

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

In the Matter of the Petition to Revoke Probation Against:

LARA K. RANKIN, Respondent.

Agency Case No. 2-29187350

OAH No. 2023020363

PROPOSED DECISION

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, heard this matter on May 8, 2023, by videoconference.

Deputy Attorney General Gregory Tuss represented complainant Mary Vixie Sandy, Ed.D., Executive Director of the California Commission on Teacher Credentialing.

Respondent Lara K. Rankin represented herself.

The record closed and the matter was submitted for decision on May 8, 2023.

FACTUAL FINDINGS

Procedural History and Probation Conditions

1. Respondent Lara K. Rankin holds the following credentials issued by the California Commission on Teacher Credentialing (Commission):

- Clear Single Subject Teaching Credential, with authorizations in Photography, English and Introductory Art, issued on April 15, 2022 (pursuant to the decision and order described in Factual Finding 3), which is scheduled to expire on May 1, 2027;
- Clear Single Subject Teaching Credential issued on October 22, 2007; reissued on June 5, 2009, and July 13, 2014; and expired on August 1, 2019;
- Preliminary Single Subject Teaching Credential issued on October 22, 2007, and expired on November 1, 2012 (the petition to revoke probation was amended at hearing to list this as the correct expiration date);
- Intern Single Subject Teaching Credential issued on September 21, 2006, and expired on October 1, 2008; and
- Certificate of Clearance issued on September 21, 2006, and expired on October 1, 2011.

2. An accusation and statement of issues was filed on June 9, 2021, alleging cause for discipline and denial based on a 2015 conviction for driving under the influence of alcohol (DUI) in which respondent was involved in a hit-and-run collision; and two instances of respondent being drunk at work during the 2018–2019 school year while working as an English teacher at a charter high school.

3. Respondent agreed to a consent determination. The Commission issued a decision and order effective April 15, 2022, in which respondent's credentials were revoked; she was issued a new Clear Single Subject Teaching Credential which was immediately revoked; the revocations were stayed; and respondent was placed on probation for a period of six years.

Respondent's conditions of probation include a requirement to abstain from 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 (Condition 9); and to submit to bodily fluid testing for alcohol, cannabis, and controlled substances at the request of her probation monitor (Condition 10).

Condition 2 requires compliance with all terms of probation. Condition 15 provides that if respondent violates any term or condition of probation, the Commission may refer the matter for filing of a petition to revoke probation, and after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline.

4. On January 19, 2023, complainant Mary Vixie Sandy, Ed.D., Executive Director of the Commission, issued a petition to revoke probation, alleging that respondent violated her probation by failing to submit to testing on one occasion.

5. Respondent filed a notice of defense, and this hearing followed.

Violation of Testing Requirement

6. Berenice Oseguera, special investigator for the Commission, is respondent's probation monitor. Oseguera periodically calls respondent to request

that she submit a testing sample that day, and she receives the test results from the lab. If Oseguera does not reach respondent by telephone to request testing, she leaves a voicemail message.

7. On August 10, 2022, at 7:06 a.m., Oseguera called respondent and left her a voicemail, informing her that she was required to test that day. Respondent failed to test on August 10, 2022. When respondent had been requested to test on previous occasions, she did so as directed.

8. On August 16, 2022, respondent sent Oseguera voicemail and email messages, stating that she had just heard the voicemail from August 10 and thus had not tested on August 10, and asking how she could rectify her error. Oseguera informed respondent that failing to test on the day requested is a probation violation and Oseguera was required to refer the matter to the Office of the Attorney General. Oseguera instructed respondent to maintain compliance with her probation conditions in the meantime.

9. Oseguera learned of respondent's missed test when respondent contacted her and self-reported it. It usually takes a couple of weeks for Oseguera to get test results directly from the lab, and thus she had not known until respondent contacted her that there had been no test sample submitted on August 10.

10. On August 26, 2022, Oseguera sent respondent a notice of violation.

Respondent's Evidence

11. Respondent admits that she failed to test on August 10, 2022. However, this was an unintentional violation due to a technology mishap, rather than an attempt to avoid submitting to the required testing. When Oseguera called respondent shortly

after 7:00 a.m. on August 10, respondent was attending an Alcoholics Anonymous (AA) meeting via Zoom conference on her mobile telephone. After the meeting, respondent saw that she had missed a call from Oseguera, and checked her voicemail. However, due to either a technological problem with the voicemail system or user error, the voicemail message that respondent heard on August 10 was not the message telling her to test, but was instead an earlier voicemail that Oseguera had left on July 5, regarding the frequency of respondent's therapy appointments. There had been recent communications about that topic, so respondent assumed Oseguera was following up. Respondent did not hear the voicemail that told her to test on August 10, and thus she did not realize she needed to test that day.

