

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

In the Matter of the Accusation Against:

CAMERON JOSEPH DUGGAN, Respondent

Agency Case No. 2-166015728

OAH No. 2024010278

PROPOSED DECISION

Patrice De Guzman Huber, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on May 28 through 29, 2024, from Sacramento, California.

Malissa N. Siemantel, Deputy Attorney General, represented complainant Mary Vixie Sandy, Ed.D., Executive Director of the California Commission on Teacher Credentialing (Commission), State of California.

Emily J. Power, Esq., represented respondent Cameron Joseph Duggan, who appeared.

Evidence was received, the record closed, and the matter submitted for decision on May 29, 2024.

FACTUAL FINDINGS

Jurisdictional Matters

1. On February 14, 2007, the Commission issued respondent a Certificate of Clearance (certificate). The certificate expired on March 1, 2012. The Commission may discipline an expired certificate. (Ed. Code, § 44440, subd. (b).)

2. On January 2, 2009, the Commission issued respondent a Preliminary Single Subject Teaching Credential (preliminary credential). The preliminary credential expired on February 1, 2014. The Commission may discipline an expired preliminary credential. (Ed. Code, § 44440, subd. (b).)

3. On July 27, 2010, the Commission issued respondent a Clear Single Subject Teaching Credential (teaching credential). The teaching credential will expire on August 1, 2025, unless renewed or revoked.

4. On February 23, 2022, complainant, in her official capacity, signed and thereafter filed an Accusation. Complainant seeks to revoke all credentials, certificates, and authorizations issued to respondent based on his alleged unprofessional conduct, immoral conduct, and conduct involving moral turpitude, pursuant to Education Code sections 44345, subdivision (e), and 44421.

Generally, complainant alleged, in December 2020, respondent was convicted of driving with a blood alcohol content (BAC) of 0.08 percent or more and admitted sentencing enhancements for having a BAC of 0.20 percent or more and having minors in the vehicle. In aggravation, complainant alleged respondent's misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct, and his misconduct was surrounded or followed by bad faith, dishonesty, or other violation of

the laws governing educators. Complainant further alleged respondent's misconduct significantly harmed a child entrusted to him, the public, or the educational system.

5. Respondent timely filed a Notice of Defense and request for hearing. The matter was set for an evidentiary hearing before an ALJ of the OAH pursuant to Education Code section 44246 and Government Code section 11500 et seq.

Criminal Conviction

6. On December 16, 2020, in Sacramento County Superior Court, Case No. 20MI013707, respondent was convicted on a no contest plea of violating Vehicle Code section 23152, driving with a BAC of 0.08 percent or more (DUI), a misdemeanor. Respondent admitted sentencing enhancements for driving with a BAC of 0.20 percent or more and for having minors under 14 years of age in the vehicle, in violation of Vehicle Code sections 23538, subdivision (b)(2), and 23572, respectively. The court suspended imposition of sentence and placed respondent on three years of informal probation, with terms and conditions that required him to serve 32 days in jail, complete a nine-month DUI program, and pay fines, fees, and restitution. Respondent has satisfied his criminal sentence, and informal probation terminated in December 2023.

7. The circumstances underlying the conviction occurred on August 26, 2020. Folsom Police Department officers responded to a report of an intoxicated man in the parking lot of a restaurant. When the officers arrived at the parking lot, a witness pointed out respondent, who matched the reporting party's description. The officers located respondent sitting in the driver's seat of his parked vehicle. The engine was running. Respondent's three children, aged 3, 5, and 10, were also in the vehicle.

Respondent smelled of alcohol, had bloodshot and watery eyes, and slurred his speech. He agreed to a blood test, which measured his BAC at 0.25 percent.

Respondent's Evidence

8. Respondent has been teaching at Argonaut High School (Argonaut) in Jackson, California, since January 2009 and coaching sports since 2010. Respondent coaches cross country and teaches 10th grade English, 12th grade Advanced Placement (AP) English, and English Language Development for 9th through 12th grades. He and another English teacher, Matthew Gough, serve alternating terms as the English Department Chair. Argonaut administration knows about respondent's conviction. Apart from prohibiting him from driving the school van to transport students, administration did not formally discipline respondent in any way.

