

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

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

**JEFFREY BRANDOW, A Permanent Certificated Employee,  
Moving Party,**

**v.**

**SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT,  
Responding Party.**

**OAH No. 2023090795**

**(Related to OAH No. 2023100051)**

**ORDER DENYING MOTION  
FOR IMMEDIATE REVERSAL OF SUSPENSION  
(Ed. Code, § 44939, subd. (c)(4))**

Administrative Law Judge Juliet E. Cox, State of California, Office of  
Administrative Hearings, heard this matter on October 13, 2023, by videoconference.

Attorney David P. Myers represented respondent and moving party Jeffrey  
Brandow.

Attorney Daniel M. McElhinney represented the San Luis Coastal Unified School District.

## **PROCEDURAL HISTORY**

On August 16, 2023, a representative of the San Luis Coastal Unified School District (District) served a statement of charges alleging cause to dismiss Jeffrey Brandow from employment with the District as a teacher. The charges include immoral conduct and willful refusal to perform regular assignments without reasonable cause. In reliance on these charges, the District has suspended respondent from employment without pay.

On September 14, 2023, respondent timely filed a motion seeking immediate reversal of his suspension and reinstating his salary and benefits pending resolution of the charges against him. Respondent argues that the District has not alleged an adequate basis to suspend him from employment without pay before resolution of these charges, because the allegations do not describe either immoral conduct or willful refusal to perform regular assignments without reasonable cause. The District opposes respondent's motion.

## **APPLICABLE STATUTES**

Education Code section 44939 permits the District to suspend immediately, without pay, a permanent employee who the District alleges to have committed "immoral conduct" or "willful refusal to perform regular assignments without reasonable cause." (Ed. Code, § 44939, subd. (b).) Administrative review of an order for immediate suspension is available, "limited to a determination as to whether the facts

alleged in the statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section." (*Id.*, subd. (c)(1).)

## **DISCUSSION**

The statement of charges has been considered in light of the parties' written and oral arguments. The District has alleged facts that, if true, would establish immoral conduct and willful refusal to perform regular assignments without reasonable cause. The District's allegations justify respondent's immediate suspension under Education Code section 44939, subdivision (b).

## **ORDER**

The motion by respondent and moving party Jeffrey Brandow for immediate reversal of suspension and for reimbursement of pay and benefits during the period of suspension is denied.

DATE: 10/13/2023

*Juliet E. Cox*

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings