

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

**In the Matter of the First Amended Accusation and  
Statement of Issues Against:**

**STEFANO ANTHONY MANNARA, Respondent**

**Agency Case No. 2-415616803**

**OAH No. 2024040284**

**PROPOSED DECISION**

Patrice De Guzman Huber, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on September 9 and 10, 2024, from Sacramento, California.

Brent O. Jex, Deputy Attorney General, represented complainant Mary Vixie Sandy, Ed.D., Executive Director of the California Commission on Teacher Credentialing (Commission), State of California.

James V. Kosnett, Esq., represented respondent Stefano Anthony Mannara, who appeared.

Evidence was received, the record closed, and the matter submitted for decision on September 10, 2024.

## **FACTUAL FINDINGS**

### **Teaching Credentials**

1. On September 14, 2008, the Commission issued respondent a Certificate of Clearance (clearance certificate). The certificate expired on October 1, 2013.
2. On September 28, 2009, the Commission issued respondent an Emergency 30-Day Substitute Teaching Permit (substitute permit). The substitute permit expired on October 1, 2010.
3. On May 25, 2010, the Commission issued respondent a Preliminary Single Subject Teaching Credential (preliminary credential) to teach biology. This preliminary credential expired on June 1, 2015.
4. On May 15, 2012, the Commission issued respondent a Clear Single Subject Teaching Credential (clear credential) to teach biology. This clear credential expired on June 1, 2022.
5. On August 17, 2020, the Commission issued respondent a General Education Limited Assignment Single Subject Teaching Permit (limited assignment permit) to teach chemistry. This limited assignment permit expired on September 1, 2021.
6. On September 1, 2021, the Commission issued respondent a Clear Single Subject Teaching Credential (Added Authorization) (added authorization), permitting respondent to teach chemistry. This added authorization expired on June 1, 2022.

7. On July 21, 2022, respondent submitted an application to renew his clear credential (credential renewal application). The credential renewal application remains pending, and the clear credential has not been renewed or issued.

8. Respondent's clearance certificate, substitute permit, preliminary credential, clear credential, limited assignment permit, and added authorization are referenced herein as "teaching credentials" collectively. The Commission maintains jurisdiction over any expired teaching credentials. (Ed. Code, § 44440, subd. (b).) (All statutory references are to the Education Code unless otherwise stated.)

### **First Amended Accusation and Statement of Issues**

9. On February 16, 2024, Amy Reising, in her official capacity as the Commission's Deputy Director and on behalf of complainant, signed and thereafter filed an Accusation and Statement of Issues. Complainant seeks to revoke respondent's teaching credentials and deny his application for a credential, based on his alleged unprofessional conduct, immoral conduct, acts involving moral turpitude, evident unfitness for service, and material deception or fraud, pursuant to sections 44421 and 44345, subdivisions (e) and (g).

Generally, complainant alleges that during the 2021-2022 school year, respondent made inappropriate comments toward female students and a female teacher and inappropriately touched a female student. Complainant also alleges respondent fraudulently completed employment applications and his credential renewal application. In aggravation, complainant alleges respondent has a prior record of adverse action and prior notice and was indifferent toward consequences, and his misconduct evidences multiple acts of wrongdoing or a pattern, was surrounded by

bad faith, dishonesty, or other violation, and significantly harmed a child, the public, or the educational system.

10. At hearing, Mr. Jex amended the Accusation and Statement of Issues to delete paragraph 21 of the pleading, which alleges respondent fraudulently completed his employment application with John Adams Academy, Inc. With Mr. Jex's amendment, the pleading shall be considered and hereinto referred as the First Amended Accusation and Statement of Issues (FAASOI).

11. Respondent timely filed a Notice of Defense to the original Accusation and Statement of Issues and requested a hearing. Respondent's Notice of Defense was deemed responsive to the FAASOI. (Gov. Code, § 11506, subd. (c).) The matter was set for an evidentiary hearing before an ALJ of the OAH pursuant to Education Code section 44246 and Government Code section 11500 et seq.

### **Respondent's Conduct at JAA**

12. In September 2019, respondent began teaching science at John Adams Academy, Inc. (JAA). During the 2021-2022 school year, student E.W. was in respondent's science class. E.W. testified at hearing. She testified respondent said, during class, if he and a student "were the last people on earth, [they] would have to reproduce." E.W. did not identify the student about whom respondent made the comment. E.W. testified she thought that comment was "the weirdest thing."

13. On another occasion, E.W. heard respondent compliment a female student's perfume, stating he would like to purchase it for his wife. E.W. also testified respondent occasionally "commented on other women he found attractive." When asked at hearing whether these women were other students, other teachers, or women outside of school, E.W. could not say.

14. E.W. testified she observed respondent, on yet another occasion, run his fingers through student A.'s hair. She testified this made her "uncomfortable" and fearful he would do the same to her or her friends next. In May 2022, E.W. gave a statement to Michael McCoy, the JAA teacher assigned to investigate respondent's conduct. E.W.'s statement to Mr. McCoy was consistent with her testimony at hearing. During that school year, E.W. wrote respondent a thank-you note for teacher appreciation week. At hearing, she explained her mother made her do so.