12. On August 16, 2022, respondent was reviewing a backlog of voicemail messages because she had been receiving junk messages from mortgage lenders due to house hunting, and had not been reviewing all voicemails daily. Respondent heard Oseguera's August 10 voicemail for the first time on August 16, and realized that she had missed a required test. As described in Factual Finding 8, respondent contacted Oseguera that day by telephone and email, explaining her error and asking how she could rectify it.

13. Since this incident, respondent has taken steps to be more vigilant in monitoring her incoming communications, and checks her voicemail each day after logging out of her AA meeting. If she notices an incoming call from Oseguera during her AA meeting, she leaves the meeting to check her voicemail.

14. Respondent has fully complied with her probation conditions in all other respects, apart from the single missed test. Respondent attends AA meetings six days a week, and documents this attendance by taking a screenshot of the Zoom window during the "daily reflections" portion of the meeting, when the screen displays the text

of the day's reading from AA literature along with a calendar page showing the date. Respondent submitted results from four subsequent urine tests, all of which were negative for alcohol metabolites.¹

15. Respondent's sobriety date is May 20, 2020, almost two years prior to the start of her probation period (and prior to the accusation being filed against her). She is very committed to maintaining her sobriety.

16. Respondent's probation conditions require her to attend three 12-step recovery meetings per month. Respondent has greatly exceeded this requirement.

17. Respondent attends the 7:00 a.m. "On Awakening" AA meeting by Zoom six days a week, Monday through Saturday. She provided screenshots documenting attendance from July 2022 to March 2023. Respondent has taken on multiple service roles for this meeting, serving as the meeting moderator on Saturdays from July to December 2021, and as secretary on Saturdays from January to July 2022. Since August 2021, respondent has been the group's telephone list person, which requires her to attend the meeting six days a week, maintain and post the telephone contact list for newcomers, and welcome new members of the group. Since January 2023, respondent has also been the On Awakening group's General Service Representative (GSR), which involves additional meeting attendance and acting as liaison between the local group and the larger AA organization. Respondent meets with her AA sponsor on

¹ The urine tests were positive for marijuana, and respondent provided copies of her medical cannabis prescriptions. There is no alleged violation in this respect.

a weekly basis, and also meets weekly with a service sponsor in connection with her role as GSR.

18. Respondent meets with other sober friends for activities such as walking and qi gong, and she hikes and gardens for mindfulness, mental health, and reflection.

19. Respondent's probation conditions require her to participate in ongoing therapy until released by the Commission. Respondent has been in psychotherapy with Charles Wilkins, M.F.T., since October 2020. Wilkins has submitted regular progress reports to Oseguera as part of respondent's probation.

In May 2022, Wilkins reported that respondent had reached two years of sobriety and active recovery work, and had been working hard on behavioral health issues in therapy. At that time, respondent was attending therapy with Wilkins twice a month, and Wilkins found it would be appropriate to reduce services to once a month soon based on her progress, and eventually to terminate services. In that report, Wilkins also noted that he had discussed respondent's cannabis usage with her in therapy, that she used it occasionally and moderately to treat pain, nausea, and anxiety, and that he had no clinical concerns about her use of cannabis and its impact on her ongoing recovery.

On July 4, 2022, Wilkins reported to Oseguera that he had just decreased respondent's therapy treatment schedule to once a month, and that she was continuing to do well and remained solid in her sobriety and recovery work. Oseguera followed up with respondent by voicemail on July 5, 2022, informing her about the email from Wilkins, and reminding respondent that if she wanted to terminate her therapy, she would need to file a petition with the Commission to modify her

probation conditions under Government Code section 11522. This is the voicemail that respondent listened to on August 10, 2022, thinking it had been left that day.

On August 3, 2022, Wilkins reported to Oseguera, confirmed respondent's dates of treatment for the prior quarter, and stated: "Clinically, she's getting close to not even needing psychotherapy."

Respondent currently meets with Wilkins for therapy at least once a month, and has found it helpful to manage stressors.