9. At hearing, respondent admitted his conviction. Between March 5, 2021, and March 20, 2021, he took a brief leave of absence to serve his jail term through home detention and an ankle monitor. Respondent did not tell any of his students about his DUI conviction or the underlying circumstances. After completing the jail term, respondent returned to work. He has also paid all fines, fees, and restitution.

10. Respondent completed a three-month DUI class through Safety Center, Incorporated (Safety Center), a provider serving individuals ordered by the court to complete a DUI class. Upon review of respondent's probation terms, Safety Center enrolled him in its three-month DUI class. After respondent completed the class, Safety Center sent his proof of completion to the court. Although the court had ordered a nine-month DUI class, it appeared satisfied with respondent's completion of the three-month class. Informal probation ended in December 2023, without incident or any probation violations. Respondent has no other convictions.

11. Respondent acknowledged he is an alcoholic and has struggled with alcohol for years. In 2013 or 2014, thinking sobriety may help his struggling marriage, respondent attempted to become sober. He attended Alcoholics Anonymous (AA) meetings and stayed sober for about one year. In that time, his marriage improved, and respondent relaxed his attitude toward sobriety. He stopped regularly attending AA meetings and began occasionally consuming alcohol.

12. A short time before the DUI, respondent discovered his wife had an extramarital relationship. In his letter to the Committee of Credentials, respondent admitted, "I am responsible for not using the tools I know to help myself. Instead of scheduling therapy, asking for space, writing out my frustrations, finding positive social interaction, etc[.], I grew bitter." He began increasing his consumption of alcohol.

13. The morning of August 26, 2020, respondent knew he needed to drive his children to a dental appointment about 30 miles away. Even so, between 10:00 a.m. and noon, he consumed approximately eight "drinks" of wine and vodka. He estimated a "drink" would have been a wine glass, if wine, or a shot glass, if vodka. At around 12:30 p.m., respondent drove his children from their home to the dentist's office. After the appointment, he drove them to the restaurant to eat. He and the children ate inside the vehicle. Respondent drank two beers with his food.

14. In hindsight, respondent reflected, "I made the horrible and unforgiveable choice to put myself and my children at risk and my freedom and future in jeopardy." Respondent realized staying in his marriage and continuing to associate with friends who enable and encourage his drinking would trigger him to continue consuming alcohol. He immediately separated from his wife and stopped associating with drinking friends. He moved in with his mother to focus on his recovery. After five

months, in January 2021, respondent moved to a house he owned which had previously been occupied by renters. He is now divorced. He has not consumed alcohol since the day of the DUI.

15. Although not required by the court, respondent immediately began attending AA meetings again. He averaged one AA meeting per day in the first three months of his sobriety. He has maintained a relationship with his AA sponsor since October 2020. He served as AA secretary in 2020 and 2021 and was in charge of a specific meeting per week.

16. Respondent has completed AA's 12 steps but is continually on steps 10, 11, and 12, which AA members collectively call the "maintenance steps." These steps are, respectively: taking inventory of oneself, prayer and meditation, and practicing the AA principles in all aspects of one's life. Respondent testified he thinks about these steps as he prepares for each day.

17. Step 10, taking inventory of himself, has changed respondent's outlook. Reflecting on his life, respondent testified he could see how being in denial and making excuses kept him in a cycle of addiction and stress. Because he did not want to admit his alcoholism to himself or anyone else, he used to hide how much alcohol he consumed, and he made excuses such as, "Everybody does it. We drink when we're happy. We drink when we're sad. Drinking is part of life." Hiding his addiction to maintain a facade was an additional stressor in respondent's life, which triggered him to continue consuming alcohol and to isolate himself. After the DUI incident, he decided to finally be honest with himself and his family and friends and has now come to appreciate the label "alcoholic." He testified, now, by admitting the label, "I know who I am." Being honest has allowed respondent to see himself critically and, consequently, see how he can improve.

18. Step 11, prayer and meditation, also improved respondent's life. His faith is now a forefront part of his life. He begins each day in prayer and reflection on how to approach the new day.

19. Step 12, practicing the AA principles in all aspects of life, particularly in serving others, has been transformative for respondent. He testified, "Helping others takes me out of myself." Where he would have isolated himself in the past and wallowed in life's difficulties, now, respondent expends that energy toward his community. He founded a local running club to support those who want to learn or continue running. As a cross country coach and runner himself, respondent helps train the running club members to improve both their statistics and health. In addition to mentoring runners in the community, in the last few years, respondent has also been mentoring new teachers through the Sacramento County Office of Education's mentor teacher program.

20. Respondent also expends his energy teaching his students. He is especially proud of his performance and the achievements of his 12th grade AP English students. When he first began teaching that class in 2019, only 50 percent of students passed the AP English exam. In the school year 2022-2023, respondent's students' pass rate improved to 85 percent. Most recently, in the school year 2023-2024, his students' pass rate was 100 percent. Respondent testified a perfect pass rate is unheard of. Respondent's community has taken note of his teaching performance. Within the last few years, *Amador Ledger Dispatch*, a local newspaper, honored him as the "best teacher" in Amador County. Recently, Amador County Unified School District began a new annual award, the "challenge coin," for each school in the district to present to select educators whose performance and impact it wants to recognize. A

year or two ago, Argonaut Principal Troy Gassaway recognized respondent with the "challenge coin."

21. In addition to AA's "maintenance steps," respondent also continually works on step 8, making amends. For him, "making amends is a living thing," not a one-time apology. In his letter to the Committee of Credentials, respondent wrote, "I put the safety and lives of my children at risk, and I will bear that shame my whole life." He has apologized to his children for his conduct but feels compelled to continue making amends. To that end, he voluntarily attended parenting classes to learn how to become a better parent and how to co-parent well with his ex-wife, with whom he has joint custody.

22. Respondent makes "living" amends by being present and open with his three children, as well as his current partner's 15-year-old daughter. To be present and open, he is involved in the children's studies and their interests. He assigns household chores and supports their extracurricular activities so they can practice responsibility. When the children encounter an issue in their daily lives, respondent's practice is to speak to them candidly to help them understand the problem, learn to be patient and gracious with themselves, and figure out potential solutions. Respondent wants to teach them no one is perfect and failure is part of life, but they have autonomy over their lives and choices, and they have the support of their family and community.

23. In addition to AA and the parenting classes, respondent has also pursued therapy. Between 2010 and 2016, he regularly saw a therapist in Elk Grove, California, approximately one hour away from his home. He stopped attending due to parental responsibilities, cost, and time. In hindsight, respondent suspects he felt comfortable stopping because he "felt like [he] was fixed." Now, respondent sees he was not "fixed" and at the time not ready to fully receive or grasp the lessons from therapy. He has

again begun therapy, this time online. He feels the lessons make more sense this time around.

24. Respondent has also found pursuing his health therapeutic. His running club and coaching keep him physically active and healthy. In addition, setting and meeting running goals, such as competing in a 100-mile race, give respondent metrics by which he can measure healthful progress. Being able to observe his progress and improvements has helped respondent maintain a positive outlook in life. He testified it is no longer an option to ever return to his maladapted, addicted, and harmful way of living.

TESTIMONY, LETTERS, AND PERFORMANCE EVALUATIONS BY COLLEAGUES

25. Five of respondent's colleagues testified: Principal Gassaway, Mr. Gough, Shannon Clark, Teresa Floyd, and Jennifer Putnam. Each colleague knew about respondent's DUI and the underlying circumstances.

26. Principal Gassaway was Argonaut's principal from 2017 to 2023 and, in that capacity, directly supervised respondent. In 2018, he evaluated respondent's performance. He noted respondent "facilitates experiences that promote autonomy, interaction[,] and choice." Respondent "appealed to students['] higher intellect by asking questions that promoted a greater depth of knowledge." Principal Gassaway noted respondent's "noticeable interest in his student[s'] well[-]being that extends beyond the walls of his classroom." In 2021, Principal Gassaway again evaluated respondent's performance and rated it as "satisfactory."

27. Also in 2021, Principal Gassaway wrote a letter to the Committee of Credentials to support respondent, and he testified consistently with his letter. In almost 14 years in school administration, Principal Gassaway considers respondent

"the most effective teacher [he has] ever had the pleasure to be associated with," and he was pleased to award respondent with the "challenge coin" award. More recently, Principal Gassaway was especially impressed by the 100 percent pass rate of respondent's 12th grade AP English students. Based on his observations, Principal Gassaway believes the DUI and the underlying circumstances are not representative of respondent's character as a whole. Principal Gassaway opined respondent's character is more accurately represented by his teaching acumen and consistent efforts in supporting students and their academic excellence and "emotional wellness."

28. Mr. Gough is an English teacher at Argonaut. While respondent teaches 10th and 12th grades, Mr. Gough teaches 9th and 11th grades. He and respondent alternate terms as the Chair of the English Department. Mr. Gough is currently Chair. The Chair develops benchmarks and teaching standards to ensure uniformity throughout the grades. Mr. Gough has personally seen the positive impact of respondent's teaching on the students he sees in alternating years. According to Mr. Gough, respondent's passion for teaching and performance "sharpens [his] own teaching skill." He considers respondent an asset to the students and the teaching community.

29. Ms. Clark is a biology teacher and has been teaching at Argonaut for 15 years. Over the years, Ms. Clark and respondent have become friends. They socialize outside of school approximately once a month. Ms. Clark has observed respondent decline to consume alcohol at dinner. She has not seen him drink since before the DUI. Ms. Clark described respondent as compassionate with students. He collaborates with other educators and is "always looking for ways to improve" to ultimately benefit the students. Respondent has taught Ms. Clark's children, and, as a parent, she considers respondent a good teacher.

30. Ms. Floyd is an English teacher and has been teaching at Argonaut for over 15 years. Over the years, Ms. Floyd and respondent have become friends, and they socialize outside of school approximately once a month. Ms. Floyd has not seen respondent consume alcohol since before the DUI. Respondent has taught two of Ms. Floyd's children. As a parent, she described respondent as a "fantastic" teacher. As a friend and colleague, she considers him "good-hearted."

31. Ms. Putnam is a counselor at Argonaut. Along with respondent, she has been co-coaching Argonaut's cross country team for 13 years. Since respondent became sober, Ms. Putnam has noticed he appears happier and more relaxed. She considers respondent "good with students" and "good with classroom management." As a counselor, students have shared with Ms. Putnam how respondent's classes helped them in college.

32. Respondent provided a support letter and an affidavit by Clarissa Bellotti, a counselor at Argonaut since 2015. Ms. Bellotti knows about the DUI and the underlying circumstances. She stated, "I have been very impressed that he has not let his misconduct take away from his teaching performance." Over the years, graduates have shared with Ms. Bellotti how respondent's classes helped them succeed in college. Ms. Bellotti considers respondent an asset to the school and one of the best teachers in the community and region.

33. Respondent also provided a performance evaluation in 2023. He was evaluated by Jazmin Haedrich, Argonaut's Assistant Principal. She observed respondent "valu[e] students' backgrounds, interests, and developmental learning needs" and "instilled confidence." Assistant Principal Haedrich concluded respondent "has created a safe environment for students to succeed and fail forward."

TESTIMONY OF FAMILY AND FRIENDS

34. Allison Rivas, respondent's current partner, testified. She and respondent have been in a relationship for almost four years and have lived together for two years. Her daughter lives with them. Ms. Rivas knows about respondent's DUI conviction and the underlying circumstances. She has never seen respondent consume alcohol, as he was already sober when they met. Ms. Rivas considers respondent "one of the best fathers [she has] ever seen." He is "absolutely involved" in the activities and interests of his three children as well as her daughter. In addition to supporting his children's extracurricular activities, respondent is also supportive of Ms. Rivas's daughter's passion for soccer, and he helps train her.