15. Teacher S.J. began teaching science at JAA during the 2021-2022 school year and was a mentee teacher in the teacher induction program of the El Dorado County Office of Education (EDCOE). Through that program, EDCOE formally assigned respondent as S.J.'s mentor teacher. S.J. testified at hearing.

16. S.J. testified respondent made the following comments that made her uncomfortable. On one occasion, while she and respondent were in a classroom with no students around, respondent asked whether she had slept with anyone other than her husband. On another occasion, he told her he likes women "with a little more meat on their bones." On yet another occasion, after S.J. got a haircut, respondent told her he likes women with short hair. S.J. did not report any of respondent's comments to JAA administration or the EDCOE.

17. In May 2022, Mr. McCoy interviewed S.J. She told Mr. McCoy respondent asked her whether she had slept with anyone other than her husband. S.J. did not tell Mr. McCoy about the "meat on their bones" comment or short haircut remark.

18. Andrew Carico, Ph.D., was headmaster at JAA during the 2021-2022 school year and testified at hearing. When students began complaining about respondent, Dr. Carico interviewed one complaining student, O.B., and her parents.

Soon after that interview, JAA assigned respondent's investigation to Mr. McCoy. Dr. Carico had no further participation in the investigation or in its final outcome.

19. Mr. McCoy testified at hearing. He has been a licensed attorney in California since 2002. In 2021, he took a break from practicing law and began teaching history at JAA. Mr. McCoy's children attend JAA. During the 2021-2022 school year, Mr. McCoy and respondent were colleagues and fellow teachers. Although JAA assigned respondent's investigation to Mr. McCoy, his title at JAA is Teacher.

20. Mr. McCoy's investigation consisted primarily of interviews. Among those he interviewed were E.W., S.J., and respondent. Mr. McCoy did not interview A., the student whose hair E.W. said she observed respondent touch. Mr. McCoy wrote summaries of each interview he conducted and compiled them into a report.

21. During respondent's interview, he denied to Mr. McCoy he touched any student or did anything that could have been misconstrued as touching. Respondent admitted to Mr. McCoy he asked O.B. for her personal email address. He explained O.B. asked him for a letter of recommendation. O.B. was leaving JAA after that semester and would no longer have access to her JAA email address. Respondent asked for O.B.'s personal email address so he would know where to send the letter of recommendation, if he decided to write one.

22. During the interview, Mr. McCoy asked respondent, generally, whether he had asked any female teacher if she had slept with anyone other than her husband. Mr. McCoy did not identify S.J. as the complaining teacher. Respondent responded he "could not imagine" asking such a question to any teacher because it would be "disrespectful" to the teacher and to his spouse. During the interview, respondent

speculated which teacher may have made the allegation, but he did not appear to think it was S.J.

23. Effective June 14, 2022, JAA Superintendent Troy Henke, Ed.D., terminated respondent's employment. The termination was based on "violating the Discrimination, Harassment[,] and Retaliation Prevention policy" and "Staff/Scholar Interaction Policy." JAA notified the Commission of respondent's termination.

### **Respondent's Previous Applications**

24. In July 2017, respondent submitted an employment application with Elk Grove Unified School District (EGUSD). The application asked, "Have you ever left a regular teaching position at anytime [*sic*] other than the end of the school year?" Respondent marked "no."

25. The Commission's credential renewal application asks, "Have you ever[:] been dismissed, non-reelected, [or] suspended without pay for more than ten days[:] [or] retired, resigned from, or otherwise left school because of allegations of misconduct or while allegations of misconduct were pending?" When respondent submitted his credential renewal application in July 2022, he marked "no" to this question.

### **Matters in Aggravation**

26. During the 2010-2011 school year, respondent was a teacher at Rio Americano High School in San Juan Unified School District (SJUSD). Effective June 10, 2011, SJUSD elected not to re-employ respondent for the 2011-2012 school year, based on allegations of inappropriate conduct. SJUSD notified the Commission of its

decision not to re-employ respondent and its basis. Effective March 4, 2012, the Commission publicly reproved respondent.

27. In August 2011, respondent began teaching at Pacific Charter Institute (PCI). In November 2015, PCI terminated respondent based on allegations of inappropriate conduct. PCI notified the Commission of respondent's termination and its basis. The Commission did not take disciplinary action. According to respondent, the Commission found the allegations unsubstantiated.

28. In August 2017, respondent began teaching at Cosumnes Oaks High School in EGUSD. In September 2017, EGUSD placed respondent on administrative leave, pending investigation of "possible misrepresentations" on his employment application. Ultimately, EGUSD "was unable to determine whether [he] made misrepresentations." However, it continued his administrative leave for the remainder of the school year, based on allegations of inappropriate conduct.

Effective May 2018, respondent resigned from Cosumnes Oaks High School. EGUSD notified the Commission of respondent's resignation. The Commission did not take disciplinary action. According to respondent, the Commission found the allegations unsubstantiated.

## **Respondent's Evidence**

29. Respondent testified and explained his conduct and history. He grew up in New York and moved to California in 2002. He received a bachelor's degree in psychology and obtained a teaching credential from California State University, Sacramento. His first teaching position was at Rio Americano High School in SJUSD. His experience there was formative.



30. Because he was new to teaching, respondent “wanted to be everyone’s friend” at Rio Americano High School. He thought, “if [he] could relate to [the students] on their level, [he] could get more out of them academically.” As a result, he interacted and communicated with them casually and did not establish clear boundaries. In his February 19, 2019, letter to the Commission, he explained:

My first year of teaching was both a learning lesson and a tumultuous beginning to my career in education.

Admittedly, in my first year of teaching[,] I did not understand the delicate balance of student[-]teacher relationships and how to properly set boundaries. . . . I was excited to teach, [] share my knowledge[,] and [] help students perform to their greatest potential.

I wanted to relate to each student [who] walked into my classroom. I wanted every student to look to me as a role model, confidante, and exemplary educator. Unfortunately, I did not go about doing so the correct way. I overstepped social boundaries and realized that you cannot be accessible to students or be “friends” with your students. I learned that boundaries with students are paramount in creating a positive and conducive learning environment.

31. Because of his experience at Rio Americano High School, respondent became a “hard” teacher. At JAA, he enforced “strict boundaries” and had “zero tolerance for disruption.” He also developed classroom “rules and regulations” by which he expected students to abide. As a result, he was “met with a lot of resistance.” In his May 2023 letter to the Commission, he further explained:

I realized quickly that the community I worked in was highly affluent and influential. There were parents tied to board members, parents as presidents of major school associations, lawyers who taught at the school[,] and students whose grades were very important. After a short while[,] I began getting pressure from parents and certain administrators about grades. I was told that my gradebook always had to have an A to B average. I was pressured to change grades over the course of three years. . . . [However,] I would not sacrifice my morals or standards if students weren't accountable for the grades they received.

32. Despite "a lot of resistance," respondent thrived at JAA. He was initially hired to replace a science teacher who left the position mid-semester. At that time, JAA's science program was severely lacking. There were no curricula, textbooks, materials, or equipment. As a result, during his first year at JAA, respondent concurrently taught biology to 9th graders and developed the curriculum. He researched and sourced textbooks and equipment.

33. In preparation for respondent's second year at JAA, JAA asked respondent to teach chemistry to the incoming 10th graders. Respondent agreed. He passed the California Subject Examinations for Teachers (CSET) for chemistry and obtained the added authorization to his clear credential. Respondent also developed the chemistry curriculum. In preparation for respondent's third year at JAA, he also developed curriculum for the incoming 11th graders who needed to take anatomy and physiology.

34. With the growing demand for science education at JAA, respondent recommended JAA hire additional science teachers. JAA consulted respondent regarding the applicants and hired J.R. and, later, S.J., upon respondent's recommendation. Respondent formally mentored J.R. and S.J. through EDCOE's teacher induction program. Eventually, by respondent's third year at JAA, he was elevated to science department chair and oversaw the science programs at three JAA campuses.

35. Respondent maintains he did not make inappropriate comments to any students. He denied suggesting he and a student would procreate if they were the last people on earth. Respondent denied talking to students about women he found attractive. Because of his experience at Rio Americano High School, respondent understood the importance of boundaries and strictly adhered to them. He testified he would not jeopardize his teaching career again by making similar mistakes. As a result, he was vigilant in ensuring his interactions with students were appropriate.

36. Respondent admitted he complimented a student's perfume. At hearing, he explained this student's perfume was overwhelming, and other students in the classroom were ridiculing the student for it. Respondent did not want to embarrass the student but wanted to somehow mention the perfume to prevent further classroom disruption. For that reason, he complimented the perfume and made a joke about purchasing it for his wife. He also added a suggestion to the student to tone down the perfume next time.

37. Respondent maintains he did not make inappropriate comments to any teachers. When the investigation began, he did not know S.J. was the teacher who alleged he asked whether she had slept with anyone other than her husband. When respondent eventually learned it was S.J., he was surprised because of how consistently

familiar and friendly their interactions had been. For example, during the investigation, when respondent went to campus to return his laptop, S.J. greeted him with a hug. Also during the investigation, S.J. sent respondent the following text message:

Hey, I know you probably can't respond[,] but I wanted to reach out and let you know that the [students] really miss you. They're asking about you everyday [s/c]! I hope everything is going smoothly and things can get back to normal soon. Just know that we support you and[,] if you need anything[,] just let us know!

38. When JAA revealed to respondent S.J. was the complaining teacher, he learned her statement was, "[H]e asked me how many sexual partners I've been with or something to that effect." In respondent's opinion, this statement was vague and inconsistent with what S.J. told Mr. McCoy. Regardless, respondent maintains he did not ask S.J. how many sexual partners she had had. At hearing, he also denied asking whether S.J. had slept with anyone other than her husband.

