

BEFORE THE  
COMMISSION ON PROFESSIONAL COMPETENCE  
AND THE OFFICE OF ADMINISTRATIVE HEARINGS  
OF THE STATE OF CALIFORNIA

In the Matter of the Dismissal of:

PHILIP SUH (EN 284730),  
A Permanent Certificated Employee,  
  
Respondent.

OAH No. 2011120861

**DECISION**

This matter was heard on November 5 through 8, 2012, in Los Angeles, California, before the Commission on Professional Competence (Commission). The Commission consisted of Dan Leonard, Barbara Jensen, and Howard W. Cohen, Administrative Law Judge with the Office of Administrative Hearings, State of California, who presided.

The Los Angeles Unified School District (District) was represented by Susan E. Hyman, Assistant General Counsel with the District's Office of General Counsel.

Philip Suh (respondent) appeared and was represented by Rosemary O. Ward, Attorney at Law.

Oral and documentary evidence was received and argument was heard. The record was closed and the matter was submitted for decision on November 8, 2012.

The Commission on Professional Competence considered the matter in executive session. After due consideration of the entire record herein, the Commission makes the following factual findings, legal conclusions, and order.

**FACTUAL FINDINGS**

1. The Accusation and Statement of Charges were brought by Vivian Ekchian in her official capacity as Chief Human Resources Officer for the District.
2. Respondent is a permanent certificated employee of the District, presently on unpaid suspension.

3. On December 7, 2011, the District gave notice to respondent of the Accusation and Statement of Charges that had been filed with and adopted by the District Board of Education (Board) and of the Board's intention to dismiss respondent. The District also provided respondent with notice of immediate suspension without pay under section 44939. Respondent thereafter requested a hearing.

4. The District filed the Accusation and Statement of Charges with OAH on January 9, 2012. Respondent timely filed a Notice of Defense.

*The District's Charges Against Respondent*

5. In the Accusation and Statement of Charges against respondent, the District alleges that it has cause to immediately suspend and dismiss respondent from his employment as a permanent certificated employee of the District for:

- a. Unprofessional conduct, under Education Code section 44932, subdivision (a)(1);<sup>1</sup>
- b. Immoral conduct, under sections 44932, subdivision (a)(1), and 44939;
- c. Evident unfitness for service, under section 44932, subdivision (a)(5);  
and
- d. Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of public schools by the State Board of Education or by the governing board of the school district employing him, under section 44932, subdivision (a)(7).<sup>2</sup>

6. The District alleges that, on January 13, 2010, respondent inappropriately approached two of his female students, C [REDACTED] G. and T [REDACTED] G.,<sup>3</sup> put his hands on their shoulders, and kissed both girls on the cheek. (At hearing, the District referred to this alleged event as "the kiss.")

7. The District alleges that, on April 28, 2010, respondent grabbed C [REDACTED] G. by both of her hands, twisted her hands, and shoved her to the floor, and that when another student, L [REDACTED] G., questioned him about his actions, respondent grabbed her hands,

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<sup>1</sup> All statutory references are to the Education Code, unless otherwise specified.

<sup>2</sup> At hearing, the District withdrew an additional cause for discipline that had been set forth in the Accusation and Statement of Charges, for unsatisfactory performance under section 44932, subdivision (a)(4).

<sup>3</sup> To maintain confidentiality, this decision identifies students and their relatives by their first name and the first initial of their surname.

twisted them, and threw her on top of C [REDACTED] G. (At hearing, the District referred to this alleged event as “the twist and throw.”)

8. The District alleges that on April 29, 2010, respondent reacted inappropriately when he was surprised by three students, C [REDACTED] G., L [REDACTED] G., and T [REDACTED] G., when they approached him from behind, and that respondent then kicked L [REDACTED] G. on her thigh with so much force that it made her cry. (At hearing, the District referred to this alleged event as “the kick.”)

9. The District alleges that respondent received a Below Standard Performance Evaluation on June 30, 2010, a Notice of Unsatisfactory Act(s) on November 17, 2010, and a Notice of Suspension–15 Days on November 17, 2010. The District alleges that, despite counseling, respondent “failed to attain and sustain an acceptable level of conduct,” and that, as a result, his dismissal was recommended. (Ex. 6.)

### *Respondent’s Background*

10. In the 2009-2010 school year, respondent taught life sciences at Joseph Le Conte Middle School (Le Conte) in Hollywood. Respondent has worked for the District in various capacities for nearly 30 years, becoming a permanent employee of the District in July 1986. He resigned his employment with the District in June 1988, was rehired on provisional status in July 1992, and became a permanent employee again in July 1994. Since July 2007, respondent has been assigned to teach life sciences at Le Conte; he has also served as an administrator. He has a master’s degree in education, and has a single subject credential in life science, a cross-cultural language and development (CLAD) credential, and an administrative credential in secondary education. There is no prior history of discipline against respondent. Extensive evidence was admitted reflecting respondent’s long history of exemplary performance as a teacher for the District.

### *“The Kiss”*

11. Respondent would customarily stay in his classroom during Nutrition, inputting attendance into the computer, grading papers, checking homework, and preparing his lesson plans. Students frequently came into the classroom during the Nutrition and lunch periods to do homework; some would arrive early for their next class.

12. On January 13, 2010, two of respondent’s eighth-grade life sciences students, C [REDACTED] G. and T [REDACTED] G., were in respondent’s classroom engaged in a loud argument at a computer during the Nutrition period. Respondent intervened and told the girls to calm down. C [REDACTED] G. and T [REDACTED] G. eventually reconciled and hugged each other; they then approached respondent and hugged him. The girls were still emotionally upset and one of them was still in tears; when they hugged him, respondent “air-kissed” them or pecked them on the cheek. Neither girl appeared upset at respondent; they stayed in the classroom for the ensuing third period life science class taught by respondent.

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### *“The Twist and Throw”*

13. Because of the argument between C █ G. and T █ G., respondent kept his classroom door locked during the Nutrition and lunch periods after January 13, 2010. Nevertheless, the girls would frequently go to the locked classroom and eat their lunch in the corridor outside the door. Respondent reported to administration that the girls should not be entering the building during lunch and were leaving trash; respondent also asked the plant manager to clean up the trash. On April 28, 2010, two of the girls, C █ G. and L █ G., tried to enter respondent’s classroom during the lunch period while respondent was trying to exit the classroom and lock the door. One of the girls grabbed respondent’s arm; he removed her hand from his arm and left the area. The girls were not crying or visibly upset.

### *“The Kick”*

14. On April 29, 2010, before third period, respondent was sitting on a swivel chair at a computer in the back of his classroom, with his back to the door. He erroneously believed that the door was closed and locked. Three of his eighth-grade students, C █ G., L █ G., and T █ G., quietly entered the classroom. L █ G. silently approached respondent from behind and pinched his cheek. Respondent, shocked and startled, whirled around in the swivel chair, his leg striking L █ G.’s thigh. Respondent’s third period class began almost immediately thereafter. Respondent was annoyed that the girls had entered his room; he told L █ G. that he was going to call her parents because her behavior, particularly pinching his cheek, was not appropriate. L █ G. was crying and T █ G. asked to take L █ G. to the school nurse, so respondent wrote a pass and sent the girls to the nurse’s office.

15. The school nurse, Concepcion Poblete, testified that she examined L █ G. on April 29, 2010, and found no visible marks of injury; L █ G. was walking well and appeared to be fine. Poblete, who is a mandated reporter of child abuse, did not suspect any abuse and made no report of abuse; she just mentioned L █ G.’s visit to the assistant principal for further investigation. Poblete testified that L █ G. did not tell her that a teacher had twisted her arm and thrown her to the ground the previous day; Poblete believes it likely that a student would mention that to her if it occurred. L █ did not complain of any stiffness or soreness, which might have resulted from a “twist and throw.”

### *The District’s Investigation*

16. Esther Benjamins-Gass, Ph.D. (Dr. Benjamins), who has been assistant principal at Le Conte for almost five years, was at all relevant times responsible for addressing disciplinary issues, among other things. When she received notification from Poblete about L █ G.’s visit, she brought L █ G. to her office to discuss the matter. L █ G. told Dr. Benjamins that she had been teasing respondent and that he had kicked her. She also said respondent had thrown her to the floor the previous day; Dr. Benjamins did not see any bruises on L █ G.’s wrists or arms. Dr. Benjamins asked L █ G., and also T █ G., and C █ G., to write down what had happened. L █ G. and T █ G.

each wrote of “the kiss” and “the kick.” C [REDACTED] G. wrote of “the kiss,” “the twist and throw,” and “the kick.”

17. Dr. Benjamins testified that teachers are trained twice per year on District policies, that policies prohibit teachers from kissing students, and that a teacher should tell a student when the student is behaving inappropriately. Dr. Benjamins concluded from the girls’ statements that respondent did not set appropriate boundaries and condoned such behavior as students touching his cheeks; she also concluded that they did not welcome respondent’s “kiss.” Dr. Benjamins conceded at hearing, however, that “the kick” may have been a reflexive response to being startled, and that she did not know whether respondent had ever disciplined the girls before the “twist and throw” incident. She also testified that none of the girls told her that they interpreted “the kiss” as a sexual advance, or that respondent had ever touched them inappropriately in a sexual manner. She testified that the girls told her they went to respondent’s classroom during Nutrition period because they felt safe in his classroom, and that there is no school policy against having students in the classroom during Nutrition.

18. Dr. Benjamins, who was in her second year as vice principal and had never before conducted an investigation into alleged teacher misconduct, considered respondent’s conduct to be child abuse. She called the Los Angeles Police Department (LAPD) after talking to the girls, and kept the girls in her office the rest of the day; none of the girls needed to be sent home or required medical attention. LAPD officers came to the school the same day and talked to the three girls in the administration offices; the police noted that all three girls “stated that no inappropriate touching or physical contact had occurred . . . .” (Ex. 29.)

19. The next day, on April 30, 2010, Dr. Benjamins completed a Suspected Child Abuse Report for each of the three girls, as well as a District Incident Report in which she reported “inappropriate sexual behavior,” because of “the kiss,” and “child abuse.” (Ex. 26.) Dr. Benjamins and the then-principal, Dr. Donald “Jack” Foote, Ph.D. (Dr. Foote), decided to relate the incidents to School Operations, Staff Relations, and the School Services Director. Dr. Benjamins testified that she believes she called the parents of the three girls, had them come to the school, and explained what had happened, though she is not completely certain this occurred and does not remember and did not document the details of the conversations. She does not know whether the girls told their families that any of the incidents were mere accidents. She testified that the investigation lasted only two days, and consisted of interviewing the girls, writing the abuse reports and the incident report, talking to Staff Relations and the School Services Director, and probably talking to the parents. Dr. Benjamins never talked to respondent about the allegations. Dr. Foote testified that he suspended any further District investigation while the LAPD investigation was ongoing.

20. In May 2010, Dr. Benjamins told respondent to leave his classroom and go to the local District office, where he would be “housed,” i.e., temporarily reassigned.

21. The LAPD completed its investigation in October 2010 and decided not to take any action against respondent. Respondent was not arrested, and there were no criminal charges brought against him.

22. After the LAPD investigation was concluded, Dr. Foote and Dr. Benjamins did not resume their investigation of respondent. Instead, they held a formal conference with respondent in November 2010, at which time they gave respondent a Notice of Unsatisfactory Service or Act(s) and a Notice of Suspension. The Notice of Suspension states that it “is being given to you in order to allow you an opportunity to correct the above-listed deficiencies and overcome the grounds for the charges” and that failure to show improvement during the remainder of the school year “will result in further discipline, up to and including dismissal . . . .” (Ex. 34.) Dr. Foote testified that he gave respondent guidance at the conference in order to allow respondent an opportunity to correct the deficiencies. Dr. Foote conceded, however, that respondent was never placed back in a classroom and, therefore, was never given an opportunity to correct any alleged deficiencies.

23. Dr. Foote testified that, at the November 2010 conference, respondent attributed “the kick” to his having been startled. Dr. Foote did not consider being startled adequate justification for kicking a student, even if inadvertently, stating that he, Dr. Foote, had never kicked anyone. Dr. Foote testified that respondent confirmed that the girls had approached him and hugged him in January 2010, and that he kissed them on the cheek. Dr. Foote also testified that respondent confirmed that he grabbed a student’s hands to move them out of the way so he could exit the classroom; Dr. Foote conceded that respondent said nothing about twisting the girls’ wrists or throwing the girls to the floor. Dr. Foote concluded that respondent had violated District policies by not setting appropriate boundaries, not modeling appropriate behavior, administering corporal punishment (by kicking and by grabbing), and not treating students with respect. Dr. Foote testified that respondent seemed surprised that he was being disciplined.

