

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

In the Matter of the Accusation/Statement of Issues Against:

KATHERINE LYNN YETTER,

Emergency 30-Day Substitute Teaching Permit,

Certificate of Clearance, Short-Term Staff Permit,

Application for 30-Day Substitute Teaching Permit,

Respondent.

Agency Case No. 2-294260706

OAH No. 2023040070

PROPOSED DECISION

Thomas Heller, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on July 3, 2023.

Elaine Yan, Deputy Attorney General, represented complainant Mary Vixie Sandy, Executive Director, California Commission on Teacher Credentialing (Commission).

Respondent Katherine Lynn Yetter represented herself.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 3, 2023.

SUMMARY

Complainant requests that the Commission deny respondent's application to renew her Emergency 30-Day Substitute Teaching Permit and revoke her existing credentials and authorizations due to her multiple misdemeanor criminal convictions between 2014 and 2022, most of which involved drinking and driving. Respondent argues her alcohol abuse is in the past and requests that the Commission allow her to continue teaching. The evidence establishes grounds for the Commission to deny the application and revoke respondent's credentials, but outright denial and revocation as complainant requests are not warranted. Instead, an order placing respondent on probation is the appropriate disciplinary action.

FACTUAL FINDINGS

Background and Procedural History

1. On June 1, 2007, the Commission issued an Emergency 30-Day Substitute Teaching Permit to respondent, which she renewed annually through March 1, 2022. On February 20, 2021, the Commission also issued a Certificate of Clearance to respondent, which is scheduled to expire on March 1, 2026, unless renewed. Respondent also previously held a Short-Term Staff Permit between January 4 and July 1, 2007, and an earlier Certificate of Clearance issued on April 18, 2003, that expired on May 1, 2008. She has no prior disciplinary history with the Commission.

2. In early February 2022, respondent applied to the Commission for another renewal of her Emergency 30-Day Substitute Teaching Permit, but the Commission did not grant the application. Instead, on April 18, 2022, it notified respondent of its receipt of information requiring an investigation into her fitness to hold a credential. The Commission's notice listed five alleged criminal convictions of respondent between July 2014 and March 2022, four of which involved drinking and driving.

3. At a meeting in August 2022, the Commission's Committee of Credentials (Committee) considered the criminal conviction information and found probable cause to recommend the revocation of respondent's credentials and certifications and the denial of her application. Respondent timely requested reconsideration and an administrative hearing. At its meeting in October 2022, the Committee denied the request for reconsideration. On February 10, 2023, complainant filed the Accusation and Statement of Issues in her official capacity requesting that the Commission act in accordance with the Committee's recommendation. Respondent timely filed a Notice of Defense.

Hearing

COMPLAINANT'S CASE

4. Complainant presented court records from the Superior Court of California, County of Ventura, proving that respondent was convicted of five misdemeanor crimes in four criminal cases between July 2014 and March 2022. First, after pleading guilty on July 3, 2014, respondent was convicted of one count of driving with a blood-alcohol content of 0.08 percent or more in violation of Vehicle Code section 23152, subdivision (b). (Case No. 2014012298.) The court suspended

imposition of sentence and placed respondent on formal probation for 36 months on terms requiring her to serve four days in jail, to complete a first-conviction driving under the influence program, and to pay fines and fees. The underlying circumstances were that on the night of April 21, 2014, police officers observed respondent driving with faulty brake lights and conducted a traffic stop. She displayed objective symptoms of alcohol intoxication, and two Preliminary Alcohol Screening tests each measured her blood-alcohol content as 0.16 percent. Two additional breath tests shortly thereafter each measured her blood-alcohol content as 0.15 percent. Respondent told the officers she drank about one and a half mini bottles of sake at dinner earlier that night.