39. Respondent believes S.J. is distorting a different question he asked during a social engagement outside of school. On that occasion, respondent and his wife had invited to their home S.J. and her husband and J.R. and his wife. During that social engagement, the couples were asking each other whether they were high school sweethearts and how long each couple had been together. Respondent maintains he did not ask, during this social engagement or at any time, about S.J.'s sexual history. At hearing, respondent also denied he told S.J. he liked women "with a little more meat on their bones" or short hair.

40. Regarding his EGUSD employment application and credential renewal application, respondent admitted they were inaccurate. However, he denied intentionally answering inaccurately to deceive the EGUSD or the Commission. Instead, respondent explained he had been careless.

41. EGUSD posts its educator openings on Edjoin, the online portal for postings and applications. Respondent explained Edjoin saves application forms, and an applicant can reuse an application, as previously completed, for multiple submissions. Before respondent was terminated by PCI, his answer of “no” to the question, “Have you ever left a regular teaching position at anytime [*sic*] other than the end of the school year?” had been accurate. However, he failed to subsequently update the saved application after the termination. As a result, he submitted an inaccurate application to EGUSD.

42. Notwithstanding his inaccurate application, respondent disclosed his full employment history, including his prior public reproof and termination, to EGUSD during interviews. The EGUSD District Supervisor was aware of respondent’s history and personally approved his employment offer. Even so, respondent acknowledges the importance of transparency in applications and has since corrected his materials on Edjoin.

43. However, respondent admitted he was again similarly careless in submitting his credential renewal application. In July 2022, he resubmitted the identical renewal application he submitted in 2017 without first reviewing the answers. Consequently, he answered “no” to the question, “Have you ever[:] been dismissed, non-reelected, [or] suspended without pay for more than ten days[:] [or] retired, resigned from, or otherwise left school because of allegations of misconduct or while allegations of misconduct were pending?”

44. At hearing, respondent admitted the same answer in 2017 would also have been inaccurate, but he did not realize it because that renewal application had been approved by the Commission. As a result, in resubmitting the same, apparently inaccurate application in July 2022, he assumed all the answers were still correct. Respondent has since changed his practice to always review each answer when completing applications.

### **A.E.'S TESTIMONY**

45. A.E., a former student, testified at hearing and wrote a letter in support of respondent. A.E.'s testimony was consistent with his letter. A.E. first met respondent in 2019 when he took respondent's biology class as a 9th grader at JAA. In his letter, he described respondent's teaching methods as follows:

[Respondent] wasn't like our other teachers. He wasn't fresh out of school or the workforce. . . . He didn't care if we liked how he talked, if we liked his personality, the sound of his voice, how he dressed, etc. He was there to teach. . . . This caught many of us off guard at first. Many of us were initially unprepared. [Respondent] didn't yell[;] he wasn't surprised[;] he didn't even act disappointed. . . . He chose to fight for more equipment, more study materials, more of whatever could possible [*sic*] help us improve.

46. A.E. described respondent as a strict teacher who challenged the students to do well. In his letter, he further explained:

[Respondent] knew, [*sic*] that that was the reality of the world. The world is challenging and life is hard. And life

does not care how experienced or what degree you have[;]  
it will still hit you hard. [He] knew that if he were to prepare  
us for what's coming[,] he had to lay the material and his  
expectations down hard. Or we just simply wouldn't  
understand them.

47. Because respondent was a strict teacher, some students did not like him. A.E. believes the students who did not do well in respondent's class or who did not appreciate his teaching methods eventually became resentful and were motivated to spread rumors about him.

48. A.E. now works as a mental health technician. He plans to ultimately become an Emergency Medical Technician (EMT), a career he "couldn't even have dreamed of doing" without respondent's influence and encouragement. After graduation, A.E. sought out respondent and eventually, A.E. and respondent, along with their families, became friends. A.E. has come to consider respondent a father figure. A.E. is grateful to respondent for "telling [him] [he] deserve[s] to be challenged," for "disciplining [him] when [he] needed to be told NO," and for showing him "what a great example of a hard working [s/c], knowledgeable, and strong man is."

### **TU DOAN'S TESTIMONY**

49. Tu Doan, respondent's spouse, testified. She also wrote a letter in support of respondent and testified consistently with her letter. She and respondent have been married for almost six years. They have a five-year-old son and a 17-month old baby, and Ms. Doan is currently expecting their third child. She is in pharmacy school with plans to become a pharmacist.

50. Ms. Doan knows S.J. personally as respondent's mentee during the 2021-2022 school year. Ms. Doan was surprised to learn S.J. alleged respondent asked her whether she had slept with anyone other than her husband. Based on Ms. Doan's observations and personal experience with S.J., the allegation is false and inconsistent with the close relationship she and respondent had with S.J. and her husband. During the 2021-2022 school year, S.J. and her husband frequently invited respondent and Ms. Doan to double date nights. S.J. also helped them by picking up their son from school and dropping him off at home. When, during the investigation, respondent went to campus to return his school laptop, Ms. Doan observed S.J. try to hug him.