24. Dr. Benjamins testified that, prior to April 29, 2010, she had received no complaints about respondent, that respondent was always prepared for class, that students in respondent’s classroom were on task, and that the atmosphere in his classes was calm. She also testified that respondent is a calm, quiet, dignified man, generally reliable and dependable. Respondent’s performance evaluations are consistent with Dr. Benjamins’ description of respondent. Only respondent’s final performance evaluation, dated June 30, 2010, and not signed by respondent, includes negative comments about respondent, based on the alleged incidents. That evaluation reflects three dates on which respondent was allegedly observed in his classroom; one of those dates, May 11, 2010, is clearly incorrect, because respondent had been removed from the classroom on May 2, 2010, and was no longer teaching. Neither Dr. Benjamins nor any other District witness explained the appearance of this observation date on the final evaluation and the District offered no notes of any of the observations, calling into question Dr. Benjamins’s and Dr. Foote’s credibility. That the evaluation was not signed by respondent further strengthens the impression, not rebutted by the District, that the June 30 evaluation was created simply to support the District’s case. Respondent did not even know of the evaluation until shortly before this hearing. Dr. Foote’s

overstatements about respondent's conduct, calling it shocking and an outrageous breach, and calling an inadvertent kick grounds for discipline, further call his credibility into question, particularly as he knew very little of the underlying facts.

25. All three girls, now 16 or 17 years old and juniors in high school, testified at hearing.

26. L [REDACTED] G. testified that she used to spend Nutrition and sometimes lunch period in respondent's classroom when she needed help with her schoolwork. She testified that when she gave Dr. Benjamins her statement, she was acting like "a little girl," that she was upset, and that what happened was "dumb." She told Dr. Benjamins not to fire respondent, because he was a great teacher. And she realized, especially after talking to her mother later that day, that she had behaved wrongly by sneaking up on respondent and pinching his cheek. She said she was a little girl back then, and sees things differently now. She knows that respondent did not mean to kick her. She also testified that respondent never threw her to the ground. She testified, quite emotionally, that she liked respondent's class a great deal, that he was a good teacher, and that she saw him as a father figure. L [REDACTED] G.'s mother testified that L [REDACTED] G. had told her that an accident had occurred when she touched a teacher's cheek. L [REDACTED] G. told her that respondent was a very good teacher who had helped her a great deal.

27. C [REDACTED] G. testified that her statement to Dr. Benjamins was not the truth. She testified that she does not remember that respondent kissed her, and she testified that respondent never twisted her arm or threw her to the floor. She testified that she liked respondent as a teacher because he helped her a lot, and that the school's actions against respondent have upset her a great deal. C [REDACTED] G.'s mother testified that C [REDACTED] G. told her that respondent was a good teacher and that what had happened was an accident; she testified that C [REDACTED] G. never spoke ill of respondent.

28. T [REDACTED] G. testified that she does not remember whether respondent kissed her on the cheek, and that she never saw respondent twist anyone's wrist or throw anyone to the floor. She testified that she looked at respondent as a father figure, that he never made her uncomfortable, and that she learned a lot in his class. She testified that she never saw respondent kick L [REDACTED] G.; she just saw L [REDACTED] G. crying, and got a pass from respondent to take L [REDACTED] G. to the nurse's office. T [REDACTED] G.'s grandmother, with whom T [REDACTED] G. lives, testified that T [REDACTED] G. had told her that respondent was a good teacher, never told her that respondent had tossed her or hurt her, and mentioned only an accident that occurred involving another girl.

29. The girls' testimony was clear and appeared credible. They now regret the statements they made to Dr. Benjamins. It does not appear likely, from their demeanor and the substance of their testimony, that they would have recanted those statements, as they did at hearing, if respondent had kissed them with sexual intent, or had thrown or kicked them. Their more mature reflection on the events of 2010—at a remove of two years, not so long as to cause them to forget the incidents, but long enough to allow them to put the incidents, and

their own actions, into perspective—and their more than evident regret at the consequences of their earlier statements, lend greater credibility to their testimony at hearing, and less to their contemporaneous statements written in Dr. Benjamins-Gass's office. The girls' relatives would not have been likely to forget if respondent had hurt or acted inappropriately with their children and, from their testimony, would likely have complained to the school about him. They did not. And they testified that they did not have a meeting with Dr. Benjamins.

30. Respondent testified calmly, modestly, and credibly. He denied ever sexually harassing any student, or being sexually harassed by any student; he denied that he sought any kind of sexual gratification when he was hugged by the girls in January 2010. He denied that events had occurred as described in the girls' written statements for Dr. Benjamins. For instance, he denied that he approached the girls to kiss them and that they expressed displeasure; he denied that C ■■■ G. told him he should not kick a girl, or that he twisted C ■■■ G.'s hand and threw her on the floor, or that he called the girls "stupid kids;" and he denied that he was playing around with the girls and kicked L ■■■. He said the three girls involved in this matter were English Learners, and that they performed well in his class. Respondent testified that he believes, as a former administrator, that matters of this sort are often best resolved during the investigation by meeting with all the parties involved—students, the teacher, parents, and witnesses. In this case, the District did not meet with him. He was never interviewed by the school, only by the police. Respondent testified that, at the conference with Dr. Foote in November 2010, he felt devastated. He thought Dr. Foote was interviewing him to learn the facts, but Dr. Foote instead suspended respondent. He testified that the charges in the Notice of Unsatisfactory Service or Act(s) and the Notice of Suspension are not accurate. He told Dr. Foote that when the girls hugged him, he may have given them a peck on the cheek concurrent with the hug. Dr. Foote omitted from the notices that respondent stated that one of the girls had grabbed his sleeve, and that he had removed her hand and told the girls to move out of the way. If he had been given an opportunity, respondent would have been willing to take classroom management classes.

31. A former colleague of respondent's, Lyle Wiedeman, who taught at Virgil Middle School, testified that respondent is a calm, unexcitable man and that Wiedeman would have wanted respondent to teach his own children. Another former colleague from Virgil Middle School, Dr. Steven Steinberg, testified similarly, and said that respondent had a reputation for being peaceful, competent, dignified, and ethical.

32. The District argued that respondent developed an inappropriate personal relationship with the students, breaching ordinary boundaries and acting violently against them, and that the Commission should find that respondent engaged in unprofessional and immoral conduct, showed evident unfitness for his position, and violated District policies, all grounds for dismissal. The Commission makes no such findings.

33. Respondent did not engage in the acts alleged by the District, at least as characterized by the District. Any contact was age-appropriate or excusable and was in accordance with the District's policies. With respect to "the kiss," respondent's actions were



not inappropriate. He did not approach the girls, and it was not even established that he kissed them; he appears to have given them an air kiss, or a brush against or peck on the girls' cheek. The hugging, initiated by the girls, was age-appropriate in the context of the resolution of the argument. There was no evidence of any other instance of hugging or kissing before or after January 13, 2010. The District did not establish that respondent's conduct was sexual or unwelcome, or that respondent showed a toleration for sexual harassment or discrimination, or that he perceived the girl's pinching his cheek as sexual, or that he violated District policies. He kept his classroom door locked during breaks and lunch period after the date of the girls' argument, he posted classroom rules on his wall, and he told students when they were acting inappropriately. The "twist and throw" incident did not occur as described by the District; respondent appropriately removed the girl's hand from his sleeve and told the girls to move out of his way. The girls recanted their first version of this incident at hearing. C ■■■ G. is the only girl who wrote about "the twist and throw" for Dr. Benjamins; the fact that L ■■■ G. did not, and that none of the girls reported the incident to the nurse when they visited her the next day, undercuts the plausibility of the girls' initial story. Even if there were a strict no-touch policy, this would not be a persistent violation. There was no evidence of increasing loss of boundaries and control. There was no pattern of violations. And with "the kick," respondent committed no violation of District policy. The kick was not corporal punishment; respondent was surprised and startled by one of the girls sneaking up behind him and pinching his cheek; he swiveled in his chair and accidentally kicked her. He did not react inappropriately. There was insufficient evidence that the kick was so painful it made her cry; indeed, the evidence is stronger that she was crying because respondent admonished her about her inappropriate behavior. And respondent sent her to the nurse; he did not try to cover up the incident.

34. Nor did the District establish, as it argued at hearing, that respondent created an informal atmosphere in his classroom that led to a progressive breakdown in discipline and an increase in inappropriate physical contact between him and his students, beginning with "the kiss" in January 2010 and culminating in "the twist and throw" and "the kick" in April 2010. Moreover, the District did not conduct an adequate investigation into respondent's conduct, despite respondent's spotless record of over 29 years.

