney v. California Comm. on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 474. [*Broney*], quoting *Morrison*, supra, 1 Cal.3d at p.229.) The Supreme Court later added an eighth factor: "the notoriety and publicity accorded a teacher's conduct." (*Board of Education v. Jack M.* (1977) 19 Cal.3d 691, 701, fn.5.)

Not all the *Morrison* factors must be considered, only the most pertinent ones. (*West Valley-Mission Community College District v. Conception* (1993) 16 Cal.App.4th 1766, 1777.) Additionally, the *Morrison* factors may be applied to all the charges in the aggregate. (*Woodland Joint Unified School Dist. v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, 1456-1457 (*Woodland*).)

For purposes of taking adverse action against a teaching credential, the factors enumerated in *Morrison* have been codified in regulation. (Cal. Code Regs., tit. 5, § 80302.)

16. In considering the *Morrison* factors relevant to this case in relation to the sustained allegations the following conclusions are reached:

**THE LIKELIHOOD THAT THE CONDUCT MAY HAVE ADVERSELY AFFECTED STUDENTS, FELLOW TEACHERS, OR THE EDUCATIONAL COMMUNITY, AND THE DEGREE OF SUCH ADVERSITY ANTICIPATED**

17. The conduct that led to respondent's 2019 conviction occurred in 2011 through 2013, and 2017. It was not until 2018 that he obtained his internship credential and began teaching at Garfield High School. Based on this time frame, it is unlikely that students or the educational community may have been adversely affected by his conduct or conviction. Respondent credibly testified that he told his principal and vice principal about his conviction, although no mention of respondent's conviction was made in the letters they submitted attesting to his good character.

**PROXIMITY OF THE CONDUCT**

18. With regard to the proximity of respondent's conduct, the 2011 and 2013 conduct is relatively remote in time while the conduct in 2017 is more recent. His conviction was recent (2020), and he remains on probation through May 2023.

**EXTENUATING OR AGGRAVATING CIRCUMSTANCES**

19. In aggravation, respondent testified that he was assured by the partners that the transactions in 2011 through 2013 were "legitimate," but when he was asked to specify what assurances he was given, he did not answer the question. He said that when he learned that the transactions were illegal, he resigned from the firm in 2013. However, in 2017 he again engaged in activity which he acknowledged was illegal. On several occasions, he characterized his illegal conduct as a "blemish" and taking "a shortcut" These descriptions were an attempt to minimize the severity of his conduct.

## **MITIGATING FACTORS**

20. In mitigation, the CTC has never taken adverse action against respondent's credentials. Since the conduct occurred, respondent has earned his bachelor's and master's degrees, and obtained his teaching credential. He is currently working as a special education teacher and coach.

## **THE PRAISEWORTHINESS OR BLAMEWORTHINESS OF THE MOTIVES RESULTING IN THE CONDUCT**

21. There is nothing praiseworthy about respondent's conduct. His motives were purely financial, and he knew his actions were illegal at least in 2017 pursuant to his own admission. Accordingly, his motives were blameworthy.

## **THE LIKELIHOOD OF THE RECURRENCE OF THE CONDUCT IN QUESTION**

22. It is unlikely that this misconduct will occur again because respondent has been barred from trading securities.

## **Analysis and Disposition**

23. Complainant established by clear and convincing evidence that cause exists for adverse action against respondent's credential and certificate pursuant to Education Code section 44421, because respondent committed acts of unprofessional conduct and immoral conduct when he violated securities laws and received \$77,000 in illegal share sales proceeds from the conduct underlying his conviction for securities fraud.

24. Complainant did not establish by clear and convincing evidence that respondent committed acts of moral turpitude, thereby subjecting his credential and certificate to disciplinary action pursuant to Education Code section 44421.

25. The above analysis of the *Morrison* factors does not demonstrate a relationship between respondent's misconduct and his lack of fitness to effectively perform the duties authorized by his credential and certificate.

Teachers are in a unique position in that they are responsible for the care and training of young minds. They are role models to their students in and out of the classroom. We expect teachers to be honest and trustworthy.

Licensing disciplinary matters like this are not designed to punish an individual. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Rather, a licensing agency should be primarily concerned with protecting the public. (*Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.) In this regard, rehabilitation is an important consideration. (*In re Conflenti* (1981) 29 Cal.3d 120, 124-125.)

26. In summary, cause was established for discipline of respondent's credential, but not revocation. Respondent established a satisfactory level of rehabilitation and permitting him to continue teaching in the classroom would not be inconsistent with public protection provided that a period of probation is imposed where respondent is monitored. Therefore, respondent's license is revoked, the

revocation is immediately stayed, and respondent's credentials are placed on probation for a period of five years.<sup>2</sup>

## **ORDER**

The application of respondent Christian Robert Hansen for a Preliminary 5-year Education Specialist Instruction Credential (preliminary credential) is hereby granted. All teaching credentials and certificates issued to respondent Christian Robert Hansen, including his preliminary credential, are hereby revoked. However, the revocation is immediately stayed, and his credentials and certificates are placed on probation for a period of five years on the following terms:

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of probation, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remaining conditions of probation, and each of them, and all other applications thereof, shall not be affected. Each condition of probation shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey all Laws. Respondent shall obey all federal, state, and local laws and regulations, including, but not limited to, the statutes and regulations of the CTC. A full and detailed account of any and all arrests or citations for any violation of law (except

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<sup>2</sup> The commission has never promulgated disciplinary guidelines although proposed disciplinary guidelines have been drafted.

minor traffic offenses) shall be reported by respondent to the commission, in writing within 30 days of the arrest or citation.

2. New Credentials Subject to Order. Any new credential issued by the CTC to respondent during the period of probation shall be subject to this order, and respondent shall be subject to the same terms and conditions of probation with respect to any such new credentials, as set forth herein.

3. Compliance with Probation. Respondent shall fully comply with the terms and conditions of this order and cooperate with representatives of the CTC in its monitoring and investigation of his compliance.

Respondent shall submit quarterly reports, under penalty of perjury, in a form designated by the CTC, certifying and documenting compliance with all terms and conditions of probation. Respondent shall execute release of information forms that may be reasonably required by the CTC or its representatives.

4. Cooperation with CTC. During the entire period of probation, respondent shall fully cooperate with the CTC in its monitoring and investigation of respondent's compliance with probation.

5. Interviews/Meetings with CTC. During the period of probation, respondent shall appear in-person or be available by telephone at interviews or meetings as directed by the CTC or its representatives upon reasonable notice.

6. Notifications. The CTC shall be informed, in writing, of all employment of respondent that requires a credential. Respondent shall inform his employer of the reason for, and the terms and conditions of his probationary status and shall provide a copy of the CTC's Decision to his employer and immediate supervisor. Respondent



shall authorize his employer to submit performance evaluations and other reports requested by the CTC. Respondent shall notify the CTC in writing within 72 hours after cessation of any employment that requires a credential. The notification shall contain a full explanation of the circumstances surrounding the cessation of employment.

7. Maintain Active, Current Credentials. During the entire period of probation, respondent shall maintain active, current credentials with the CTC.

8. Maintain Current Contact Information. Respondent must provide written notice to the CTC within 10 days of any change of residency or address. Periods of residency outside of California shall not apply toward completion of the probationary period or period of suspension.

9. Probation Monitoring Costs. Respondent shall pay the costs associated with probation monitoring, as designated by the CTC, for each year of probation. Probation monitoring costs shall be made payable to the California Commission on Teacher Credentialing. Within 30 days of the effective date of this order, respondent shall pay the CTC the prorated probation monitoring costs for the number of months remaining in the calendar year. Beginning with the second year of probation, the full year of probation monitoring costs shall be paid to the CTC on or before January 31st of each calendar year. The total probation monitoring costs for each calendar year may be adjusted by the CTC on an annual basis.

10. Violation of Probation. The CTC shall retain jurisdiction over respondent's case during the period of probation. If respondent violates any term or condition of this Order, after giving his written notice and an opportunity to be heard on the issue of his violation of probation, the CTC may set aside the stay order and impose the suspension of respondent's credential. If an accusation or petition to revoke probation

is filed against respondent during probation, the probation period shall automatically be extended until a final decision is made on the accusation or petition.

11. Completion of Probation. Upon successful completion of the terms of this probation, respondent's credentials shall be fully restored.

DATE: May 6, 2022

*Marion J. Vomhof*

MARION J. VOMHOF

Administrative Law Judge

Office of Administrative Hearings