51. At hearing, Ms. Doan described a "board game night" she and respondent hosted at their house. S.J. and J.R., along with their spouses, attended. During this social engagement, each couple discussed whether they were high school sweethearts and how long each had been together. In her letter, Ms. Doan wrote, "It is perplexing and distressing to witness [S.J.'s] baseless accusations tarnish [respondent's] reputation, especially considering the positive rapport [they] shared[.]"

### **TERESA LOPES'S TESTIMONY**

52. Teresa Lopes, respondent's friend, testified. She also wrote a letter in support of respondent and testified consistently with her letter. Ms. Lopes and respondent have been friends for over 15 years and are "more like family." They talk every day. Before respondent became a credentialed teacher, Ms. Lopes observed him tutor high school and college students, provide guitar lessons, and teach martial arts. She thought he was a "natural" teacher.

53. Ms. Lopes has observed respondent teaching high school students a number of times, when she occasionally stopped by his classroom to drop off a coffee



or lunch. She described respondent's teaching style as "very professional," and she never saw him treat a student disrespectfully. Ms. Lopes knows about respondent's disciplinary history. After his public reproof in 2012, respondent has told Ms. Lopes he "did not want to invite any situation that could compromise his professionalism as a teacher." Ms. Lopes knows about the allegations against respondent and believes they are false.

### **JOSHUA BIEDEL'S TESTIMONY**

54. Joshua Biedel, respondent's former colleague, testified. He also wrote a letter in support of respondent and testified consistently with his letter. Mr. Biedel is currently a pastor. He first met respondent at JAA when they were both teachers there. In January 2020, Mr. Biedel was promoted to Vice Principal and, in that capacity, supervised respondent and observed him in the classroom approximately three to four times per semester. Based on Mr. Biedel's observations, respondent was a "high level teacher" who managed his classroom well and "never" engaged in inappropriate conduct or made inappropriate comments.

55. During the 2021-2022 school year, Mr. Biedel, investigated student complaints against respondent. The students complained respondent's grading was "unfair." Mr. Biedel interviewed witnesses and ultimately concluded the complaints were not substantiated. Mr. Biedel knows about the allegations against respondent and believes they are false.

### **CHARACTER LETTERS**

56. Respondent provided letters by C.W. and S.F., former students at JAA. They both know about the allegations against respondent and believe the allegations are false. C.W. and S.F. were best friends and took respondent's chemistry class as 10th

graders. S.F. entered the class mid-semester, and it was clear “[r]ight away” respondent “was not going to give [him] any handouts.” According to S.F., respondent’s teaching philosophy was “clear: if you were a competent student with the ability to persevere through a difficult task, you would inevitably succeed in his class.”

57. C.W. and S.F. were interested in music and learned respondent played guitar. They asked him to play with them. Respondent was initially hesitant and first consulted JAA’s Dean and C.W. and S.F.’s parents. He ensured he had written permission from the school and their parents before playing music with C.W. and S.F. C.W. recalled, on multiple occasions, when students asked to take photos with respondent, he made it “clear he did not want any physical touch[,] no matter how miniscule and unthreatening it was.” C.W. noted these were “small example[s] of the precautionary measures [respondent] was always sure to take while fostering his relationships with students.”

58. Based on their personal experience with respondent and their observations of their peers, C.W. and S.F. believe the students who made the allegations were resentful toward respondent. S.F. believes the reason is they “were not accustomed to having to put in a real effort in class” and respondent held them to high standards. According to C.W. and S.F., these students had a history and reputation for “making up false accusations and cultivating lies,” and their stories about respondent changed “so much over time to the point where nothing matched up.”

59. Respondent also provided a letter by Julie Haycock, Senior Director at Inspire Charter Schools (Inspire). Respondent taught science at Inspire before EGUSD hired him. Ms. Haycock described respondent as a “phenomenal” teacher who

prioritized student needs. According to Ms. Haycock, respondent connected well with students and held them to high expectations.

### **NOTES OR CARDS FROM STUDENTS AND COLLEAGUES**

60. Jazmin Beckman, a science teacher at JAA respondent mentored, gave him a handwritten note during the 2020-2021 school year to express her appreciation. Ms. Beckman wrote:

[I]t has been an absolute pleasure working with you and getting to know you as both a colleague and friend. I could not be more thankful to have such a supportive mentor during one of the most difficult parts of my teaching journey. You took a chance on someone from a not-so-reputable school, and you changed my life and outlook on many things about education and life in general.

61. Zeta Cammarota, respondent's supervisor at JAA, also gave respondent a handwritten card during the 2020-2021 school year. Ms. Cammarota wrote, "I am so glad you found us! And we found you! You are an awesome teacher. Our [students] are very lucky to have you." Respondent testified Ms. Cammarota was a mentor during his time at JAA.

62. Respondent provided handwritten letters or notes by nine students, from the 2021-2022 or 2022-2023 school year. In E.W.'s note, she thanked respondent for "all [he has] done for JAA." E.W. described him as "supportive and hardworking" and praised him for teaching "very well!"

63. O.B. gave respondent a handwritten letter and a card. On the card, she wrote, "[T]hank you for being the best teacher at this school." In her letter, she elaborated:

I just wanted to write you this letter as a token of my appreciation. In the beginning of the year[,] I was extremely scared of you and your class[,] [b]ut as the year went on[,] I have learned that you truly care and want the best for your students. Which is sadly a rare thing[,] [I]f all my teachers taught like you[,] I would have a 4.3 [GPA] and potentially be a brain surgeon one day. Obviously kidding. All said and done[,] never change for anyone, [and] keep doing what you are doing, because you are by far the best teacher I have ever had. So thank you very much, Mr. Mannara. I very much look up to you.

64. Students L.S., F.B., S.C., K.T., C.T., T.L., and G., in their respective letters and notes, collectively praised respondent and described him as "great," "amazing," and "inspirational." They called him one of the best teachers they have ever had. These students were grateful to respondent for challenging them to improve, holding them to high expectations, and encouraging them along the way. These students credited him for helping them become better students and better people.

## **Analysis**

65. Evidence Code section 780 sets forth factors to consider in determining the credibility of a witness. The trier of fact may "accept part of the testimony of a witness and reject another part even though the latter contradicts the part accepted."

(*Stevens v. Parke Davis & Co.* (1973) 9 Cal.3d 51, 67.) The trier of fact may also “reject part of the testimony of a witness, though not directly contradicted, and combine the accepted portions with bits of testimony or inferences from the testimony of other witnesses thus weaving a cloth of truth out of selected material.” (*Id.* at pp. 67-68, quoting *Neverov v. Caldwell* (1958) 161 Cal.App.2d 762, 767.) Finally, the fact finder may reject the testimony of a witness, even an expert, although not contradicted. (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 890.)

66. Respondent’s testimony was credible. It was consistent with the statement he gave Mr. McCoy; his May 14, 2022, email to JAA; his July 20, 2022, letter to the Commission; and his May 2023 letter to the Commission. He was forthcoming about the basis for his public reproof in 2012 and admitted he failed to enforce professional boundaries during his first year as a teacher. At hearing, he expressed remorse for his failings. To address them, he made changes to his teaching and classroom management style.

67. After his public reproof, respondent tightened his teaching practices and enforced physical and professional boundaries with students. He was singularly focused on teaching the substantive material, maintaining high standards in grading, holding students accountable for their grades, and encouraging them to challenge themselves. Respondent also enforced classroom “rules and regulations.” A.E., C.W., and S.F. consistently described respondent’s teaching style and strict adherence to professional boundaries with students. To a lesser extent, Mr. Biedel and even Ms. Lopes also confirmed respondent’s description of his teaching style.

68. Respondent admitted he complimented a student on her perfume. His explanation, that he wanted to mention it without embarrassing her and that he added a suggestion she tone down the perfume next time, is credible and undisputed.

Respondent's comment to the student, in light of her overpowering perfume disrupting the classroom and his desire not to embarrass her, is understandable. Within this context, respondent's comment does not rise to the level of misconduct.

69. Respondent also admitted he asked O.B. for her email address. His explanation, that he needed it to send her requested letter of recommendation after she would have lost access to her JAA email, is also credible and undisputed. In context, respondent asking for O.B.'s email address does not rise to the level of misconduct.

70. Respondent has consistently denied he made inappropriate comments during class, such as procreating with a student or discussing women he found attractive. E.W.'s testimony regarding these comments is not credible. At hearing, E.W. did not identify the specific student with whom respondent allegedly said he would procreate. E.W. was also unable to state generally whether the attractive women respondent allegedly discussed were other students, other teachers, or women outside of school. During Mr. McCoy's interview, E.W. similarly failed to provide specific information about either of respondent's alleged comments. This lack of specificity is suspect. As a result, her testimony on these comments is given little weight. The evidence does not establish respondent talked about procreating with a student or discussed women he found attractive.

71. Respondent has also consistently denied he ran his fingers through a student's hair. E.W. testified she observed respondent do this to student A. E.W. testified this incident made her afraid respondent would do something similar to her or her friends. However, E.W.'s interactions with respondent are inconsistent with fear. She gave him a handwritten thank-you note that did not appear rote or coerced. Instead, it demonstrated genuine admiration and respect for respondent. Such a

heartfelt note is inconsistent with discomfort. On balance, E.W.'s testimony is not credible. Further, student A. did not testify, and Mr. McCoy did not interview her. (See Evid. Code, § 412.) The evidence does not establish respondent ran his fingers through a student's hair.

72. Respondent has consistently denied he asked S.J. whether she had slept with anyone other than her husband. S.J.'s testimony that respondent asked her this question is not credible. Her telling of this incident has changed at least once. In her interview with Mr. McCoy, S.J. claimed the question was whether she had been with anyone other than her husband. At a later time, she told JAA, "[H]e asked me how many sexual partners I've been with or something to that effect." The inconsistency in her telling is suspect.

