

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

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

JOESL SIAPNO, Moving Party

A Permanent Certificated Employee

and

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT,

Responding Party.

OAH No. 2023070148.1

**ORDER DENYING WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT'S
MOTION FOR RECONSIDERATION OF DECISION**

In this matter, Clarissa M. Romero, Attorney at Law, Beeson, Tayer & Bodine, APC, represents Joels Siapno (Siapno), the moving party. Kathryn E. Meola and Alex A. Lozada, Attorneys at Law, Atkinson, Andelson, Loya, Ruud & Romo, represents the West Contra Costa Unified School District (District), the responding party.

On October 23, 2023, Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings (OAH) issued an Order Granting Motion for Immediate Reversal Suspension (Order) on grounds the allegations in a Statement of Charges asserting Siapno engaged in incompatible activities, failed to respond to communication addressing an overpayment, failed to communicate with a parent, and attempted to transact business with colleagues, if true, were insufficient to sustain Siapno's immediate suspension on the basis of immoral conduct. Allegations Siapno was insubordinate refusing to work in person despite multiple directives from his superior, if true, were also found insufficient to sustain Siapno's immediate suspension on the basis of willful refusal to perform regular assignments.

On October 31, 2023, OAH received West Contra Costa Unified School District's Motion for Reconsideration of Decision (Motion for Reconsideration). The Motion for Reconsideration is unopposed.

In the Motion for Reconsideration, the District argues, on October 24, 2023, one day after issuance of the Order, it "became aware that [Siapno's] current address is [REDACTED]. Given [Siapno's] repeated failure to return to work in person, despite numerous directives to do so, this new information regarding [Siapno's] primary residence being located in San Diego, which is several hundreds of miles away from the District, demonstrates and supports the District's argument that [Siapno] had no intention whatsoever to report to work. . . . [The] District asserts that the newly discovered evidence of [Siapno's] address change evinces his intention to continue defrauding the District

for regular paychecks despite failing to report to work." (Motion for Reconsideration at p. 2.)

The District's argument is devoid of merit. As discussed in the Order, review of a motion for immediate reversal of suspension tests of the sufficiency of the allegations in a statement of charges. Therefore, "[r]eview of a motion for immediate reversal of suspension is *limited to* a determination whether *the facts as alleged in the statement of charges*, if true, are sufficient to constitute a basis for immediate suspension under Education Code section 44939. (See Order at p. 3; Emphasis supplied.) The newly discovered information about Siapno's "current address" was not alleged in the statement of charges and is accorded no consideration whatsoever.

Notably, the District's argument its newly discovered information about Siapno's "current address" evinces Siapno's "intention to continue defrauding" is exemplary of the type of conclusory characterizations rejected as patently insufficient when testing the sufficiency of the allegations in a pleading. (See *id.*) It cannot be overstated that Siapno's purported intentionality and conduct constituting fraud must be proven with competent, credible evidence in accordance with the applicable evidentiary standard and burdens, not deduced from generalized principles about the nature of immorality, fraud, or corruption. (See *Basset Unified School District v. Commission on Professional Competence* (1988) 201 Cal.App.3d 1444, 1450-1452 (holding substantial evidence supported the superior court's witness credibility determination and factual findings that a teacher's usage of paid sick leave while teaching elsewhere in a similar capacity constituted dishonesty).)

As previously determined in the Order, the pleaded facts in the Statement of Charges, if true, are insufficient to sustain Siapno's immediate suspension.

Based on the forgoing, good cause does not exist to grant the West Contra Costa Unified School District's request for reconsideration of the Order, which stands as is. The Motion for Reconsideration is denied.

IT IS SO ORDERED.

DATE: 11/14/2023

Jennifer Russell

JENNIFER M. RUSSELL

Administrative Law Judge

Office of Administrative Hearings