

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

In the Matter of the Accusation Against:

LA SHAWN DENISE WITT,

Clear Single Subject Teaching Credential

Clear Administrative Services Credential

Certificate of Eligibility Administrative Services Credential,

Respondent.

Agency Case No. 1-579743512

OAH No. 2022030610

PROPOSED DECISION

Administrative Law Judge Deena R. Ghaly, Office of Administrative Hearings (OAH), State of California, heard this matter on October 3 and 4, 2022, by videoconference.

Deputy Attorney General William D. Gardner represented Complainant Mary Vixie Sandy, Ed.D. acting in her official capacity as Executive Director of the California

Commission on teacher Credentialing (Commission). Attorney Josh Adams represented Respondent La Shawn Denise Witt, who was present throughout the hearing.

Documentary evidence and testimony were received, and argument was heard. The record was closed, and the matter was submitted for decision on October 4, 2022.

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. On June 30, 2008, the Commission issued a Clear Single Subject Teaching Credential to Respondent. The Clear Single Subject Teaching Credential was in effect during times relevant to the instant matter and will expire on July 1, 2023.

2. On August 12, 2011, the Commission issued a Clear Administrative Services Credential to Respondent. The Clear Administrative Services Credential was in effect during times relevant to the instant matter and will expire on July 1, 2023.

3. On June 1, 2009, the Commission issued a Certificate of Eligibility Administrative Services Credential to Respondent. The Certificate of Eligibility Administrative Service Credential was in effect during times relevant to the instant matter and does not expire.

4. Respondent previously held the following certification documents:

(a) Preliminary Administrative Services Credential issued on June 1, 2011, and expired on July 1, 2013;

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(b) Preliminary Single Subject Teaching Credential issued on February 1, 2007 and expired on March 1, 2012;

(c) Certificate of Clearance issued on December 5, 2006 and expired on January 1, 2016;

(d) Intern Single Subject Teaching Credential issued on November 1, 2006 and expired on December 1, 2008;

(e) Short-Term Staff Permit issued on August 1, 2006 and expired on July 1, 2007;

(f) Emergency Long Term Single Subject Teaching Permit issued on January 5, 2005, and expired on December 1, 2008;

(g) Pre-Intern Certificate issued on November 19, 2003, and expired on December 1, 2004; and

(h) Emergency Long Term Single Subject Teaching Permit issued on September 22, 2003, and expired on October 1, 2004.

5. In a letter dated March 26, 2021, the Committee's Commission of Credentials informed Respondent that it had determined there was probable cause to revoke her teaching credentials and other certification document. The Committee based its decision on Respondent's criminal conduct occurring between 2015 and 2017 entailing filing false insurance claims, which resulted in a misdemeanor conviction in 2019. The Committee's decision was also based on misrepresentations

Respondent made to the Commission regarding her criminal history in the course of renewing her credentials.

6. Respondent timely filed a notice requesting an administrative hearing challenging the findings and decision. This matter then ensued.

Respondent's Crime

7. On February 14, 2019, in the California Superior Court, Los Angeles County, Respondent pled nolo contendere and was convicted of violating Penal Code section 550, subdivision (b)(1) (presenting a false claim), a misdemeanor. The court sentenced Respondent to perform 300 hours of community service and to pay \$30,700 in restitution to the victim, as well as court fines and fees in amounts not established by the record. Respondent fulfilled the terms of her sentence, and, on September 18, 2020, the court dismissed Respondent's criminal conviction pursuant to Penal Code section 1203.4.

8. The facts and circumstances leading to Respondent's criminal conviction were that Respondent collected more than \$30,000 in false claims and, in the process, forged colleagues' signatures on the false claims.

Respondent's False Statements on Re-Credentialing Application

9. On April 5, 2018, Respondent submitted to the Commission a renewal application for her credentials. A question in the application asked whether criminal charges were pending against the applicant. Respondent falsely stated under penalty of perjury no criminal charges were pending against her even though, at the time, she had nine felony charges pending stemming from the fraudulent insurance claims she had submitted.

Additional Evidence About Respondent's Misconduct

10. Maria Armero is one of the individuals whose signature Respondent forged on the insurance claim form. Ms. Armero is an IUSD employee of more than 27 years. During the period relevant to this matter, Ms. Armero worked with Respondent at an IUSD school, Monroe Middle School (MMS). Respondent administered standardized testing to MMS students and also was the faculty member responsible for several extracurricular activities such as student government and the annual prom dance. Ms. Armero assisted Respondent with these programs. Ms. Armero was never assigned any duties related to Human Resources functions and would not have had the authority or responsibility to sign claim forms related to disability claims.