5. Second, after pleading nolo contendere on August 6, 2019, respondent was convicted of one count of driving under the influence of alcohol and one count of driving with a blood-alcohol content of 0.08 percent or more in violation of Vehicle Code section 21352, subdivisions (a) and (b). (Case No. 2019008078.) The court suspended imposition of sentence and placed respondent on formal probation for five years on terms requiring her to serve 24 days in jail, to complete a multiple-conviction driving under the influence program, and to pay fines and fees. The court also ordered respondent not to drink or possess alcoholic beverages and prohibited her from owning or operating a vehicle without an ignition interlock device for one year. The underlying circumstances were that on the night of March 9, 2019, police officers conducted a traffic stop after observing respondent weaving through traffic lanes in a vehicle with a faulty left tail light. Respondent had an odor of alcohol coming from her breath and displayed objective symptoms of alcohol intoxication. Two Preliminary Alcohol Screening tests measured her blood-alcohol content as 0.15 percent and 0.143 percent, respectively. Respondent told police officers she drank one glass of wine earlier that evening.

6. Third, after pleading nolo contendere on September 15, 2020, respondent was convicted of one count of driving without a license in violation of Vehicle Code section 12500, subdivision (a). (Case No. 2020001056.) The court suspended imposition of sentence and placed respondent on conditional revocable release for 36 months on terms requiring her to serve one day in jail and to pay fines and fees. The underlying circumstances were that on April 12, 2020, a police officer observed respondent weaving in and out of traffic lanes and conducted a traffic stop. Respondent admitted she was on criminal probation, and Department of Motor Vehicles records indicated she had a suspended driver's license and was required to have an interlock device on her vehicle, which she did not. Respondent told the officer she was unaware her license was suspended and had permission from her probation officer to remove the interlock device, but the officer could not verify respondent's claims. Respondent provided a breath sample at the officer's request, which was negative for the presence of alcohol.

7. Fourth, after pleading nolo contendere on March 4, 2022, respondent was convicted again of one count of driving with a blood-alcohol concentration of 0.08 percent or more in violation of Vehicle Code section 23152, subdivision (b). (Case No. 2021024942.) Respondent admitted a special allegation that she had previously been convicted of the same offense. The court suspended imposition of sentence and placed respondent on formal probation for 60 months on terms requiring her to serve 120 days in jail, to complete a multiple-conviction driving under the influence program, and to pay fines and fees. The court also ordered respondent not to drink or possess alcoholic beverages and prohibited her from owning or operating a vehicle without an ignition interlock device for one year. The underlying circumstances were that on September 21, 2021, a police officer observed respondent talking on her cell phone while driving and conducted a traffic stop. A wants and warrants check revealed

respondent was on criminal probation for a previous driving under the influence conviction. Respondent had watery eyes and an odor of alcohol coming from her breath, and a breath sample measured her blood-alcohol content at 0.14 percent. Respondent also performed poorly on field sobriety tests, and the officer placed her under arrest. After her arrest, respondent provided two more breath samples, which measured her blood-alcohol content at 0.15 percent and 0.14 percent, respectively. Respondent told the officer she drank one standard glass of white wine.

8. Complainant also presented evidence that respondent enrolled in residential alcohol abuse recovery program about five months before her most recent arrest for drinking and driving, but she left the program early against medical advice in late April 2021.

RESPONDENT'S CASE

9. Respondent does not dispute any of the criminal convictions, which are very embarrassing and "harsh reality checks" for her. She testified she has abstained from alcohol for 10 months and complied with the 18-month Ventura County Driving Under the Influence Program, which she started on January 30, 2023, in connection with her most recent criminal case. Respondent regularly attends group recovery meetings, and she described recovery as a great tool for personal growth. Respondent testified she realizes her drinking had become a problem, and she takes full accountability for her misconduct.

10. Respondent testified she voluntarily self-enrolled in the residential alcohol abuse recovery program in April 2021. She left that program just a few days early in late April 2021 due to issues with her daughter. Her subsequent decision to

drink and drive in September 2021 was a serious mistake that she is committed not to repeat.

11. Respondent is proud of her long record of service as a substitute teacher at schools in Ventura County. While her drinking has impacted her personally, she testified it has never affected her performance in the classroom. She has not worked as a substitute teacher for over a year due to the denial of her renewal application. But she testified she has remained gainfully employed as a teacher for a home school organization, and as a remote-based English as a Second Language teacher for students in Brazil. She also works as a caterer at the Ronald Reagan Presidential Library in Simi Valley, California.

12. Supplementing her testimony, respondent presented a status report from the Ventura County Driving Under the Influence Program stating she is progressing well and serves as an inspiration to group peers. Respondent also presented letters of reference from a pastor, her landlord, and a friend. Raymond Cruz, an Assistant Pastor and Counselor at Godspoke Calvary Chapel, wrote that respondent has regularly attended life coaching sessions with him for eight months and is taking the proper steps to improve her lifestyle. Marybeth Green, respondent's landlord, wrote that respondent has been an excellent tenant and has become a valuable friend. Michelle Honles, a friend, wrote that respondent has been open and honest about her recovery and has been diligent in pursuing it.

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LEGAL CONCLUSIONS

Legal Standards

1. "The commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who . . . [h]as committed any act involving moral turpitude." (Ed. Code, § 44345, subd. (e).) Furthermore, the Commission "shall privately admonish, publicly reprove, revoke or suspend [a credential] 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." (Ed. Code, § 44421.)

2. "Moral turpitude is a concept that 'defies exact description' [citation] and 'cannot be defined with precision' [citation]." (*In re Grant* (2014) 58 Cal.4th 469, 475-476.) "Our Supreme Court has defined moral turpitude as '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.' [Citation.] Moral turpitude has also been described as any crime or misconduct committed without excuse, or any 'dishonest or immoral' act not necessarily a crime. [Citation.] The definition depends on the state of public morals and may vary according to the community or the times, as well as on the degree of public harm produced by the act in question. [Citation.]" (*Clerici v. Department of Motor Vehicles* (1990) 224 Cal.App.3d 1016, 1027; see also *Ricasa v. Office of Administrative Hearings* (2018) 31 Cal.App.5th 262, 281; *Golde v. Fox* (1979) 98 Cal.App.3d 167, 185.) Moral turpitude has also been described as the "'general readiness to do evil.' [Citation.]" (*Donley v. Davi* (2009) 180 Cal.App.4th 447, 458.)

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3. "The term 'immoral' has been defined generally as that which is hostile to the welfare of the general public and contrary to good morals. Immorality has not been confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as wilful, 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 Dist. v. Weiland* (1960) 179 Cal.App.2d 808, 811.) "Unprofessional conduct" has been described as "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 Education of the City of Los Angeles v. Swan* (1953) 41 Cal.2d 546, 553, quoting 66 Corpus Juris 55, overruled in part on another ground in *Bekiaris v. Board of Education* (1972) 6 Cal.3d 575, 587, fn. 7.) "[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.]" (*San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1466 (*San Diego Unified*).)

4. For purposes of teacher discipline, conduct cannot be characterized as immoral, unprofessional, or involving moral turpitude unless it indicates a teacher is unfit to teach. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 229 (*Morrison*).) The *Morrison* court "establish[ed] seven factors an administrative agency such as the Commission should utilize to determine whether the unprofessional conduct demonstrated unfitness to teach: . . . [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 type of teaching certificate held by the party involved, [4] the extenuating or aggravating circumstances, if any, surrounding the conduct, [5] the praiseworthiness or blameworthiness of the motives resulting in the conduct, [6] the likelihood of the recurrence of the questioned conduct, and [7] the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers. . . .’ [Citation.]” (*Broney v. California Com. on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 474 (*Broney*)). “The Commission may also take into account the notoriety and publicity accorded a teacher’s conduct. [Citation.]” (*Ibid.*) The Commission’s Committee of Credentials considers these factors in its investigations of alleged teacher misconduct. (Cal. Code Regs., tit. 5, § 80302.) “Only the pertinent *Morrison* factors need to be analyzed. [Citation.]” (*Broney, supra*, 184 Cal.App.4th at p. 474.)

