

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

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

**MATTHEW STANLEY SORENSEN, Respondent.**

**Agency Case No. 2-141908024**

**OAH No. 2022030787**

**PROPOSED DECISION**

Harden Sooper, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on October 11, 12, and 13, 2022.

Gillian E. Friedman, Deputy Attorney General, represented complainant Mary Vixie Sandy, Executive Officer of the California Commission on Teacher Credentialing (Commission).

Respondent Matthew Stanley Sorensen represented himself at the hearing.

The ALJ received oral and documentary evidence. The record was closed and the matter was submitted for decision on October 13, 2022.

During the hearing, complainant moved to seal Exhibits E and I through P, as they contain the names of minors. Respondent did not oppose the motion. On November 8, 2022, the ALJ issued a protective order sealing Exhibits E and I through P.

During a review of the evidence, the ALJ redacted respondent's date of birth and medical record number from Exhibits A and B and former students' names from Exhibits BB and EE, for confidentiality purposes.

## **SUMMARY**

Complainant seeks to discipline respondent's teaching credential based on allegations of misconduct occurring during the 2018–2019 and 2019–2020 school years, when respondent was a social studies teacher and baseball coach at Golden Valley High School. Complainant established by clear and convincing evidence respondent committed misconduct involving students, including one occasion when he showed an inappropriate dance video to a student in his class. Respondent's misconduct constitutes unprofessional and immoral conduct, and an act of moral turpitude, within the meaning of the Education Code, and therefore establishes cause for adverse action against respondent's credential. Application of the *Morrison* factors indicates respondent's misconduct is related to his fitness to teach. The totality of evidence in this matter supports a public reproof of respondent for his misconduct.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. Respondent holds a Single Subject Teaching Credential (credential). The credential, which was in full force and effect at all times relevant to the charges alleged in the Accusation, was originally issued in 2011 and last renewed in 2020. The credential will expire on July 1, 2025, unless renewed.

2. On December 7, 2021, the Commission filed an Accusation against respondent. The Accusation alleges four causes for discipline of respondent's credential: (1) unprofessional conduct, (2) immoral conduct, (3) evident unfitness for service, and (4) acts involving moral turpitude.

3. On December 23, 2021, respondent filed a Notice of Defense, requesting a hearing in this matter.

## **Background and Investigation**

4. Between 2017 and 2020, respondent worked as a social studies teacher and baseball coach at Golden Valley High School (Golden Valley) in the William S. Hart Union High School District (Hart District). Because the district hired respondent in the middle of the 2017–2018 school year, he remained a probationary teacher for the following two school years: 2018–2019 and 2019–2020.

5. On November 4, 2019, Golden Valley Principal Salvador Frias met with respondent and discussed several allegations of misconduct against respondent related to his employment at Golden Valley. Respondent denied or did not comment on some allegations and claimed others were a result of misinterpretation of his actions. Based upon "red flags" presented by the allegations, Principal Frias recommended Hart District not reelect respondent for the 2020–2021 school year. Principal Frias noted respondent's conduct generated an unusually high volume of complaints. He could not recall another teacher or coach being the subject of as many complaints as respondent.

6. On February 19, 2020, the Governing Board of the Hart District decided not to reelect respondent for the 2020–2021 school year. Respondent's employment with the Hart District ended on June 30, 2020.

7. No cause is required for a district to decline reelection of a probationary teacher. However, because allegations of misconduct preceded the district's decision to non-reelect respondent, the Hart District notified the Commission of its decision not to reelect respondent, pursuant to California Code of Regulations, title 5 (CCR), section 80303. (Ex. 3, p. A51.)

8. The Commission assigned Investigator Judith Arce to investigate the allegations of misconduct against respondent. Investigator Arce gathered documents and interviewed witnesses. She documented her findings in a report dated December 23, 2020, and concluded the Commission had grounds to take adverse action against respondent's credential, pursuant to Education Code sections 44345 and 44421. (Ex. 6.)

9. Complainant offered no evidence of prior adverse action against respondent's credential.

## **Substantiated Allegations of Respondent's Inappropriate Conduct**

### **G.S. HEARING TESTIMONY**

10. G.S. was a student in respondent's history class during the 2019–2020 school year (initials used to protect the former student's privacy). G.S. testified respondent frequently asked her personal questions during class time, such as about her family, friends, and dating life. He initiated similar conversations outside of class when he encountered G.S. on campus. Respondent also asked G.S. for input during class about a baseball team potluck meal he was planning and on one occasion, he asked G.S. to retrieve his lunch for him during class time. G.S. perceived respondent as making an "extra effort" to make conversation with her, which made her uncomfortable.