11. Ms. Armero learned about Respondent's forgery when she was contacted by the insurance company's investigator inquiring about the forms. Ms. Armero confirmed to the investigator that the signature in question was not hers. During the same period, Ms. Armero recalled she received messages from Respondent but did not respond to them.

12. Arlae Chio is the other individual whose signature Respondent forged. At the time, she too was employed at MMS and assisted Respondent with her duties. Although she later worked for MMS's payroll department, at the time relevant to the charges against Respondent, she had no duties related to personnel matters, including signing employees' disability claims.

13. Ms. Chio was also interviewed by the insurance company's investigator. When she was shown claim forms with her purported signature, Ms. Chio not only confirmed the signature was not her own but determined the phone number and title attributed to her were also incorrect. During the period Ms. Chio was being

interviewed by the insurance investigator, she received texts from Respondent. As she recalled them, the texts stated “Hi, how are you? I signed your name” or words to that effect. Ms. Chio suspected Respondent was trying to relay that Ms. Chio had agreed to Respondent signing her name on the insurance claim forms. Ms. Chio did not respond to the texts.

14. Ms. Chio suffered mental trauma as the result of the events stemming from Respondent’s forgery. Several years before, she had been the victim of identity theft and the resulting ramifications continue to impact her financial affairs and her emotional well-being. Discovering that, once again, her name had been used without her permission caused her anxiety and the return of painful memories.

15. Ms. Chio discovered that sometime during the investigation, Respondent entered Ms. Chio’s office while Ms. Chio was away from campus. Ms. Chio contacted school management who installed a lock requiring a code to enter the area housing Ms. Chio’s workstation.

Respondent’s Evidence

RESPONDENT’S TESTIMONY

16. Respondent holds a doctorate in education and two undergraduate degrees, in biology and African studies, respectively. She also holds various certifications in special education and psychology.

17. Respondent resigned from IUSD after a senior administrator told her she was being investigated for insurance fraud. At IUSD, she served in multiple administrative and teaching roles. After leaving there, Respondent worked briefly for the Capistrano School District and then, since 2017, Respondent has been employed

by the Los Angeles Unified School District (LAUSD). She is currently assigned to Hawkins High School as a teacher on special assignment. Her duties include acting as the coordinator of the school's Intervention Prevention Support program which provides resources for troubled students and their teachers. Before joining Hawkins High School, Respondent served in several other administrative and teaching roles at various LAUSD schools. Respondent also runs a private tutoring business and works as an event planner.

18. In addition to her work in and out of LAUSD, Respondent maintained she founded and runs a non-profit organization, My Sister's Keeper, to assist homeless women and women recently released from prison rebuild their lives. She further maintained she is an active participant in several other community organizations and estimated she devotes 10 to 15 hours per week to philanthropy.

19. Regarding her criminal history, Respondent maintained she was under severe personal pressure stemming from a slew of problems during the time she engaged in the conduct leading to her criminal convictions. According to Respondent, from about 2012 to 2017, she was addicted crack cocaine, the victim of two abusive romantic relationships, attempted to commit suicide on three occasions, endured a rape, and had to file for bankruptcy. She needed money for many things, including her own psychological therapy, her daughter's school fees, her own schooling, and to give to a boyfriend.

20. Respondent expressed remorse and regret regarding her criminal conduct in filing the false insurance claims. She denied forging signatures on the claim forms, stating she "told" the individuals whose names she used that she would be signing for them and that signing for each other was a common practice among employees at MMS.

21. Regarding Respondent's false statements about the then-pending criminal charges on her credential renewal application, Respondent maintained she did not disclose them because she believed the Commission was already aware of the charges and was unsure of the exact status of the criminal proceeding.

CHARACTER EVIDENCE

22. LaTanya KirkCarter, Respondent's former colleague at Inglewood, testified as a character witness for Respondent. Ms. KirkCarter stated she worked with Respondent for approximately a year and a half during the 2012-2013 school year. Ms. KirkCarter left Inglewood to join the Beverly Hills School District as a cabinet-level administrator.

23. Ms. KirkCarter recalled Respondent to be an exceptionally qualified and skilled educator and communicator who was able to succeed in challenging educational environments where others could not. Ms. KirkCarter is aware of Respondent's misconduct and stated she understood how serious and concerning they were; however, she noted the Commission was not always consistent about meting out discipline and had allowed administrators and educators with more serious charges to continue in their careers. Ms. KirkCarter also stated that, while not an excuse, Inglewood during the period Respondent committed the misconduct leading to her criminal conviction, was "seeped" in corruption and the generally depressed standards of ethics touched the entire school community.