35. Nicholas Duggan (Nick), respondent's older brother, testified. Nick lives in Santa Barbara, California, and sees respondent and their family approximately once every other month and on holidays. Nick and respondent are close and talk regularly. Nick's perspective is especially helpful to respondent because Nick has also struggled with alcohol in the past. Since the DUI, Nick has observed respondent "make amends" both by satisfying the terms of his criminal sentence and by cultivating a better relationship with his children. In Nick's opinion, respondent's relationship with his children is exemplary. Respondent spends time with them, is involved in their lives, and treats them with respect. Nick believes respondent understands the gravity of his addiction and DUI, and he has been doing, and continues to do, the "deep work" required to live a sober, healthy life.

36. Tim Duggan (Tim) and Janice Duggan (Jan), respondent's parents, testified. Respondent told them about his DUI conviction and the underlying circumstances. Respondent's parents have not seen him consume alcohol since before the DUI. Tim believes respondent has "dedicated his life" to his children and one of his

passions, running. According to Tim and Jan, respondent is a "great father." While neither of respondent's parents has seen him in the classroom, they have observed him coach athletes and consider him a good coach.

37. Jess Williams, respondent's friend of over 20 years, testified. He knows about the DUI and the underlying circumstances. He also knows about respondent's sobriety and has not seen respondent consume alcohol since before the DUI. Mr. Williams has observed respondent coach the running club and described him as encouraging and helpful.

Analysis

38. In *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, the California Supreme Court concluded that a teaching credential cannot be disciplined for unprofessional conduct, immoral conduct, or conduct involving moral turpitude "unless that conduct indicates that the [teacher] is unfit to teach." (*Id.* at p. 229.) The Court outlined factors to consider when determining whether a teacher's conduct demonstrates unfitness to teach, which have been codified in California Code of Regulations, title 5, section 80302, subdivision (a). The factors are:

- (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 types of credentials held or sought by the person involved;

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

LIKELIHOOD OF ADVERSE EFFECTS ON STUDENTS OR FELLOW TEACHERS

39. Beyond providing substantive instruction, a teacher also serves as a role model, whose words and actions are likely to be followed by students who are still learning their roles in the community and how to conduct themselves appropriately. As a result, respondent's conduct or reputation should not interfere with his ability, or the community's confidence in his ability, to serve as a role model or earn his students' respect. (*San Diego Unified School Dist. v. Com. on Professional Competence* (2011) 194 Cal.App.4th 1454, 1463-1464; *Broney v. Cal. Com. on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 477.) Here, there is no evidence any students knew about respondent's DUI or the underlying circumstances. Although respondent took two weeks off from teaching to complete his jail term, his students did not know the reason for his leave of absence. Consequently, there is no evidence respondent's reputation suffered among students or his misconduct interfered with his ability, or

the community's confidence in his ability, to be a role model or earn his students' respect. Thus, adverse effects on students are unlikely.

40. Adverse impacts on fellow teachers are also unlikely. Although several fellow teachers knew about respondent's DUI and the underlying circumstances, his colleagues seemed to view his misconduct as an aberration in his otherwise positive performance and character. His fellow educators did not consider respondent's misconduct a reflection of him, them, or the teaching profession, to such extent as to negatively impact their ability to teach or earn the respect of students. On the whole, respondent's fellow teachers did not appear to experience any adverse effects based on his conviction and conduct. Thus, the likelihood they will experience adverse effects in the future, based on respondent's misconduct, is low.

PROXIMITY OR REMOTENESS IN TIME

41. Respondent's conduct occurred in 2020. It is relatively remote in time, in light of respondent's overall character, remorseful attitude, and otherwise exemplary conduct. (See *Brandt v. Fox* (1979) 90 Cal.App.3d 737, 747.)