5. Complainant also alleges evident unfitness for service as a ground for disciplinary action against respondent. Evident unfitness for service “properly means ‘clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies.’ Unlike ‘unprofessional conduct,’ ‘evident unfitness for service’ 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, 1444, fn. omitted (*Woodland*)). On this ground for disciplinary action, the *Morrison* criteria “must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service. [Citation.] If the *Morrison* criteria are satisfied, the next step is to determine whether the ‘unfitness’ is ‘evident’; i.e., whether the offensive conduct is caused by a defect in temperament.” (*Id.* at p. 1445.)

Jurisdiction and Burden of Proof

6. The Committee of Credentials acquires jurisdiction to commence a review of acts or omissions by a credential holder upon receipt of one of several enumerated documents. (Ed. Code, § 44242.5.) The list of enumerated documents includes “[o]fficial records of the Department of Justice, of a law enforcement agency, of a state or federal court, and of any other agency of this state or another state.” (*Id.*, subds. (b)(1)(A), (d)(1)(A).) The Committee received such records in this case and found probable cause to recommend discipline against respondent’s teaching credential. Therefore, the Commission has jurisdiction to proceed. (*Little v. Commission on Teacher Credentialing* (2022) 84 Cal.App.5th 322, 330-331.)

7. Complainant requests that the Commission revoke respondent’s previously-issued credentials and certifications and deny her application to renew her Emergency 30-Day Substitute Teaching Permit. With respect to revocation, complainant bears the burden of proving the alleged grounds for revocation by clear and convincing evidence to a reasonable certainty. (See *Gardner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1039-1040; *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) 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.) “Evidence of a charge is clear and convincing so long as there is a ‘high probability’ that the charge is true. [Citations.] The evidence need not establish the fact beyond a reasonable doubt.” (*Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1090.)

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8. With respect to the renewal application, respondent bears the burden of proving that she meets all prerequisites for the renewal. (*Martin v. Alcoholic Beverage Control Appeals Bd. of Cal.* (1959) 52 Cal.2d 259, 265-266.) This burden of proof requires proof by a preponderance of the evidence (Evid. Code, § 115), which means "'evidence that has more convincing force than that opposed to it.' [Citation.]" (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Analysis

CAUSES FOR DISCIPLINE

Unprofessional Conduct

9. Complainant requests disciplinary action against respondent for alleged unprofessional conduct, evident unfitness for service, immoral conduct, and acts of moral turpitude. With respect to unprofessional conduct, complainant proved by clear and convincing evidence that respondent acted unprofessionally by drinking and driving on three occasions between 2014 and 2021, resulting in four alcohol-related criminal convictions. Respondent committed multiple criminal acts that endangered the safety of the public and herself, which was conduct "'unbecoming a member of a profession in good standing.'" (*Board of Education of the City of Los Angeles v. Swan, supra*, 41 Cal.2d at p. 553.).

10. Furthermore, consideration of the factors described in *Morrison* and California Code of Regulations, title 5, section 80302 indicates respondent's conduct demonstrates an unfitness to teach and thus constitutes unprofessional conduct for purposes of disciplinary action under Education Code section 44421:

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(1) The likelihood that the conduct may have adversely affected students or fellow teachers, and the degree of such adversity anticipated. Complainant did not present evidence of an adverse effect of respondent's conduct on students or fellow teachers. The evidence presented does not prove students or fellow teachers learned of respondent's criminal convictions, and complainant did not counter respondent's testimony that her conduct did not adversely affect her work.

(2) The proximity or remoteness in time of the conduct. Respondent's conduct is proximate in time. Her last criminal conviction was in March 2022 (based on conduct in September 2021), and the Committee's investigation before only a few months later. Respondent's previous criminal convictions reflect a pattern of conduct that continued until September 2021.

(3) The type of credential held or applied for by the person involved. Respondent has applied for renewal of an Emergency 30-Day Substitute Teaching Permit, and she holds a current Certificate of Clearance. If the application is granted, these credentials would authorize respondent to teach kindergarten through twelfth-grade students. The effect of the use of and overindulgence in alcohol by such students is a significant concern for parents and school administrators.

(4) The extenuating or aggravating circumstances surrounding the conduct. The Commission has promulgated non-exhaustive lists of mitigating and aggravating factors. (Cal. Code Regs., tit. 5, § 80300, subds. (b), (m).) Respondent's lack of prior discipline and long history as a substitute teacher are extenuating circumstances. Aggravating circumstances are respondent's multiple acts of wrongdoing demonstrating a pattern of misconduct; her repetition of similar misconduct despite prior notice, warnings, and reprimands against drinking and

driving in successive criminal cases; and her indifference toward the dangers of drinking and driving as demonstrated by her repeat offenses.

(5) The praiseworthiness or blameworthiness of the motives resulting in the conduct. There is nothing praiseworthy about drunk driving. "'The lack of praiseworthiness in [respondent's] conduct speaks for itself.'" (*Broney, supra*, 184 Cal.App.4th 462, 477.)

(6) The likelihood of the recurrence of the questioned conduct. The evidence supports a finding of a risk of recurrence of the questioned conduct. Respondent testified she has abstained from alcohol for 10 months, but she has four criminal convictions for three instances of drunk drinking within the last 10 years, and she committed the most recent offense in September 2021 while on criminal probation for a prior conviction. These facts raise a legitimate concern about whether respondent will reoffend.

(7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers. Disciplinary action in this case will not inflict an adverse impact or chilling effect upon the constitutional rights of respondent or other teachers.

(8) The publicity or notoriety given to the conduct. Respondent's course of conduct was public in nature, although there was no evidence presented it was actually known to her students or colleagues. Her excessive use of alcohol has been brought to the attention of authorities; her infractions are public offenses; she was arrested in public places; the charges against her required public appearances; and her convictions became matters of public record.

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11. The majority of the above-described factors support complainant's assertion that respondent's misconduct demonstrates an unfitness to teach. Therefore, the Commission may take disciplinary action against respondent's credentials for unprofessional conduct.

Evident Unfitness for Service

12. With respect to evident unfitness for service, having determined above that the *Morrison* criteria 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 p. 1445.) Respondent has repeated her misconduct involving drinking and driving despite multiple arrests, criminal charges, and convictions with increasingly serious consequences. This "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" or, in this case, the expectations of drivers set by law. (*Id.* at p. 1444.) Therefore, the Commission may also take disciplinary action against respondent's credentials for evident unfitness for service.

Immoral Conduct and Acts of Moral Turpitude

13. With respect to immoral conduct and acts of moral turpitude, "[c]onvictions for drunk driving . . . do not per se establish moral turpitude." (*In re Kelley* (1990) 52 Cal.3d 487, 494.) Therefore, a finding of immoral conduct or acts of moral turpitude "must be based on the particular circumstances surrounding the convictions." (*Ibid.*)

14. Respondent's most recent criminal conviction for driving with a blood-alcohol content of 0.08 percent or more despite similar convictions in the past

evidences a conscious indifference to the serious dangers and potential consequences of her conduct. From this conduct, one can infer a ""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."" [Citations.]" (*People v. Forster* (1994) 29 Cal.App.4th 1746, 1757.) Respondent also committed her most recent criminal offense while still on probation in a prior criminal case for the same offense.

15. Furthermore, "the definition of immoral or unprofessional conduct must be considered in conjunction with the unique position of public school teachers," who are role models for their students. (*San Diego Unified, supra*, 194 Cal.App.4th at p. 1466.) Respondent's conduct did not meet the standards of her unique position of a role model who teaches by example as well as precept. (*Watson v. State Bd. of Education* (1971) 22 Cal.App.3d 559, 565). She demonstrated a disregard for public safety and an unfitness to teach as described above. Therefore, the Commission may also take disciplinary action against respondent's credentials for immoral conduct and for committing acts of moral turpitude. (See *id.* [affirming denial of credential to applicant with series of alcohol-related criminal convictions that the trial court opined "clearly indicate and speak for themselves that this man is unfit to teach and work with young people. . . . I don't know what better evidence there could be of immorality than a series of criminal convictions."].)

Cause for Denial

16. With respect to respondent's renewal application, complainant requests that the Commission deny it because respondent committed acts of moral turpitude. As described above, complainant proved respondent committed acts of moral turpitude, and those acts indicate an unfitness to teach under the *Morrison* criteria.

Therefore, the Commission may deny the renewal application due to those acts. (Ed. Code, § 44345, subd. (e).)

DISPOSITION

17. With causes for disciplinary action and denial established, the Commission must determine the appropriate disposition. Respondent's criminal convictions evidence a long-term pattern of alcohol abuse, and her last offense and conviction are relatively recent. Respondent testified she has abstained from alcohol for 10 months, but she is still on criminal probation for the last conviction, and she has not completed the multi-offender driving under the influence program required as a term of probation. Her rehabilitative efforts, while in progress, are not complete.

18. These facts weigh in favor a strong disciplinary order that specifically addresses the possibility of recurrence. At the same time, she has no prior disciplinary history, and complainant presented no evidence to counter respondent's testimony that, despite her alcohol-related problems, she has performed well as a teacher. She is actively participating in recovery, and she displayed a commitment not to repeat her misconduct. These facts weigh against a disciplinary order that complete excludes her from the teaching profession. A disciplinary order that includes a stayed revocation with probation is appropriate and consistent with the results in similar cases. (See *Broney, supra*, 184 Cal.App.4th at p. 471 [stayed revocation with probation and suspension for a teacher with three misdemeanor drunk driving convictions]; *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 767 [stayed revocation with probation for physician with three misdemeanor criminal convictions involving alcohol consumption].)

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ORDER

The application of Katherine Lynn Yetter for renewal of her Emergency 30-Day Substitute Teaching Permit is granted; however, the credential is immediately revoked, and all other credentials, certificates, and authorizations issued to respondent are also revoked. However, the revocations are stayed, and respondent is placed on probation for five years from the effective date of this order on the following terms and conditions.

1. **Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

2. **Compliance with All Terms of Probation.** Respondent shall fully comply with all the terms and conditions of this Order and cooperate with the Commission and her assigned probation compliance monitor in the monitoring and investigation of respondent's compliance with probation terms. Respondent shall participate in a telephone or in-person review of the probation terms with respondent's assigned monitor. Respondent must participate in such review within 14 calendar days after written request is mailed by the monitor. Failure to participate in the review of probation terms within the time stated above shall be considered a probation violation.

Respondent shall also respond to all requests made by the monitor, responding to written requests sent by mail within 14 calendar days of the request, and within two

business days after a telephone message or email request, unless a different time period is otherwise stated in this Order. Failure to respond within the time specified shall be considered a probation violation.

3. **Notification of Current Mailing Address, Email Address, and Telephone Number.** Respondent shall notify the monitor of her current mailing address, email address, and telephone number where voicemail or text message may be left. Respondent shall notify the monitor, in writing, within 72 hours, of any change of mailing address, email address, or telephone number. Failure to notify the monitor within the specified time period stated above shall be considered a probation violation.

4. **Submit Written Reports.** Respondent shall report to the Commission quarterly, on a schedule designated by the Commission or the monitor. Reports shall be made either in person or in writing, as directed. Among other requirements as determined by the Commission, respondent shall state in each report under penalty of perjury whether she has complied with all the terms and conditions of probation. Failure to submit timely reports as directed shall be considered a probation violation.

5. **Obey All Laws.** Respondent shall obey all federal, state and local laws, including all provisions of the California Education Code. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 30 days of the effective date of the decision, unless previously submitted as part of the teaching credential application process as determined by the monitor. Failure to comply with these provisions shall be considered a probation violation.

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6. **Criminal Court Orders.** If respondent is under criminal court orders, including probation or parole, she shall comply with all terms and conditions of such orders. Respondent shall report any alleged violation of a court order to her monitor within 72 hours of receipt of notice alleging such violation. Failure to comply with these provisions shall be considered a probation violation.

7. **Report Any Arrest or Citation.** Respondent shall submit to the monitor a full and detailed written account of any and all arrests or citations for any violation of law in California or any other state (except minor traffic offenses) within three business days of the arrest or citation. Failure to notify the monitor within the specified time period stated above shall be considered a probation violation.

8. **Employment Reporting Requirements.** If respondent is currently employed in a position that requires her to have a California teaching credential, respondent shall provide a copy of this Order and the Accusation and Statement of Issues to her employer (as defined in California Code of Regulations, title 5, section 80300) and immediate supervisor within five days after its effective date. If, during the probation period, respondent obtains new employment that requires her to have a California teaching credential, respondent shall provide a copy of this Order and the Accusation and Statement of Issues to her employer and immediate supervisor before commencing work. Failure to comply with these provisions shall be considered a probation violation.

In addition, respondent shall notify her monitor in writing within five business days of the effective date of this Order of the name and address of her current employer that requires her to have a California teaching credential. Respondent shall notify her monitor in writing within three business days of the cessation of any employment that requires a California teaching credential, or change of employer that

requires her to have a California teaching credential. Notifications shall contain a detailed explanation of the circumstances surrounding the cessation or change of employment. Failure to provide notice to the monitor within the time stated above shall be considered a violation of probation.

9. **Abstain from Possession, Consumption, or Use of Alcohol, Cannabis, and Controlled Substances.** Respondent shall completely abstain from the possession, consumption, or use of alcohol, cannabis, and controlled substances, except when ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall provide documentation of prescriptions, recommendations, orders, and treatment plans of health care professionals for the use of these prohibited substances within five days following the request of the monitor. Failure to comply with these provisions shall be a violation of probation.

10. **Submit to Tests and Samples.** Respondent shall submit to bodily fluid testing for the presence of alcohol, cannabis, or controlled substances at the request of respondent's employer, immediate supervisor, or law enforcement.

In addition, respondent shall, at her expense, fully cooperate with the Commission or any of its representatives, including the assigned compliance monitor, during the period of probation and shall, when requested, submit to such tests and samples as the Commission or the assigned monitor may require for the detection of alcohol, cannabis, or controlled substances.

Respondent's failure or refusal to submit to testing as required above shall constitute a probation violation. In addition, any positive test for alcohol, cannabis, or a controlled substance, not lawfully prescribed by a licensed health care professional

as part of documented medical treatment, shall constitute a probation violation. Two diluted test results during the period of probation shall also constitute a violation of probation.

11. **Dependency Support Program.** Each month, respondent shall be required to attend at least three 12-step recovery meetings or equivalent (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.). Respondent shall submit dated and signed documentation confirming such attendance to the Commission during the entire period of probation. Such documentation shall be due with each quarterly report respondent files with the Commission.

12. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in on-going therapy until such time as the Commission releases her from this requirement and only upon the recommendation of the therapist. Respondent shall comply with any and all treatment recommended by the therapist. Written progress reports from the therapist will be required at various intervals.

13. **Execute Release Forms.** Respondent shall execute and submit to the monitor any Release of Information forms that the Commission may require to monitor her compliance with this Order, including but not limited to Release of Information forms concerning the results of bodily fluid testing performed by third parties. Failure to do so shall be considered a probation violation.

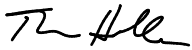
14. **Maintenance of Active Credential.** Respondent shall at all times maintain an active, current credential with the Commission, including during any period of suspension. Failure to do so shall be considered a probation violation.

15. **Violation of Probation.** If respondent violates any term or condition of this Order, the Commission may refer the matter to the Attorney General's Office to

file a Petition to Revoke Probation, and after giving respondent notice and opportunity to be heard, may set aside the stay order and impose the stayed discipline. If during the period of probation, a Petition to Revoke Probation has been filed against respondent's credentials, or the Attorney General's Office has been asked to prepare a Petition to Revoke Probation against respondent's credentials, the probationary period shall automatically be extended and shall not expire until final action is taken on the Petition by the Commission.

16. **Completion of Probation.** Upon successful completion of probation, respondent's credential(s) shall be fully restored. This Order will remain a matter of public record after completion of the probationary period.

DATE: 08/02/2023


Thomas Heller (Aug 2, 2023 09:36 PDT)

THOMAS HELLER
Administrative Law Judge
Office of Administrative Hearings