24. Franklin Brent Tilley has served as a principal at various schools within IUSD, including MMS. He was Respondent's supervisor from 2007 until 2015. Principal Tilley is very familiar with Respondent's criminal conviction and the underlying misconduct. Despite this knowledge, as he testified at the hearing and consistent with

a letter he wrote on her behalf, he believes in Respondent's value as an educator and ultimate integrity, noting that, while at MMS, her duties allowed her access to school funds and multiple audits of her work found she used the funds appropriately. Additionally, Principal Tilley stated Respondent's ability to connect with the students, including the most difficult and at-risk among them, to be exceptional and rare.

Analysis

25. Respondent was vague and general about the issues giving rise to her criminal conduct and gave no specifics about whether she is now sober and if so, what steps she takes to maintain her sobriety. Respondent did not provide any corroborating evidence supporting her contentions she suffered extreme personal setbacks and challenges. Further, Respondent did not provide any corroborating evidence supporting the philanthropic work, including founding the non-profit organization, My Sister's Keeper.

26. Respondent's explanation for her misstatements on her re-credentialing documents is nonsensical and not credited. It also indicates that, as late as April of 2018, Respondent continued to engage in dishonest behavior.

27. Ms. KirkCarter and Principal Tilley presented as candid and forthright. Their evidence is credited to the extent it established Respondent to possess certain skills valuable to, and perhaps rare in educators, particularly with respect to communication and ability to relate to students. The evidence they provided, however, did not help establish that Respondent's character and ethics meet the required standards for continued licensure, as addressed in the Legal Conclusions below.

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LEGAL CONCLUSIONS

Legal Standards

1. Education Code section 44421 authorizes the Commission to discipline the credential of a teacher "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." One cause that may warrant the denial of an application is if the applicant "(e) [h]as committed any act involving moral turpitude" if that conduct "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.)

2. Complainant bears the burden of proving the alleged grounds for discipline by clear and convincing evidence to a reasonable certainty. (*Gardner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1039.) Clear and convincing evidence "requires a finding of high probability," and has been described as "requiring that the evidence be "'so clear as to leave no substantial doubt"; "sufficiently strong to command the unhesitating assent of every reasonable mind." [Citation.]" (*In re Angelia P.* (1981) 28 Cal.3d 908, 919.)

Causes for Discipline

3. Complainant alleged Respondent's misconduct constituted unprofessional conduct and is therefore cause for discipline. "Unprofessional conduct" is "'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.'" (*Board of Educ. of City of*

Los Angeles v. Swan (1953) 41 Cal.2d 546, 553 [overruled on other grounds in *Bekiaris v. Board of Education* (1972) 6 Cal.3d 575, 587, fn. 7.])

Clear and convincing evidence established Respondent's misconduct as set out in Factual Findings 7 through 9, constitutes unprofessional conduct. Respondent engaged in a pattern of dishonest, criminal behavior and attempted to conceal it when renewing her credentials. Such behavior is not consistent with the standards of integrity, honesty and good judgment expected of a licensed professional.

4. Complainant alleged Respondent's misconduct constituted moral turpitude and is therefore cause for discipline. Moral turpitude is "crime or misconduct committed without excuse, or any 'dishonest or immoral' act not necessarily a crime. [Citation.]" (*Clerici v. Department of Motor Vehices* (1990) 224 Cal.App. 3d 1016, 1027; see also *Ricasa v. Office of Administrative Hearings* (2018) 31 Cal.App. 5th 262, 281; and *Golde v. Fox* (1979) 98 Cal. App. 3d 167, 185.)

Clear and convincing evidence established Respondent's misconduct constituted moral turpitude. Lying on insurance claims and re-credentialing applications and forging signatures constitute dishonest and immoral acts. Respondent's proffered evidence of extenuating circumstances was not entirely convincing but even if true, cannot excuse her fraudulent conduct. Respondent is an educated and clearly resourceful individual who has accomplished much both in terms of education and professional accomplishments. Her circumstances do not justify turning to fraud and deception to resolve her difficulties.

5. Complainant alleged Respondent's misconduct constituted immoral conduct and is therefore cause for discipline. Immoral conduct is that which is "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. [Citation.]" (*Orloff v. Los Angeles Turf Club* (1951) 36 Cal.2d 734, 740, see also *Board of Education of San Francisco Unified School District v. Weiland* (1960) 179 Cal.App.2d 808, 811 [A teacher's falsification of attendance records to add names to secure continued employment is immoral conduct for purposes of teacher certification.]])