TYPES OF CREDENTIALS HELD AND SOUGHT

42. Respondent holds a Clear Single Subject Teaching Credential. The teaching credential requires teaching competence. Furthermore, respondent's particular credential allows him to teach English language development in grades twelve and below, including preschool and in classes organized primarily for adults. With his credential, respondent may interact with students of all ages, for whom he has to model appropriate behavior and good judgment. Therefore, his ability to engage in professional conduct and model appropriate behavior to students of varying ages, experiences, and learning abilities is important in light of his credential.

EXTENUATING OR AGGRAVATING CIRCUMSTANCES

43. Neither the Education Code nor the applicable regulations specify what constitutes "extenuating circumstances." However, California Code of Regulations, title 5, section 80300, subdivision (m), defines "mitigating factor" as "an event or circumstance which demonstrates that the public, school children and the profession would be adequately protected by a more lenient degree of adverse action or no adverse action whatsoever."

44. Respondent's insight and efforts at rehabilitation are mitigating. Although respondent's informal probation ended only six months ago, he has demonstrated consistent, voluntary efforts beyond the court's orders. He pursued additional resources to help him recover his life. He left a troubled relationship, sought a new social group that supports his sobriety, attends AA meetings, secured an AA sponsor, completed AA's 12 steps, and continues to work on the "maintenance steps" in his daily life. He also completed parenting classes and restarted therapy. Commendably, he has been sober for almost four years.

45. Respondent demonstrated he has used the tools he learned to rehabilitate himself. By being open and honest with himself and others, he no longer isolates himself and is practicing healthful coping skills through therapy and exercise. He has good relationships with his children, family, colleagues, and the community. He serves others by teaching, coaching, and mentoring students, athletes, local runners, and new teachers. Specifically, the achievements and improvements of his 12th grade AP English students within the last few years are a testament to respondent's teaching skill. In recognition, a local newspaper named him Amador County's "best teacher," and Argonaut honored him with a "challenge coin" award.

46. Further mitigating is the support of other Argonaut educators. As respondent's supervisors, Principal Gassaway and Assistant Principal Haedrich's observations and opinions on respondent are given great weight. They each praised respondent's acumen in teaching substantive materials and connecting with students. Collectively, respondent's colleagues regard him highly, as an asset to Argonaut, the local community, and the teaching profession. As a whole, respondent's consistent and successful efforts at personal growth and his teaching performance are significantly mitigating.

47. California Code of Regulations, title 5, section 80300, subdivision (b), lists aggravating factors, the presence of which indicate a greater degree of discipline is necessary to protect students and the teaching profession. Complainant alleged the following aggravating factors: (1) misconduct that evidences multiple acts of wrongdoing and demonstrates a pattern of misconduct; (2) misconduct surrounded or followed by bad faith, dishonesty, or other violation of the laws governing educators; and (3) significant harm to a child entrusted to the care of a credential holder or applicant, the public, or the educational system. (*Id.* at subds. (b)(2), (3), (4).)

48. Complainant did not establish how respondent's DUI conviction, based on a single incident, constituted multiple acts of wrongdoing or demonstrated a pattern of misconduct. Similarly, complainant also did not show how respondent's conduct was surrounded or followed by bad faith, dishonesty, or other violation of the laws governing educators. Further, complainant did not establish whether respondent's misconduct caused any harm to his children, the public, or the educational system. While driving with a BAC of 0.25 percent was dangerous, fortunately, no one was physically harmed. Complainant did not show whether

respondent's actions showed any type of actual harm or whether any harm he caused rose to the level of significant harm.

PRAISEWORTHINESS OR BLAMEWORTHINESS OF MOTIVES RESULTING IN THE MISCONDUCT

49. Respondent's conduct was blameworthy in several respects. Despite knowing he had to drive his children to the dentist's office, he consumed a considerable amount of alcohol prior to driving. After the dentist, he again drove his children and consumed two more beers at the restaurant. Respondent's BAC was extremely high. His willingness to endanger himself, his children, and the public is irresponsible conduct incompatible with the teaching profession. (*Broney, supra*, 184 Cal.App.4th at p. 477.)

