

**BEFORE A COMMISSION ON PROFESSIONAL COMPETENCE  
GRIDELEY UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA**

**In the Matter of the Proceeding to Dismiss:**

**MATTHEW REED, A Permanent Certificated Employee,  
Respondent**

**OAH No. 2021040523**

**ORDER REOPENING RECORD AND DISMISSING STATEMENT OF  
CHARGES AND ACCUSATION**

This matter was pending hearing on July 19 through 23, 2021, before an Administrative Law Judge (ALJ) of the Office of Administrative Hearings (OAH), State of California, in Sacramento, California. Robert E. Thorbon, Attorney at Law, represents the Gridley Unified School District (District). Eric Lindstrom, Attorney at Law, represents respondent Matthew Reed.

The District filed and served its Written Charges, Notice of Intent to Dismiss and Accusation against respondent on February 17, 2021 (Charges). Prior to hearing, on July 13, 2021, the District filed with OAH and served on respondent its Withdrawal of Notice of Intent to Dismiss and Dismissal of Administrative Proceedings (Withdrawal Notice). The Withdrawal Notice stated:

- 1) Matthew Reed should not be dismissed, California  
Education Code Section 44944 subdivision (c)(1).

2) The Governing Board shall pay the expenses of the hearing and reasonable attorney's fees incurred by Matthew Reed, California Education Code Section 44944 subdivision (e)(2).

3) The amount of reasonable attorney's fees shall be determined by mutual agreement of the parties or by way of duly noticed motion filed in accordance with governing law.

Respondent did not file a response. OAH closed the matter and the administrative hearing did not commence as scheduled. On July 19, 2021, respondent filed his Motion for Reconsideration and Response to the Withdrawal Notice objecting to closure of the record and requesting an order of dismissal and opportunity to address the issue of reasonable attorney's fees. A telephonic status conference (TSC) was held on July 19, 2021, before Presiding ALJ Dian Vorters to discuss resolution of this matter consistent with *Boliou v. Stockton Unified School District* (2012) 207 Cal.App.4th 170.

Education Code section 44944, subdivision (f)(2) states:

If the Commission on Professional Competence determines that the employee should not be dismissed or suspended, the governing board of the school district shall pay the expenses of the hearing, including the cost of the administrative law judge, any costs incurred under paragraphs (2) and (3) of subdivision (e), the reasonable expenses, as determined by the administrative law judge, of

the member selected by the governing board of the school district and the member selected by the employee, including, but not limited to, payments or obligations incurred for travel, meals, and lodging, the cost of the substitute or substitutes, if any, for the member selected by the governing board of the school district and the member selected by the employee, and reasonable attorney's fees incurred by the employee.

As stated in the July 13, 2021 Withdrawal Notice and at the July 19, 2021 TSC, the District unilaterally withdraws the Statement of Charges and Accusation against respondent. The District declines to present evidence in support of the charges at a hearing on the merits. Absent the requisite proof, respondent should not be dismissed as a certificated employee of the District. The District agrees to pay respondent's reasonable attorney's fees. The issue of reasonable attorney's fees is pending.

## **ORDER**

The motion for reconsideration is GRANTED. The record is reopened.

On July 13, 2021, the District withdrew its Notice of Intent to Dismiss Matthew Reed from his position as a certificated employee of the Gridley Unified School District and requested the Commission dismiss the Administrative Proceedings. The Gridley Unified School District declines to present evidence in these proceedings.

Absent proof, there is insufficient evidence to support a finding that the charges against respondent Matthew Reed are true, and he should not be dismissed or

suspended from his position as a certificated employee of the Gridley Unified School District.

The governing board of the Gridley Unified School District shall pay costs including reasonable attorney's fees incurred by respondent. (Ed. Code, § 44944, subd. (f)(2).)

By July 23, 2021, at 5:00 p.m., respondent will transmit to the District his accounting and invoice for reasonable attorney's costs/fees incurred and anticipated through resolution of this matter.

The parties shall confer on the issue of reasonable attorney's costs/fees to be paid by the District to respondent.

If any issues arise regarding the matter of reasonable attorney's fees, the concerned party may file a written motion with points and authorities and request an opportunity to present oral argument.

If no further requests or motions are filed by the parties by **Friday, August 20, 2021, at 5:00 p.m.**, OAH will close the record in this matter.

DATE: July 20, 2021

*Dian M. Vorters*  
Dian M. Vorters (Jul 20, 2021 09:48 PDT)

DIAN M. VORTERS

Presiding Administrative Law Judge

Office of Administrative Hearings