Clear and convincing evidence established Respondent's misconduct constituted immoral conduct, not just in her crime and failure to accurately report it in the re-certification application but in her flagrant disregard for the consequences to the individuals whose names she forged in completing the application, including the possibility they may be implicated in her wrongdoing and their discomfort of being drawn into its investigation.

6. For purposes of teacher discipline, conduct cannot be characterized as unprofessional, involving moral turpitude, or immoral unless it indicates a teacher is unfit to teach. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 229.) In *Morrison*, the court set out criteria to analyze whether alleged misconduct establishes unfitness to teach. The criteria have been codified at California Code of Regulations, title 5, section 80302 and are listed and applied to the instant matter as follows:

a. The likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated. Respondent's conduct had an adverse effect on MMS's educational community. As noted above, her colleagues were troubled and disturbed by the knowledge their names had been used and by the investigation. School resources of

the school were used to improve security after she made an unauthorized visit to Ms. Choi's office. The degree of the adverse effect is deemed moderately.

b. The proximity or remoteness in time of the conduct. The events in question occurred between 2015 and 2018.

c. The type of credential held or applied for by the person involved. Respondent's credentials allow her to teach and participate in special programs for young, suggestible students for whom she must serve as an appropriate role model.

d. The extenuating or aggravating circumstances surrounding the conduct. Respondent introduced some evidence of difficult personal problems to establish extenuating services; however, her explanations were vague and unpersuasive. Aggravating circumstances include that Respondent's misconduct involved multiple acts of dishonesty and deception over several years and continued even after her criminal prosecution began, her actions implicated innocent colleagues, and, to the present, she has not taken full responsibility for all her misconduct.

e. The praiseworthiness or blameworthiness of the motives resulting in the conduct. Respondent's misconduct can only be described as blameworthy.

f. The likelihood of the recurrence of the questioned conduct. Life problems for anyone, including Respondent, are likely to crop up on a continuing basis. Without a clear sense of accountability for past wrongdoing, the likelihood she will resort to similar misconduct in the future is high.

g. 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. Respondent's misconduct does not implicate any constitutional rights.

h. The publicity or notoriety given to the conduct. There was no evidence of publicity or notoriety arising from Respondent's misconduct or the resulting consequences.

7. Complainant also alleges evident unfitness for service as cause to discipline Respondent's credentials. Evident unfitness for service properly means "clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies. [Fn. omitted.]" (*Woodland Joint Unified School Dist. v. Commission on Professional Competence*. (1992) 2 Cal.App.4th 1429, 1444 (*Woodland*).) This cause for discipline 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." On this cause for discipline, the *Morrison* factors "must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service. [Citation.] If they indicate unfitness to teach, the next step is to determine whether the 'unfitness' is 'evident'; i.e., whether the offensive conduct is caused by a defect in temperament. (*Woodland*, supra, 2 Cal.App.4th at 1445.)

As set out in Legal Conclusion 6, applying the *Morrison* factors in the instant case demonstrates multiple areas indicative of Respondent's unfitness to teach, including a propensity of dishonesty even in the wake of a criminal prosecution, a failure to accept responsibility for at least some of her misconduct, and a failure to demonstrate self-awareness. These factors directly implicate Respondent's character, including a propensity to resolve life difficulties through criminal and dishonest behavior. As such, they are deemed temperamental defects and therefore, constitute evident unfitness for service.

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8. Considering the record of evidence as a whole, Respondent's misconduct warrants revocation of all of her credentials, certificates, and authorizations. Educators play an important role in their students' development and serve as role models, sometimes among the most significant role models, in their students' lives. Respondent's fitness to teach must therefore include the character and values she brings to the job because they will ultimately be communicated to the students and will inform their education. (See *Sands v. Morongo Unified School Dist.* (1991) 53 Cal. 3d 863, 899.) Whatever other professional attributes Respondent possesses, character the evidence presented established she does not currently possess the integrity and high ethical values required for her profession.

ORDER

The credentials, certificates, and authorizations issued to Respondent by the Commission on Teacher Credentials are revoked.

DATE: **11/03/2022**

Deena R. Ghaly
Deena R. Ghaly (Nov 3, 2022 17:49 PDT)

DEENA R. GHALY

Administrative Law Judge

Office of Administrative Hearings