11. G.S. was a member of the school's dance team. She testified respondent asked her to organize a dance for the baseball team, to be performed during an upcoming team banquet. Respondent requested G.S. recruit other female dance team members to participate in the dance and "make it very feminine." Respondent offered his classroom as a practice space for the dancers. When G.S. suggested respondent coordinate with the supervisor of the dance team, respondent said "it should just stay between [G.S.] and him and [the supervisor] did not need to know about it."

12. Respondent showed G.S. a video he described as female students dancing for his baseball team at another school where he worked before Golden Valley. G.S. testified she was very uncomfortable watching the video because the dancing was "very inappropriate," and the students were "dancing like basically strippers." On the same day it occurred, G.S. reported this incident to the dance team supervisor and then an assistant principal. Shortly thereafter, G.S. asked to transfer out of respondent's history class because respondent made her uncomfortable.

13. On January 16, 2020, Nicole Pollard, the dance team supervisor, sent an email to Assistant Principal Brian Necessary, summarizing her recent conversation with G.S. about respondent's conduct. (Ex. 4, p. A56.) On December 22, 2020, Investigator Arce interviewed G.S. about respondent's conduct. (Ex. 7, p. A69.) G.S.'s prior statements to Ms. Pollard and Investigator Arce are consistent with G.S.'s testimony at the hearing.

14. Respondent admitted asking G.S. to choreograph a dance for the baseball team but denied showing her an inappropriate video. He claimed he showed G.S. a video on YouTube produced by Disney. He further stated he asked multiple students to choreograph the dance because "[G.S.] backed out for whatever reason." Respondent stated he typically asked students about their families, but had no specific

memory of personal conversations with G.S. He denied “crossing the line” with G.S. When asked on cross-examination why he did not inquire about G.S.’s transfer out of his class, respondent claimed he was not aware until much later of her transfer because “she was one of hundreds of students” and “nothing stood out about her. She was a run of the mill student.” Respondent speculated, without supporting evidence, G.S. may have fabricated claims against him as retaliation for respondent’s decision to deny her boyfriend a spot on the Golden Valley baseball team.

15. G.S. testified credibly about her interactions with respondent. Her testimony was corroborated by prior consistent statements to Ms. Pollard and Investigator Arce. Respondent’s testimony about his interactions with G.S. was uncorroborated, as was his claim G.S. retaliated against him for a decision he made as a baseball coach. Respondent’s testimony describing G.S. as “run of the mill” and claiming “nothing stood out about her” is not credible, given his admission he elected to ask her to coordinate a dance for the baseball team.

16. G.S.’s testimony substantiated the conduct alleged in paragraphs 15f, 15g, and 15h of the Accusation, as follows: (1) respondent would approach students in class multiple times during the same period, (2) respondent asked a student to go get him lunch during class time, and (3) respondent asked a student to go check in with players to see what they were bringing to potluck during class time. G.S.’s testimony also substantiated the conduct alleged in paragraph 16 of the Accusation, as follows: respondent showed G.S. a video of the type of dance he wanted G.S. to coordinate, which involved “twerking” and “stripper moves,” which made G.S. uncomfortable.

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## **RESPONDENT'S ADMISSIONS**

17. Respondent admitted the conduct alleged in paragraph 15j of the Accusation, as follows: A female student reported that respondent called her princess. Respondent admitted he called a student "princess" in a sarcastic manner, to "make a point."

## **Unsubstantiated Allegations of Respondent's Inappropriate Conduct**

### **POSSESSION OF MARIJUANA**

18. On October 24, 2019, Garrett Leon, a Golden Valley baseball coach, sent an email to Assistant Principal Jennifer Ambrose, relaying allegations that respondent possessed marijuana in a coaching bag during a Golden Valley baseball game. Mr. Leon indicated he "did not witness these events" and was repeating what another coach told him occurred. (Ex. 4, p. A52.) The email contains double hearsay and cannot form the basis for a factual finding.

19. On December 14, 2020, Investigator Arce interviewed G.M., a former Golden Valley baseball player (initials used to protect the former student's privacy). G.M. stated he "remembered the incident with the marijuana" and "when he arrived to practice, the students were already talking about [respondent's] bag smelling of marijuana." G.M. did not state he personally observed marijuana in respondent's bag. (Ex. 7, p. A67.) G.M. did not testify at the hearing; his statement to Investigator Arce is hearsay and cannot form the basis of a factual finding.

20. Complainant did not establish respondent possessed marijuana during a Golden Valley baseball game, as alleged in paragraph 14 of the Accusation. Complainant offered no percipient witness testimony and instead relied on Mr. Leon's

email and G.M.'s statement, neither of which can form the basis for a factual finding. Respondent denied possessing marijuana.

### **ADDITIONAL ALLEGATIONS**

21. Complainant did not prove the conduct alleged in paragraphs 15a through 15e and 15i of the Accusation, as follows:

- (1) During summer camp in 2019, respondent had invited cross country girls to run through the sprinklers on the field. Respondent did not invite the cross country boys.
- (2) Respondent asked a student, without context about his first kiss. Respondent further stated that he remembered his first kiss and that "she had the biggest jugs I've ever seen. Bigger than any of the girls at this school."
- (3) Respondent requested that female students be team manager and did not base his selection on baseball knowledge.
- (4) Respondent attempted to organize a joint softball practice with softball players.
- (5) A staff member reported that respondent reset the seating chart to be boy/girl and when asked why he stated to teach them to be gentlemen.
- (6) Respondent drove two female students in a vehicle.

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These allegations were not substantiated by G.S.'s testimony. Investigator Arce's report and notes from the November 4, 2019 meeting contain only hearsay, unsupported by direct testimony, regarding these allegations and therefore cannot form the basis for a factual finding.

22. Respondent denied the conduct underlying these allegations. He testified the cross-country runners, male and female, routinely ran through a portion of the baseball field. He denied inviting female runners to do so, as alleged in the Accusation. He denied discussing his first kiss with a student. He testified he solicited the entire student body, over the public announcement system, regarding an open position as the baseball team manager. He denied requesting only female students fill the position. He admitted organizing a Halloween softball game involving both baseball and softball players. He denied the event was a "joint practice," as alleged in the Accusation. He testified he maintained an alphabetical classroom seating chart, not alternating male and female as alleged in the Accusation, but admitted he encouraged female and male students to be "ladies and gentlemen." He admitted driving students in a vehicle to a baseball game, but denied driving "two female students," as alleged in the Accusation.

## **Respondent's Criminal Convictions**

23. On October 30, 1997, in the Superior Court of California, County of Los Angeles, case number 6DW12442, respondent was convicted upon his plea of no contest of one count of violating Penal Code section 853.7, failure to appear in court, a misdemeanor.

24. On October 30, 1997, in the Superior Court of California, County of Los Angeles, case number 6DW12293, respondent was convicted upon his plea of no

contest of one count of violating Vehicle Code section 14601.1, subdivision (a), driving on a suspended license, a misdemeanor. On June 30, 2021, the court granted respondent's motion to expunge this conviction. (Ex. A.)

## **Matters in Aggravation**

25. Respondent's misconduct significantly harmed G.S., a student entrusted in his care, and significantly harmed the educational system. Respondent violated the trust placed in him as a teacher when he showed G.S. an inappropriate video, causing her to become uncomfortable and to immediately report the incident to the dance team supervisor. Respondent failed to maintain appropriate boundaries with G.S., repeatedly asking her personal questions, including about her dating life, before showing her the video. Because of respondent's conduct, G.S. transferred out of his class. When a teacher abuses the trust of a minor student in such a manner, the educational system is damaged because the sanctity of the teacher-student relationship, a matter of public trust, is compromised.

26. Respondent demonstrated indifference toward the consequence of the misconduct. There is no justification for respondent's violation of trust and he either knew or should have known his misconduct could negatively impact G.S. Although respondent testified he felt "sad" after hearing G.S. testify she was uncomfortable with his behavior, respondent continued to speculate that G.S. fabricated her allegations as retaliation against him for his decisions as a baseball coach. He also testified he was "wondering why she didn't communicate" her feelings earlier in the school year and he "doesn't know what to believe." Even after G.S. testified at the hearing, respondent did not demonstrate he appreciates the consequences of his misconduct.