LIKELIHOOD OF RECURRENCE

50. The likelihood of recurrence is minimal. Respondent was remorseful and admitted his convictions, the underlying circumstances, and his wrongdoing and poor judgment. He testified credibly and persuasively about the insight he has gained, the tools he has learned, and the changes he has made and sustained. Respondent completed his criminal probation and has maintained his sobriety. His teaching performance has improved in the last few years, and his students are succeeding because of his efforts. Respondent's colleagues regard him well and support him. In addition to them, he has a support system in his family, friends, AA group, therapy, and even his running club. Respondent has demonstrated the safeguards he created to prevent recurrence of his maladaptive and dangerous behavior have been effective. Respondent's behavior since his DUI shows a change in attitude from the time of his misconduct. This attitude change is "arguably the most important [factor] in predicting

future conduct." (*Singh v. Davi* (2012) 211 Cal.App.4th 141, 149.) In weighing the evidence, it is unlikely for respondent's conduct to recur.

ADVERSE IMPACT OR CHILLING EFFECT

51. There is no evidence discipline would adversely impact or chill respondent or any other teacher in the free exercise of their constitutional rights.

PUBLICITY OR NOTORIETY OF MISCONDUCT

52. Apart from respondent's brief leave of absence from teaching to serve his jail sentence, there is no evidence respondent's conduct was publicized or notorious.

CONCLUSION

53. Respondent's mitigating evidence is substantial and persuasive. He accepted responsibility. He satisfied his criminal sentence, addressed his wrongdoing, and created safeguards to prevent recurrence. By all accounts, respondent appears to be doing well personally and professionally. He has been sober for nearly four years. He continues to make amends to his children and has a good relationship with them. He has the support of his family and friends. Respondent receives guidance from AA and therapy and copes with stressors by serving others, through teaching, coaching, or mentoring.

54. A teacher's fitness to teach is determined by considering their future classroom performance and overall impact on students. (*Morrison, supra*, 1 Cal.3d at p. 229.) Here, there is no evidence respondent's DUI and underlying conduct negatively impacted his teaching. The opposite appears to be the case: his classroom performance and impact on students, since the DUI, have been positive. To

respondent's credit, his students have been performing increasingly well on the AP English exam. Within the last few years, respondent's performance has been recognized by Argonaut, including his supervisors Principal Gassaway and Assistant Principal Haedrich, and by the community.

55. However, although respondent has demonstrated insight, established positive, sustained changes, and appears to be performing well as a teacher, the clear and convincing evidence shows his DUI conviction and underlying conduct were unprofessional and unbecoming of a teacher. Nevertheless, complainant did not establish respondent's conduct rose to the level of immorality or moral turpitude. His actions were not motivated by a desire to harm his children, students or teachers, or the educational system. Respondent has been consistently honest and forthcoming about his wrongdoing.

56. When all the evidence is considered in light of the *Morrison* factors, respondent has demonstrated he can perform his duties as a teacher in a manner consistent with the protection of the public, students, and the profession. In light of his unprofessional conduct, the Commission may privately admonish, publicly reprove, revoke, or suspend his teaching credential. Here, in weighing the evidence, a more lenient degree of discipline would adequately protect the public, and a public reproof is appropriate. A public reproof would serve the interests of public protection by constituting prior discipline that can be considered in the event respondent engages in future misconduct. Furthermore, a public reproof balances the Commission's interest in regulating its licensees in consideration of the mitigation evidence and respondent's significant rehabilitation. Thus, respondent should be publicly reproofed.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant has the burden of proving the allegations in the Accusation by clear and convincing evidence to a reasonable certainty. (*Gardner v. Com. on Professional Competence* (1985) 164 Cal.App.3d 1035.) Clear and convincing evidence requires proof that is so clear as to leave no substantial doubt and that is sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Brooks* (2008) 169 Cal.App.4th 176, 190.)