73. According to S.J., respondent's question, either version, made her uncomfortable. However, her interactions with him are inconsistent with discomfort. During the investigation, S.J. contacted respondent although she knew he "probably can't respond." She did so anyway to express her hope "everything is going smoothly" and her desire for "things [to] get back to normal soon." S.J.'s feeling of urgency to return to "normal," in light of "normal" including allegedly uncomfortable comments by respondent, is perplexing. Further perplexing is S.J.'s attempt to hug respondent on campus while the investigation was pending.

74. S.J.'s behaviors are inconsistent with discomfort but are instead consistent with the close friendship S.J. and respondent, along with their families, developed during that school year. Double date night invitations and picking up and dropping off respondent's son are consistent with a valued friendship. Also consistent is a discussion among couples who are friends about whether they were high school sweethearts. On balance, S.J.'s testimony that respondent asked her whether she had

slept with anyone other than her husband is given little weight. The evidence does not establish respondent asked S.J. such a question.

75. Respondent also denied he told S.J. that he likes women “with a little more meat on their bones” or that he prefers women with short hair. S.J.’s testimony regarding these comments is not credible, based on her interactions with respondent as discussed above. Further, S.J. revealed these alleged comments for the first time at hearing. She did not tell Mr. McCoy about these comments when that interview was closer in time to when respondent allegedly made the comments. On balance, S.J.’s testimony regarding these comments is given little weight. The evidence does not establish respondent made these comments to S.J.

76. It is undisputed respondent submitted inaccurate applications to EGUSD in July 2017 and to the Commission in July 2022. However, inaccuracy does not establish intentional material deception or fraud. Beyond inaccuracy, complainant produced no evidence showing respondent’s intent to deceive or defraud. Respondent credibly explained he was careless in submitting previously saved applications without first reviewing each answer for accuracy. He has since updated his Edjoin materials and has changed his practice to review each answer when completing applications. The evidence does not establish respondent intentionally deceived or attempted to deceive EGUSD or the Commission.

77. There is no direct evidence relating to a number of allegations in the FAASOI. Therefore, the evidence does not establish respondent “touched female student O.B. inappropriately on more than one occasion,” by “grabbing her hand and clenching it,” “running his fingertips up her forearm and against her back,” and “placing his hand on her shoulder.” (FAASOI, ¶ 14.) The evidence does not establish respondent “showed favoritism” to female students by providing them the answers to



test questions or giving them more attention than male students. (FAASOI, ¶ 16.) The evidence does not establish respondent called O.B. "sweetheart." (FAASOI, ¶ 17.)

78. Because the evidence does not establish respondent engaged in misconduct, an analysis of the factors outlined in *Morrison v. State Board of Education* (1969) 1 Cal.3d 214 and California Code of Regulations, title 5, section 80302, subdivision (a) is unnecessary to this decision.

79. Instead, the evidence shows respondent is entitled to renewal of his clear credential. At JAA, the school administration trusted respondent to build its science program. His responsibilities grew gradually and considerably, and he excelled at each turn. He singlehandedly developed the science curricula for at least three grades, researched and sourced textbooks and equipment, and oversaw JAA's science programs. JAA consulted respondent in hiring additional science teachers, and he served as a formal mentor teacher through EDCOE's teacher induction program. Ms. Beckman, one of respondent's mentee teachers, described him as a supportive mentor. Ms. Cammarota, respondent's supervisor and mentor at JAA, felt JAA and its students were lucky to have respondent as a teacher. Ms. Haycock, a previous employer, also praised respondent's "phenomenal" skills as an educator.

80. Respondent's teaching and classroom management style, although strict and challenging, was effective in encouraging motivated students to perform well. A.E., C.W., and S.F. each praised respondent as a teacher. L.S., F.B., S.C., K.T., C.T., T.L., and G., in their letters or notes, also credited respondent for holding them to high standards and pushing them to improve. Even E.W. lauded respondent for being a good teacher, and O.B. described respondent as "the best teacher" she had ever had and asked him to "never change." When all the evidence is considered, respondent has established his fitness, competence, or ability to perform the duties of an educator.

## LEGAL CONCLUSIONS

### Burden and Standard of Proof

1. Complainant has the burden of proving the allegations in the Accusation by clear and convincing evidence to a reasonable certainty. (*Gardner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035.) Clear and convincing evidence requires proof that is so clear as to leave no substantial doubt and that is sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Brooks* (2008) 169 Cal.App.4th 176, 190.)

2. As to the Statement of Issues, respondent has the burden to prove by a preponderance of the evidence he is entitled to the permit he seeks. (*Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205; *Coffin v. Alcoholic Beverage Control Appeals Bd.* (2006) 139 Cal.App.4th 471, 476.) Preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1388.)

### Applicable Law

3. Pursuant to the Education Code, commencing with section 44000, and California Code of Regulations, title 5, commencing with section 80000, the Commission is responsible for credentialing teachers in public schools in California, including taking adverse action against applicants and credential holders.

4. The Commission may deny an application for the issuance or renewal of a credential if the applicant has committed any act involving moral turpitude or has intentionally practiced or attempted to practice any material deception or fraud in the application. (§ 44345, subds. (e), (g).) Such a denial shall be based on the applicant's

fitness, competence, or ability to perform the duties authorized by the credential.  
(§ 44345.)

5. The Commission may privately admonish, publicly reprove, revoke, or suspend a credential for immoral or unprofessional conduct, evident unfitness of service, or any cause that would warrant denial of an application, such as an act involving moral turpitude or material deception or fraud in an application. (§§ 44345, subds. (e), (g), & 44421.)

6. California Code of Regulations, title 5, 80302, subdivision (a), provides the factors to consider to “determine the relationship between the alleged misconduct and the applicant’s or holder’s fitness, competence, or ability to effectively perform the duties authorized by the credential.”

7. The California Supreme Court has recognized that the terms “immoral conduct” and “unprofessional conduct” substantially overlap one another and conduct that constitutes one often includes the other. (*Morrison, supra*, 1 Cal.3d 214, 221, fn. 9.) “Unprofessional conduct” includes “that which violates the rules of ethical code of a profession or such conduct which is unbecoming a member of a profession in good standing.” (*Bd. of Education of the City of Los Angeles v. Swan* (1953) 41 Cal.2d 546, 553, internal quotations omitted.) Additionally, in *San Diego Unified School District v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1466, the court explained:

[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.]

8. Immoral conduct is sometimes considered as synonymous with "dishonesty" or a high degree of unfairness. (*Bd. of Education of the San Francisco Unified School Dist. v. Weiland* (1960) 179 Cal.App.2d 808, 811.) The court explained in *Palo Verde Unified School District of Riverside v. Hensey* (1970) 9 Cal.App.3d 967, 972:

The term "immoral" has been defined as that which is hostile to the welfare of the general public and contrary to good morals. Immorality includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as willful, 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.

9. Moral turpitude has been defined as "everything done contrary to justice, honesty, modesty or good morals." (*Rice v. Alcoholic Beverage Appeals Bd.* (1979) 89 Cal.App.3d 30, 36.) It includes any crime or misconduct committed without excuse, or any dishonest act not necessarily a crime. (See *Golde v. Fox* (1979) 98 Cal.App.3d 167, 181.)

10. "Evident unfitness for service" means a teacher is clearly not fit, not adapted to, or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies. (*Woodland Joint Unified School Dist. v. Com. on Professional Competence* (1992) 2 Cal.App.4th 1429, 1444.) "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." (*Ibid.*)

## **Causes for Discipline**

11. Complainant did not establish, by clear and convincing evidence, respondent engaged in unprofessional conduct by complimenting a student's perfume to prevent further classroom disruption without embarrassing the student or by asking O.B. for her personal email address so respondent could send her a letter of recommendation upon her request. Thus, cause does not exist to discipline respondent's teaching credentials pursuant to section 44421.

12. Complainant did not establish, by clear and convincing evidence, respondent demonstrated evident unfitness for service by complimenting a student's perfume to prevent further classroom disruption without embarrassing the student or by asking O.B. for her personal email address so respondent could send her a letter of recommendation upon her request. Thus, cause does not exist to discipline respondent's teaching credentials pursuant to section 44421.

13. Complainant did not establish, by clear and convincing evidence, respondent engaged in immoral conduct by complimenting a student's perfume to prevent further classroom disruption without embarrassing the student or by asking O.B. for her personal email address so respondent could send her a letter of recommendation upon her request. Thus, cause does not exist to discipline respondent's teaching credentials pursuant to section 44421.

14. Complainant did not establish, by clear and convincing evidence, respondent committed acts of moral turpitude by complimenting a student's perfume to prevent further classroom disruption without embarrassing the student or by asking

O.B. for her personal email address so respondent could send her a letter of recommendation upon her request. Thus, cause does not exist to discipline respondent's teaching credentials pursuant to section 44421.

15. Complainant did not establish, by clear and convincing evidence, respondent intentionally practiced or attempted to practice material deception or fraud by carelessly submitting an inaccurate application to EGUSD in July 2017 or carelessly submitting an inaccurate credential renewal application to the Commission in July 2022. Thus, cause does not exist to discipline respondent's teaching credentials pursuant to section 44421.

### **Cause for Denial of Application**

16. Respondent proved by a preponderance of the evidence he is entitled to renewal of his Clear Single Subject Teaching Credential. Complainant did not establish respondent committed any act of moral turpitude or intentionally practiced or attempted to practice material deception or fraud, as discussed above. Thus, cause to deny his application does not exist pursuant to section 44345, subdivision (e) or (g).

### **Conclusion**

17. When all the evidence is considered, respondent did not engage in misconduct establishing cause for discipline, and his credential renewal application should be granted.

### **ORDER**

1. The First Amended Accusation against respondent Stefano Anthony Mannara is DISMISSED.

2. The application of respondent Stefano Anthony Mannara for a Clear Single Subject Teaching Credential is GRANTED.

DATE: October 4, 2024



PATRICE DE GUZMAN HUBER

Administrative Law Judge

Office of Administrative Hearings