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27. Respondent's misconduct evidences multiple acts of wrongdoing and a pattern of misconduct involving poor judgement. Each substantiated allegation of inappropriate conduct results from respondent's failure to exercise proper judgement and maintain proper boundaries between himself and his students. He misused class time by conversing with students about personal or extracurricular topics and tasked G.S. with retrieving his lunch during class time. His decision to show G.S. an inappropriate video was the culmination of a pattern of his exercising poor judgement.

### **Respondent's Evidence**

28. After his employment at Golden Valley ended in June 2020, respondent took a position as a teacher at Monterey High School (Monterey) for the 2020–2021 school year. Monterey conducted classes remotely during that school year and once classes returned in-person, respondent left the position because he did not want to move to Monterey. Respondent currently teaches at a charter school in Palmdale, called The Palmdale Aerospace Academy (TPAA).

29. Respondent received positive performance reviews during his employment at Golden Valley. In 2018 and 2019, he received an overall rating of "meets" expectations. (Exs. C, D.) In an evaluation dated November 2, 2019, Principal Frias wrote, "[respondent] works well within his department. He is very easy going and gets along well with everyone. . . . [Respondent] will continue to grow and help make [Golden Valley] a better school." (Ex. D, p. B13.) The November 2, 2019 evaluation was not signed by either respondent or Principal Frias.

30. Respondent received a positive performance review during his employment at Monterey. In 2020, respondent received an overall rating of "proficient" from Monterey evaluators. (Ex. Q, p. B128.)

31. Respondent submitted an unsigned 2021–2022 TPAA performance evaluation, dated February 24, 2021, showing he met all standards for the evaluation period. (Ex. H.) When asked on cross-examination if his supervisors at TPAA were aware of the pending allegations against him, respondent became defensive and stated, “this has nothing to do with any of the allegations at this hearing.”

32. Respondent submitted multiple letters of gratitude written by students between 2015 and 2021. Respondent explained he assigns students to write letters to staff members around Thanksgiving and some students elected to write a letter to him. Some students referred to “teacher appreciation week” as the reason why they wrote their letters.

33. Nine Golden Valley teachers wrote letters of recommendation for respondent in 2021. The authors appear to have intended for respondent to use the letters during a job search. None of the letters reference any allegations of misconduct against respondent and it is unclear whether they were aware of the allegations.

34. Rex Ives and Kelvin Parker, who both worked as Golden Valley baseball coaches with respondent, testified and vouched for respondent’s character and work ethic. In an email dated October 12, 2022, former Golden Valley baseball coach Josue Iniguez also vouched for respondent’s character.

35. Respondent submitted two unsigned letters from former Golden Valley students and baseball players. The authors of both letters vouched for respondent’s character and work ethic. Both letters contain additional hearsay statements about the allegations against respondent. However, neither former student testified, and their hearsay statements cannot form the basis for a factual finding.

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36. In both a letter he submitted to the Commission, dated December 1, 2020, and his testimony at the hearing, respondent claimed the allegations against him were false and were made in retaliation against him by an assistant baseball coach and students, including G.S. In his letter, respondent wrote, "I believe this is an egregious attempt to hurt me for a decision that was made while I was the head baseball coach at GV." He also claimed Principal Frias "knew [the allegations were not] true and was confirmed through his investigation. Please contact him, he will confirm this." (Ex. 10, p. A76.) Principal Frias's testimony at hearing did not corroborate this claim. Although respondent testified credibly about the importance of his teaching credential to him and his family, he did not express remorse for his misconduct.

## **LEGAL CONCLUSIONS**

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

1. Because this case involves a professional license, complainant bears the burden of proof to establish cause for adverse action by clear and convincing evidence to a reasonable certainty. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 855-856.) This means the burden rests with complainant to offer proof that is clear, explicit, and unequivocal, "so clear as to leave no substantial doubt" and "sufficiently strong to command the unhesitating assent of every reasonable mind." (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487; citations omitted.)

### **Applicable Law**

2. Education Code section 44000 et seq. and CCR, section 80000 et seq., provide that the Commission is responsible for credentialing teachers in public schools in California, including issuing credentials and taking adverse action against applicants

and credential holders. "Adverse action" is defined in CCR, section 80300, subdivision (a), as "a denial, a private admonition, public reproof, suspension or a revocation of one or more credentials."

3. Education Code section 44421 authorizes the Commission to take adverse action against an individual's teaching credentials for immoral conduct, unprofessional conduct, evident unfitness for service, or any cause which would warrant denial of an application for a credential.

4. Pursuant to Education Code section 44345, subdivision (e), the Commission may deny any application for the issuance or renewal of a credential made by any applicant who "[h]as committed any act involving moral turpitude."

5. An "aggravating factor" is defined in CCR, section 80300, subdivision (b), as "an event or circumstance which demonstrates that a greater degree of adverse action for an act of unprofessional misconduct is needed to adequately protect the public, schoolchildren, or the profession." Aggravating factors include the following, as set forth in section 80300, subdivisions (b)(2), (b)(4), and (b)(5):

(2) that the misconduct evidences multiple acts of wrongdoing or demonstrate a pattern of misconduct;

(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.

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## **Fitness to Teach**

6. Terms such as immorality, moral turpitude, and unprofessional conduct are so general that they must be given meaning in relation to the particular professional involved. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 220.) In *Morrison*, the California Supreme Court held that adverse action may not be imposed against a teacher in the absence of evidence showing his unfitness to teach. As a result, the Court requires a nexus between the misconduct in question and the profession of teaching.

7. For purposes of determining the relationship between the misconduct proven and a credential holder's fitness, competence, or ability to effectively perform the duties authorized by the credential, the various factors enumerated in *Morrison* have been codified at CCR, section 80302. The criteria are specified and applied to respondent as follows.

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

8. Respondent's misconduct adversely affected G.S. and negatively impacted the Golden Valley community. G.S. testified she struggled to learn while in respondent's class and she became so uncomfortable she requested to transfer out of his class after he showed her the inappropriate dance video. Principal Frias noted he received an unusually high volume of complaints about respondent, which demonstrates at least some negative impact felt by the Golden Valley community.

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### **THE PROXIMITY OR REMOTENESS IN TIME OF THE CONDUCT**

9. The misconduct at Golden Valley occurred during the 2018–2019 and 2019–2020 school years, between approximately three and four years ago. A period of five years or less is not remote for purposes of this *Morrison* factor. (*Broney v. California Com. on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 477.) Respondent's misdemeanor criminal convictions are very remote in time and carry little weight in considering whether respondent is currently fit to teach.

### **THE TYPE OF CREDENTIAL HELD BY THE PERSON INVOLVED**

10. Respondent's credential authorizes him to teach students in grades 12 and below, which encompasses an impressionable population of students. (*Id.*) Although respondent was not teaching elementary or middle school students at the time of his misconduct, his credential allows him to do so. In *Broney*, the court found "[G]iven the impressionable nature of elementary school students, and their need for appropriate adult role models, this factor weighs in favor of finding of unfitness to teach." (*Id.* at 477.)

### **THE EXTENUATING OR AGGRAVATING CIRCUMSTANCES SURROUNDING THE CONDUCT**

11. Applying the definitions set forth in CCR, section 80300, subdivisions (b)(2), (b)(4), and (b)(5), there are aggravating circumstances applicable to respondent's misconduct. His misconduct significantly harmed G.S. and demonstrated indifference toward the consequence of the misconduct. Neither at the time of the conduct or at the hearing did respondent appear to appreciate the nature and



consequences of his actions. Respondent engaged in a pattern of misconduct involving poor judgement.

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

12. Respondent alone is to blame for his misconduct. He failed to maintain proper boundaries with his students, especially G.S.

**THE LIKELIHOOD OF THE RECURRENCE OF THE QUESTIONED CONDUCT**

13. Respondent did not express remorse for his misconduct, instead focusing on his belief he was the subject of retaliation related to his work as a baseball coach. Because respondent does not appear to fully appreciate the nature and consequences of his actions, an elevated likelihood of recurrence exists.

**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**

14. The outcome of this case will have no chilling effect on credentialed teachers exercising their constitutional rights.

**THE PUBLICITY OR NOTORIETY GIVEN TO THE CONDUCT**

15. An important element of this factor is whether notoriety from misconduct would impair future on-campus relationships. (*San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1463.) Respondent's behavior generated an unusually high number of complaints, an indication of the notoriety given to respondent's misconduct while he was at Golden

Valley. However, there is no evidence his misconduct negatively affected or was even known by others at his subsequent employment at Monterey and TPAA.

## **OVERALL CONCLUSION**

16. Respondent's misconduct is related to his fitness and ability to effectively teach.

## **Causes for Adverse Action**

17. Having determined that respondent's misconduct is related to his fitness and ability to teach, the next step is to analyze whether the misconduct supports any of the statutory grounds for adverse action under Education Code section 44421.

### **FIRST CAUSE FOR DISCIPLINE: UNPROFESSIONAL CONDUCT**

18. Unprofessional conduct is that which violates the rules or ethical code of a profession or is unbecoming a member of a profession in good standing. (*Board of Ed. v. Swan* (1953) 41 Cal.2d 546, 553.)

19. Complainant established by clear and convincing evidence respondent's behavior involving G.S. and another female student, whom he referred to as "princess," was unprofessional conduct because it was unbecoming a member of the teaching profession in good standing. Cause therefore exists for adverse action against respondent's credential pursuant to Education Code section 44421 for unprofessional conduct, based on Factual Findings 9–16.

### **SECOND CAUSE FOR DISCIPLINE: IMMORAL CONDUCT**

20. "Immoral conduct" is that which is hostile to the welfare of the general public and contrary to good morals. It includes conduct inconsistent with rectitude, or

indicative of corruption, indecency, depravity, and dissoluteness. Immoral conduct is sometimes considered synonymous with "dishonesty" or a high degree of unfairness. Or, it can be conduct that is willful, flagrant, or shameless, conduct showing moral indifference to the opinions of respectable members of the community, and an inconsiderate attitude toward good order and the public welfare. (*Board of Education of the San Francisco Unified School District v. Weiland* (1960) 179 Cal. App.2d 808, 811.)

21. Complainant established by clear and convincing evidence respondent's behavior involving G.S. was immoral conduct because it was willful conduct showing moral indifference to the opinions of respectable members of the community. There is no justification for showing an inappropriate video to a student. Cause therefore exists for adverse action against respondent's credential pursuant to Education Code section 44421 for immoral conduct, based on Factual Findings 9–15.

### **THIRD CAUSE FOR DISCIPLINE: EVIDENT UNFITNESS FOR SERVICE**

22. "Evident unfitness for service" means "clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies. . . . [The term] 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." (*Woodland Joint Unified School Dist. v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, at 1444.)

23. Complainant did not establish by clear and convincing evidence respondent's misconduct demonstrated an evident unfitness for service. Although respondent's misconduct involving G.S. was serious, complainant provided no evidence of prior credential discipline or evidence of other, similar misconduct related

to respondent showing inappropriate videos to students. Respondent's misuse of class time to send a student to retrieve his lunch and discuss a potluck event were not indicative of an evident unfitness for service, nor was his "sarcastic" referral to a student as "princess." The evidence did not establish respondent is clearly not fit to teach by reason of a fixed character trait. Cause therefore does not exist for adverse action against respondent's credential pursuant to Education Code section 44421 for evidence unfitness to teach, based on Factual Findings 9–16.

#### **FOURTH CAUSE FOR DISCIPLINE: ACTS OF MORAL TURPITUDE**

24. Moral turpitude has generally been held to mean a general "'readiness to do evil'... i.e., an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." (*People v. Mansfield* (1988) 200 Cal. App.3d 82, 87.)

25. Complainant established by clear and convincing evidence respondent committed an act of moral turpitude when he showed G.S. an inappropriate dance video. Cause therefore exists for adverse action against respondent's credential pursuant to Education Code section 44421 in conjunction with Education Code section 44345, subdivision (e), based on Factual Findings 9–15.

#### **Disposition**

26. Considering the entirety of the record in this case, revocation of respondent's credential is excessively punitive. Many of complainant's allegations were unproven. Of those proven, respondent's decision to show G.S. an inappropriate video was the most serious misconduct. Overall, he demonstrated a pattern of poor decision-making, but complainant offered no evidence of similar misconduct related

to his most serious violation and no evidence of any prior credential discipline. Respondent presented numerous letters of support from colleagues and letters of gratitude from students. His performance reviews at Golden Valley and subsequent schools were positive. A public reproof of respondent is appropriate and will suffice to ensure the protection of students, teachers, and the educational community.

## **ORDER**

Respondent Matthew Stanley Sorensen is hereby publicly reproofed for engaging in unprofessional and immoral conduct, and committing an act of moral turpitude.

DATE: 11/10/2022

*Harden Sooper*

HARDEN SOOPER

Administrative Law Judge

Office of Administrative Hearings