Applicable Law

2. Pursuant to the Education Code, commencing with section 44000, and California Code of Regulations, title 5, commencing with section 80000, the Commission is responsible for credentialing teachers in public schools in California, including taking adverse action against applicants and credential holders.

3. The Commission may privately admonish, publicly reprove, revoke, or suspend a credential for immoral or unprofessional conduct, evident unfitness of service, or any cause that would warrant denial of an application, such as an act involving moral turpitude. (Ed. Code, §§ 44345, subd. (e), 44421.)

4. An aggravating factor is an event or circumstance that demonstrates a greater degree of discipline is necessary to adequately protect the public, schoolchildren, or the profession. Aggravating factors include multiple acts of wrongdoing or a pattern of misconduct; misconduct surrounded or followed by bad faith, dishonesty, or other violation of laws governing educators; and misconduct

significantly harming a child, the public, or educational system. (Cal. Code Regs., tit. 5, § 80300, subd. (b).)

5. California Code of Regulations, title 5, 80302, subdivision (a), provides the factors to consider to “determine 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.”

6. The California Supreme Court has recognized that the terms “immoral conduct” and “unprofessional conduct” substantially overlap one another and conduct that constitutes one often includes the other. (*Morrison, supra*, 1 Cal.3d 214, 221, fn. 9.) “Unprofessional conduct” includes “that which violates the rules of ethical code of a profession or such conduct which is unbecoming a member of a profession in good standing.” (*Bd. of Education of the City of Los Angeles v. Swan* (1953) 41 Cal.2d 546, 553, internal quotations omitted.) Additionally, in *San Diego Unified School District v. Commission on Professional Competence, supra*, 194 Cal.App.4th at page 1466, the court explained:

[T]he definition of immoral or unprofessional 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.” [Citation.]

7. Immoral conduct is sometimes considered as synonymous with “dishonesty” or a high degree of unfairness. (*Bd. of Education of the San Francisco Unified School Dist. v. Weiland* (1960) 179 Cal.App.2d 808, 811.) The court explained in *Palo Verde Unified School District of Riverside v. Hensey* (1970) 9 Cal.App.3d 967, 972:

The term "immoral" has been defined as that which is hostile to the welfare of the general public and contrary to good morals. Immorality 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.

8. Moral turpitude has been defined as "everything done contrary to justice, honesty, modesty or good morals." (*Rice v. Alcoholic Beverage Appeals Bd.* (1979) 89 Cal.App.3d 30, 36.) It includes any crime or misconduct committed without excuse, or any dishonest act not necessarily a crime. (See *Golde v. Fox* (1979) 98 Cal.App.3d 167, 181.)

Causes for Discipline

9. Complainant established, by clear and convincing evidence, respondent committed acts of unprofessional conduct by consuming alcohol excessively, driving with his minor children in the vehicle, and consequently suffering a conviction for violating Vehicle Code section 23152, subdivision (b), driving with a BAC of 0.08 percent or more. Thus, cause exists to discipline respondent's credentials, certificates, and authorizations for unprofessional conduct, pursuant to Education Code section 44421.

10. Complainant failed to establish, by clear and convincing evidence, respondent committed acts of immoral conduct. Thus, cause does not exist to

discipline respondent's credentials, certificates, and authorizations for immoral conduct, pursuant to Education Code section 44421.

11. Complainant failed to establish, by clear and convincing evidence, respondent committed acts of moral turpitude. Thus, cause does not exist to discipline respondent's credentials, certificates, and authorizations pursuant for acts of moral turpitude, pursuant to Education Code sections 44345, subdivision (e), and 44421.

Appropriate Discipline

12. Discipline for unprofessional conduct can consist of private admonishment, public reproof, suspension of the credential, or revocation of the credential. (Ed. Code, § 44421.) As discussed above, when all the evidence is considered, a public reproof of respondent would adequately protect the public, students, and the profession.

ORDER

Respondent Cameron Joseph Duggan is PUBLICLY REPROVED.

DATE: June 17, 2024



PATRICE DE GUZMAN HUBER

Administrative Law Judge

Office of Administrative Hearings