35. As set forth in *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, a teacher's conduct cannot be abstractly characterized as "immoral," or "unprofessional," thus warranting discipline, "unless that conduct indicates that [respondent] is unfit to teach." (*Id.* at p. 229.) The *Morrison* court enumerated criteria for the trier of fact to analyze in determining whether a teacher is unfit to teach. Because the District did not establish that respondent committed any of the alleged improper acts, the *Morrison* factors are not applicable here.<sup>4</sup>

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<sup>4</sup> Even if the Commission were to apply the *Morrison* factors, the Commission finds that respondent's conduct has not adversely affected students or fellow teachers and is not anticipated to do so, that the conduct is relatively remote in time, that there are many

## LEGAL CONCLUSIONS

### *Jurisdiction*

1. The Commission has jurisdiction to proceed in this matter under section 44944. (Factual Findings 1 through 4.)

### *Burden of Proof*

2. The District has the burden of proof in this matter, since it is seeking to dismiss respondent from employment as a certificated employee. The standard of proof is preponderance of the evidence. (*Gardiner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1040.)

### *Causes for Dismissal*

3. Cause does not exist for respondent's dismissal under section 44932, subdivision (a)(1), for unprofessional conduct, by reason of Factual Findings 5 through 35.

4. Cause does not exist for respondent's dismissal under sections 44932, subdivision (a)(1), and 44939, for immoral conduct, by reason of Factual Findings 5 through 35.

5. Cause does not exist for respondent's dismissal under section 44932, subdivision (a)(5), for evident unfitness for service, by reason of Factual Findings 5 through 35.

6. Cause does not exist for respondent's dismissal under section 44932, subdivision (a)(7), for persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of public schools by the State Board of Education or by the governing board of the school district employing him, by reason of Factual Findings 5 through 35.<sup>5</sup>

7. The District did not establish by a preponderance of the evidence that respondent engaged in conduct indicating his unfitness to teach and justifying his immediate suspension and termination of his employment with the District. (Factual Findings 5 through 35.)

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extenuating circumstances, that no blameworthiness attaches to respondent's conduct, and that there is no likelihood of recurrence.

<sup>5</sup> The District withdrew its cause for discipline for alleged unsatisfactory performance under section 44932, subdivision (a)(4); in any case, cause does not exist for respondent's dismissal under that section, by reason of Factual Findings 5, footnote 2, and 10.

8. It has been established that “[t]he Commission has broad discretion in determining what constitutes unfitness to teach and immoral conduct, and whether dismissal or suspension is the appropriate sanction. [Citation] ‘[A] disciplinary discharge often involves complex facts and may require a sensitive evaluation of the nature and seriousness of the misconduct and whether it warrants the grave sanction of dismissal.’ [Citation].” (*California Teachers Ass’n v. State of California* (1999) 20 Cal.4th 327, 343-344.)

9. As set forth in *Morrison, supra*, 1 Cal.3d 214, a teacher’s conduct cannot be abstractly characterized as “immoral,” or “unprofessional,” thus warranting discipline, “unless that conduct indicates that [respondent] is unfit to teach.” (*Id.* at p. 229.) *Morrison, supra*, enumerated criteria for the trier of fact to analyze in determining whether a teacher is unfit to teach. Because the District did not establish that respondent committed any of the alleged improper acts, the *Morrison* factors are not applicable here.

### ORDER

The determination of the Board of Education of the Los Angeles Unified School District to dismiss respondent Philip Suh as a permanent employee of the District is reversed. The Accusation and the Statement of Charges, OAH Case No. 2011120861, filed and issued by complainant Vivian Ekchian, Chief Human Resources Officer, on behalf of the Board of Education of the Los Angeles Unified School District, and against respondent Philip Suh, is dismissed. Respondent Philip Suh may not be terminated or dismissed as a permanent certificated employee of the Los Angeles Unified School District.

COMMISSION ON PROFESSIONAL COMPETENCE  
AND THE OFFICE OF ADMINISTRATIVE  
HEARINGS, STATE OF CALIFORNIA

DATED: February \_\_, 2013

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HOWARD W. COHEN  
Administrative Law Judge  
Office of Administrative Hearings

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I concur with the Decision and Order set forth above:

COMMISSION ON PROFESSIONAL COMPETENCE

DATED: February \_\_, 2013

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DAN LEONARD  
Commission Member

I concur with the Decision and Order set forth above:

COMMISSION ON PROFESSIONAL COMPETENCE

DATED: February \_\_, 2013

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BARBARA JENSEN  
Commission Member