20. Wilkins submitted a letter in support of respondent dated February 17, 2023. He believes respondent's missed test was an inadvertent error, rather than an intentional refusal to test. Wilkins stated that respondent continues to be vigilant about not missing another test, remains compliant with probation conditions, and wants to make amends for past errors. Wilkins reported that respondent has made "incredible progress" in therapy, worked on the roots of her alcoholism, immersed herself deeply in AA, and her recovery is stronger and more active than ever. Wilkins wrote that respondent has turned her life around, and successfully manages anxiety and life stressors without the use of alcohol. He also reported that respondent cares deeply about her students and has been flourishing in her job as an educator.

21. Respondent submitted three other letters of support.

(a) Jacque Hartke is a retired teacher and member of AA, and has been respondent's close friend and confidante for over 10 years. Respondent contacted Hartke in distress on the day she realized that she had missed Oseguera's voicemail about testing. She believes respondent's failure to test was due to a missed communication. Hartke described respondent as one of the most talented teachers she has known.

(b) John McNicholas is a member of the AA meeting that respondent attends, and has known her for three years. McNicholas attested to respondent's character, dedication to sobriety and joy in recovery, active participation in their AA meeting, and integration of AA principles into her life.

(c) David Yule is a member of the AA meeting that respondent attends. He described respondent as one of the group's most active members and a generous participant who is always willing to help newcomers.

22. Respondent's husband, Joshua Bowman, testified credibly at hearing and submitted a written statement. Bowman confirmed that respondent has been sober since May 20, 2020, and described his efforts to support her in maintaining sobriety. He has seen great change in respondent since she committed to the AA program. Respondent plays her 7:00 a.m. AA meeting on speaker phone and it is part of their morning routine for Bowman to listen to and attend the meeting with her. Bowman corroborated respondent's testimony about listening to the wrong voicemail message on August 10, and not discovering the error until August 16. Bowman confirmed that respondent has worked hard to stay in compliance with probation, and that since this incident, she has become even more organized. He is proud of her continued sobriety and progress. Bowman is also a teacher, at the middle school level. He has visited respondent's classroom as a guest and observed her teaching online, and describes her as a passionate and engaged teacher.

23. Respondent is very committed to her work as an educator. Respondent wants to maintain her teaching credentials and complete her probation period.

24. Since November 2020, respondent has taught at Lydian Academy, a private middle and high school offering one-on-one teaching and college preparation.

She had previous roles as Lead English Teacher, Lead Visual Arts Teacher, and Lead History Teacher. Respondent is now the Chair of the Humanities Department, with responsibilities for teaching, mentoring other teachers, and acting as a liaison between teachers and administrators.

Respondent's performance evaluation from November 2022 rated her as strongly excelling. Her supervisor described respondent as a highly valued member of their faculty, and an effective and dedicated teacher. The supervisor also praised respondent's work to develop curriculum, mentor other teachers, collaborate with administrative staff, and offer mindfulness activities to students and staff.

25. Respondent's testimony was candid and credible in all respects.

LEGAL CONCLUSIONS

1. Under Education Code section 44000 et seq., and California Code of Regulations, title 5, section 80000 et seq., 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" includes the suspension or revocation of a credential. (Ed. Code, § 44000.5, Cal. Code Regs., tit. 5, § 80300, subd. (a).)

2. Complainant bears the burden of proving cause to revoke probation, by a preponderance of the evidence. (*Sandarg v. Dental Bd. of California* (2010) 184 Cal.App.4th 1434, 1441.)

///

///

3. Condition 15 of respondent's probation provides that if respondent violates any probationary term, after notice and opportunity to be heard, the Commission may set aside the stay order and impose the stayed revocation.

4. Respondent violated Conditions 2 and 10 of her probation by failing to submit to biological fluid testing on one occasion. (Factual Finding 7.) Cause for revocation of probation has been established on this basis.

5. The question presented is whether respondent's probation should be continued or revoked. The ultimate goal of licensing is the protection of the public. Respondent has fully complied with her probation conditions, apart from one missed test, which was an unintentional error. Respondent has never tested positive for alcohol use, and there is no evidence of relapse. To the contrary, respondent has provided significant evidence of her ongoing sobriety and commitment to recovery. Respondent has demonstrated a commitment to complying with her probation conditions. Moreover, she is performing well as an educator.

Public protection does not require revocation of respondent's probation. Respondent has demonstrated that she should be allowed to complete her probation.

ORDER

The petition to revoke the probation of respondent Lara K. Rankin is denied.

DATE: **05/19/2023**



HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings