

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

**In the Matter of the Statement of Charges Against:**

**EDWARD MADEC, Respondent**

**OAH No. 2024090100**

**DECISION**

Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, heard this matter February 3 through 7 and 10 through 12, 2025, in Fresno, California.

Eileen O'Hare-Anderson and Yesenia Z. Carrillo of the law firm Liebert Cassidy Whitmore represented State Center Community College District (District). Julianna Mosier, Vice Chancellor of Human Resources, also appeared for the District.

Daniel M. Siegel of the law firm Siegel Yee Brunner & Mehta represented respondent Edward Madec, who was present. Jordan Steger, paralegal, assisted Mr. Siegel.

Evidence was received, and a protective order was issued sealing the list of student names and ordering their names be replaced with their initials in the written

transcript.<sup>1</sup> The record was left open to allow the parties to submit written briefs. The District's closing and reply briefs were marked as Exhibits 43 and 44, respectively,<sup>2</sup> and respondent's closing brief was marked as Exhibit L. The record was closed and the matter submitted for decision on June 30, 2025.

## **FACTUAL FINDINGS**

### **Background**

#### **THE DISTRICT**

1. The District is a community college district that includes four community colleges, including California's oldest and newest: Fresno City College (oldest), Reedley College, Clovis Community College, and Madera Community College (newest). It also includes four educational centers: West Fresno Center, First Responder Center, Madera Community College Center at Oakhurst, and Clovis Community College Herndon Campus.

2. The District is governed by a seven-member Board of Trustees elected by the public to represent one of seven geographic areas. The Chancellor is the chief executive officer of the District and responsible for the overall management and

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<sup>1</sup> During hearing, the District clarified that the Confidential Student Identification Key inadvertently provides two different designations for the same student. "JH-1" and "JH-3" refer to the same person.

<sup>2</sup> The hearing transcripts were included in the record as Exhibits 35 through 42.

strategic direction of the District, including financial management, facilities, fundraising, and public relations. Each college is overseen by a President.

3. The District employs approximately 3,000 people and serves over 60,000 students. By comparison, Fresno State University has about 24,000 students. The District serves students from Fresno and Madera Counties and parts of Tulare and Kings Counties. The District's annual operating budget exceeds \$500 million.

## **RESPONDENT**

### **Employment with Fresno City College**

4. Fresno City College (FCC) hired respondent in June or July 2006 as a professor in its Health/Science Department, which he explained was "better known as physical education." He was also assigned as the head coach for Men's Basketball.

5. FCC's sports teams competed in the Central Valley Conference. Men's Basketball won the conference championship all 14 years respondent was the head coach. It also won the conference championship each of the five seasons immediately preceding his arrival. The team won the state championship respondent's first year and again in the 2011/2012 season. He described the team as "the winningest program in the entire country."

6. FCC's Men's Basketball had a high matriculation rate while respondent was the head coach. He described himself as "most proud of" the fact that each year most of his players transferred to a four-year college or university on a full basketball scholarship. Those who did not transfer voluntarily chose to stop playing basketball.

## **First Termination**

7. Carole Goldsmith, Ed.D., was FCC's President from August 1, 2016, through November 30, 2021. On October 2, 2020, she signed an Amended Statement of Charges and Recommendation for Immediate Suspension and Dismissal alleging cause to terminate respondent's employment with the District for: (1) violating the California Community College Athletic Association Constitution & Bylaws, the District's Board Policies and Administrative Regulations, and the Education Code; (2) obstructing and evading the District's investigation of his conduct; and (3) maintaining coaching methods and philosophies inconsistent with the standard of ethics for university professors or the District's expectations for coaching, instruction, and mentoring (First Statement of Charges).

8. Dr. Goldsmith subsequently signed a Statement of Decision to Terminate based on the allegations in the First Statement of Charges. Respondent timely objected to the First Statement of Charges and requested an evidentiary hearing before an Administrative Law Judge. After multiple days of hearing, the Administrative Law Judge issued a Decision dismissing the First Statement of Charges "effective immediately" on December 22, 2021.

9. The District appealed the Decision by filing a petition for a writ of mandate in the Fresno County Superior Court. The court denied the petition. The District appealed to the Fifth District Court of Appeal, but the appellate court affirmed the lower court's denial of the petition for writ of mandate.

10. In the meantime, FCC placed respondent back on payroll in January or February 2022. The course schedule for the Spring 2022 semester was already

established, so respondent was not returned to the classroom until the Fall 2022 semester. In the interim, he was assigned training on online instruction.

## **Second Termination**

11. Respondent was assigned to teach HLTH-3 Personal Training (HLTH-3) during the Fall 2023 semester. The class met once a week on Tuesdays from 9:00 a.m. to 9:50 a.m. The first day of class was August 8, 2023. He was also assigned to teach PE-15C Weight Training (PE-15C), which met once a week on Fridays from 9:00 a.m. to 10:15 a.m. The first day of class was August 11, 2023.

12. On August 22, 2023, respondent arrived at FCC and parked in one of its parking lots shortly before HLTH-3 was scheduled to begin. As he exited his vehicle, Lieutenant Gary Mejia, Officer Kallee Olivas, and a third officer from the District's Police Department approached and served him with notice that he was being placed on administrative leave. Lieutenant Mejia told respondent he was being placed on administrative leave due to allegations that he threatened to shoot and kill people while teaching HLTH-3 the prior week, had to leave campus immediately, and could not return until further notice. Respondent provided Lieutenant Mejia his District issued keys and laptop before leaving campus.

13. Robert Pimentel, Ed.D., was FCC's President during the Fall 2023 semester. On May 16, 2024, he drafted correspondence advising respondent the District "completed its investigation into allegations against you that you engaged in serious misconduct, including threatening to 'shoot the school.'" He summarized the allegations, investigative findings, and administrative determination.

14. Dr. Pimentel drafted separate correspondence advising respondent of his recommendation to the District's governing board that respondent's employment be

terminated. An unsigned Statement of Charges and Recommendation for Immediate Suspension and Dismissal (Second Statement of Charges) outlining the factual and legal bases for the recommendation was included. Dr. Pimentel informed respondent of his right to a pre-disciplinary meeting and how to exercise that right.

15. Dr. Pimentel, Vice Chancellor Mosier, and the District's counsel met with respondent and his counsel for a pre-disciplinary meeting. After considering the matters respondent and his counsel presented, Dr. Pimentel decided to uphold his recommendation that respondent's employment be terminated.

16. On June 10, 2024, Dr. Pimentel signed the Second Statement of Charges and sent respondent a copy. The Second Statement of Charges alleged respondent: (1) failed to provide instruction on the first day of class for HLTH-3; (2) told his HLTH-3 class on the second day, "If I didn't have my wife and kids, I would shoot the school" and described his plan for carrying out the shooting; (3) failed to provide instruction for the entire second day of class for HLTH-3; (4) discussed his personal life during the second day of class for PE-15C; and (5) was dishonest when he told Ms. Ginsberg he did not cancel class for HLTH-3 on the first day, provided substantive instruction during the first day of class, and "did not recall" discussing his personal life during the second day of class. The Second Statement of Charges alleged respondent's misconduct constituted immoral conduct, dishonesty, evident unfitness for service, and persistent violation of or refusal to follow laws and regulations governing community colleges.

17. The District's Board of Trustees approved the Second Statement of Charges. Respondent timely requested an administrative hearing on the Second Statement of Charges.

## **Initial Allegations of Misconduct**

### **THE EVENTS OF THE SECOND DAY OF CLASS**

18. TS was enrolled in HLTH-3. The second day of class, which was August 15, 2023, was the first time she met respondent. Before that day, she did not know who he was or anything about him.

19. Respondent spent approximately the first 10 to 15 minutes of class lecturing about the cardiovascular system. Then, he suddenly shifted to discussing his personal life. He mentioned a lawsuit he filed against FCC, the fact that he was terminated about five years earlier, and who he blamed for his termination.

20. At one point, respondent said words to the effect of, "If I didn't have my kids, I would come on campus and shoot the three people that have to do with the lawsuit." He explained he "would separate [each victim]" and shoot each "one at a time and make it look like an accident."

21. TS was stunned by respondent's threat, and it "seemed unreal." The room became "really quiet," she felt "everybody was shocked," "nobody said anything[,] and everyone's faces dropped." TS was afraid to say anything or leave class because respondent was so "aggressive and fired up" that she thought if she said something he might "explode at them." She was afraid for herself, her classmates, and the three unnamed people. TS thought respondent could snap at any moment.

22. After class ended, TS went to her truck and sat there processing what happened before driving home. She did not know anyone in her class, so she did not talk to anyone from class about what respondent said. She eventually told her

stepmother what happened, and her stepmother advised TS to report the incident in case respondent did something.

### **INITIAL DISCLOSURE OF ALLEGED THREAT**

23. Francisco Bucio was an adjunct counselor at FCC during the Fall 2023 semester. On August 17, 2023, TS emailed him and requested a meeting to discuss a class she was currently enrolled in. She did not identify a specific concern or express any sense of urgency, so he offered his next available appointment which was the following Monday at 8:30 a.m.

24. Mr. Bucio and TS met as scheduled on August 21, 2023. She told him she wanted to drop HLTH-3. When he asked why, TS explained respondent spent the first part of the second day of class talking about his personal life and a lawsuit he was engaged in with the District. When discussing those matters, he blurted out words to the effect of, "If I didn't have a wife and kids, I would shoot the school." TS did not describe respondent's plan for carrying out the threat or identify a specific target of the threat.

25. After the meeting with TS, Mr. Bucio went to Sean Henderson's office to report what TS told him. Dean Henderson is the Dean of Student Services. He has worked for the District at FCC in student services for almost 27 years, the last nine years as the Dean.

26. Dean Henderson was in a meeting, so his secretary made an appointment for Mr. Bucio to talk to him later that day. Dean Henderson met with Mr. Bucio as scheduled and learned about respondent's alleged threat during class.



27. Dean Henderson generally dealt with issues concerning students and usually did not get involved with faculty issues, which he described as "akin to personnel issues." However, he was familiar with respondent's history with the District, Dr. Pimentel was away from campus, and Dr. Goldsmith had since become the District's Chancellor. Therefore, Dean Henderson texted Dr. Goldsmith after meeting with Mr. Bucio and requested to speak with her.

28. Dr. Goldsmith called Dean Henderson and asked what he wanted to discuss. Dean Henderson told her about respondent's alleged threat, and she added the District's General Counsel, Kirsten Corey, to the conversation. Ms. Corey asked Dean Henderson to contact other students in HLTH-3 to see if anyone could verify the threat.

29. Dean Henderson also reported respondent's alleged threat to Lataria Hall, Ed.D., FCC's Vice President of Student Services and Dean Henderson's direct supervisor. Dr. Hall directed him to have Mr. Bucio complete an Incident Reporting Form in Maxient, a computer software platform the District used to manage student conduct, behavioral intervention, academic integrity, and other related processes. She further directed Dean Henderson to notify Vice Chancellor Mosier and the District's Chief of Police and request that respondent immediately be placed on administrative leave pending an investigation.

30. That afternoon, Mr. Bucio documented his meeting with TS in Maxient. Also, Dean Henderson sent a memorandum to Vice Chancellor Mosier and Chief José Flores notifying them of respondent's alleged threat, who he informed of the threat, and Dr. Hall's request.

## **Administrative Leave**

31. Upon receipt of Dean Henderson's memorandum, Vice Chancellor Mosier immediately began taking steps to place respondent on administrative leave. Once she prepared notice placing him on administrative leave, she asked the District's Police Department to serve it on him at his home on August 21, 2023. However, when officers knocked on the door at the address provided, the residents said respondent no longer lived there. He was served the following day as previously discussed.

## **The District's Investigation**

### **DEAN HENDERSON**

32. Pursuant to Ms. Corey's request, Dean Henderson pulled the class roster for HLTH-3 and began calling students. He called 10 students before Ms. Corey asked him to stop because the District was hiring an outside investigator.

33. Of the 10 students Dean Henderson called, he spoke with four. At the beginning of each call, he identified himself, explained he was calling to try to verify statements respondent allegedly made during the second day of class, and asked what the student heard. The students' statements are discussed further below.

### **ATKINSON, ANDELSON, LOYA, RUUD & ROMO**

34. On August 23, 2023, Vice Chancellor Mosier retained the law firm Atkinson, Andelson, Loya, Ruud & Romo to investigate respondent's alleged threat and opine whether he violated any state laws, board policies, or administrative regulations. Although the District's counsel would make the final determination whether any laws, policies, or regulations were violated, Vice Chancellor Mosier thought it would be helpful to have the investigator's input.

35. Attorney Barbara J. Ginsberg conducted the investigation. The District provided her carte blanche authority to conduct the investigation in the manner she deemed appropriate. She was given unfettered access to all requested witnesses and documents.

36. Ms. Ginsburg began each interview by allowing the witness to narrate what he or she recalled respondent saying during the second day of class for HLTH-3 in terms of threats to harm others. She asked specific follow-up questions when necessary for clarification. In addition to discussing what respondent said during class, some students also reported that he ended the first day of class early without providing substantive instruction because he wanted to retrieve his lost dog, discussed unrelated personal matters during the second day of class, and discussed some of the same personal matters during the second day of class for PE-15C. The witnesses' statements are discussed below.

37. Ms. Ginsburg summarized her investigation in a written report. Her findings and conclusions were based solely on information she gathered from interviewing witnesses and reviewing documents. No one interfered with or attempted to influence her findings.

#### **DISTRICT POLICE DEPARTMENT**

38. The District's Police Department was not actively investigating respondent when officers served him notice of his administrative leave. After that initial contact, Officer Olivas was assigned to investigate the alleged threat. She contacted Dean Henderson's office, obtained the class roster for HLTH-3, and began contacting students.

39. During her investigation, Officer Olivas learned Dr. Goldsmith was one of the targets of respondent's threat. She informed Dr. Goldsmith she was one of the targets of the threat and took her statement. Summaries of Officer Olivas's relevant interviews are discussed below.

## **Temporary Restraining Order**

40. On November 1, 2023, the District filed a Petition for Workplace Violence Restraining Orders in the Fresno County Superior Court. The Petition requested an order prohibiting respondent's interactions with TS, MD, Dr. Goldsmith, and Glynna Billings, the Accounting Manager in the District's Finance Department who first discovered and reported respondent's misconduct that led to his first termination and removal as the head coach for Men's Basketball. The Petition also requested an order requiring respondent to stay a certain distance away from the protected individuals and the District's colleges and educational centers. The court granted the requested relief and issued a Temporary Restraining Order (TRO) the following day.

41. Respondent responded to the Petition by objecting to all the requested orders. Although he admitted he "orally shared [his] frustration about this matter with [his] students in class and with others," he said he "never made any threats to anyone and have never approached Carole Goldsmith, Glynna Billings, or anyone else associated with State Center for any reason."

42. On January 28, 2025, the Fresno County Superior Court modified the TRO to allow respondent to be "within 100 yards of the protected persons for the purpose of allowing protected persons to testify in the administrative hearing." The court further ordered, "A sworn peace officer shall be present during the duration of the hearing and while the protected persons are called to testify."

## **Students Enrolled in HLTH-3**

43. Thirty-two students were enrolled in HLTH-3, and 16 of them provided statements during the District's investigation and/or testified at hearing. Of those 16 students, seven only provided statements, and three only testified. Their statements and testimony are summarized as follows.

### **TS**

44. TS majored in kinesiology at FCC and planned on becoming a physical education teacher. HLTH-3 was a required course for her major. She planned to transfer to a four-year university for the Fall 2024 semester.

45. TS did not attend the first day of class for HLTH-3 because she had a doctor's appointment. She emailed respondent prior to class to let him know why she would be absent, and he responded by thanking her.

46. Respondent started the second day of class by lecturing about the cardiovascular system. After approximately 10 to 15 minutes, he went off on a tangent and began talking about personal issues. He mentioned a lawsuit he filed against FCC and the fact that he was fired about five years earlier. Respondent also said "something about a finance office." He did not refer to anyone by name, but he referenced a "finance lady" whom he believed was responsible for his termination.

47. Respondent discussed his children, referring to them as "my boys." He mentioned having two or three boys and described how much he loved them, spending time with them, and working out with them in the mornings. Respondent also talked about going through a divorce and how it was affecting him. He consistently referred to his children's mother as his "ex-wife," and he always

emphasized his pronunciation of "ex." He also remarked as a result of his divorce, "he's a man doing all the work." TS inferred that there was "bad blood" between respondent and his ex-wife.

48. Respondent also shared that he had a brother in prison. TS could not recall the reason he provided for his brother being in prison. He talked about his "mom or grandma," explaining he had to care for the person during high school and therefore "had to grow up before any of his friends did."

49. As respondent continued discussing his issues with FCC, his prior termination, those he blamed for his termination, and his pending lawsuit, he blurted out words to the effect of, "If I didn't have my kids, I would come on campus and shoot the three people that have to do with the lawsuit." Respondent explained he "would separate them [each of the three individuals]" and shoot "each one at a time and make it look like an accident."

50. TS did not leave class immediately after respondent made his threat because she was "frozen" and "could not react." He made her feel "unsafe" and "really uncomfortable." She described him as speaking in a "very aggressive tone" and "very tense and fired up" during his tangent. He frequently gesticulated with his "hands in the air."

51. Respondent eventually returned to discussing matters relevant to the class. He told students to form groups of three to discuss presentations each group would be responsible for making during class the following week. He explained his expectations about the presentations and how they would be graded.

52. TS did not immediately report respondent's threat because she concluded he was not an immediate danger to anyone. She rationalized he made the

threat in the context of what he would do if he did not have his sons, yet he spoke about spending time with his sons in the present tense. Additionally, TS was afraid respondent might interfere with her transferring to a four-year university in the fall.

53. Mr. Bucio previously helped TS select her classes, so he was familiar with her major and knew HLTH-3 was a required class. Therefore, he asked why she wanted to transfer out of HLTH-3 when she said he did. TS explained what happened during class six days prior. Although she described respondent's threat, she did not describe his proposed plan for carrying it out. However, she subsequently disclosed his plan to Officer Olivas, to Ms. Ginsberg, and at hearing.

54. Mr. Bucio immediately removed TS from the class roster for HLTH-3. There were no other sections of the course being offered at that time, but he added her name to the waitlist for an online section that was scheduled to start in two months and would be taught by someone other than respondent.

55. If presented the opportunity to take another class from respondent, TS would not take the class. She feared possible retaliation for testifying against him in subsequent proceedings.

## **JB**

56. JB attended all four of the District's campuses and graduated from Reedley Community College in May 2024. He currently attends a four-year university. He was enrolled in HLTH-3.

57. JB confirmed respondent canceled a class 10 to 15 minutes after it started because his dog was lost. He could not recall which day of class that was, but

he remembered respondent started the next day by explaining he had found his dog and what had happened.

58. JB recalled another day of class when respondent was lecturing and then went off on a tangent about his involvement in a lawsuit he filed against FCC and the District's chancellor for wrongful termination. As respondent continued, he stated, "If it wasn't for my wife and kids, I would have killed that motherfucker." JB understood respondent to be referencing the chancellor because the threat was made in the context of his discussion about his lawsuit.

59. JB was unfazed by respondent's threat, and "it didn't make [him] feel any sort of way" because it was not directed at him and it was made "in past tense." He also did not necessarily take the threat seriously "because it was spoken about in past tense." Respondent said, "I would have," as opposed to, "I'm going to."

## **RG**

60. RG has attended FCC for about four years and Madera Community College for about two. He is pursuing an associate of arts degree with the intent of transferring to a four-year university to study kinesiology. Prior to enrolling in HLTH-3, he had respondent as a "weightlifting coach" in 2019. However, RG knew nothing about the first termination or respondent's family.

61. Respondent started the first day of class for HLTH-3 by explaining what the class was about. He wanted the class to be fun and wanted everyone to pass. He intended the class to be "hands-on" and possibly include "some weightlifting." After about 20 minutes, respondent interrupted himself and explained his dog had gotten lost in the Santa Cruz area. However, he had just learned someone found his dog. He canceled the remainder of class so he could retrieve his dog.



62. During the second day of class, respondent was “just talking to the class” and explaining he was different than other professors because he wanted everyone to pass the class. He then explained it was his first semester back teaching because he was previously terminated for buying food for students and athletes experiencing food insecurity, and someone in administration did not take it well. Respondent also explained his brother was in prison, and the same could have happened to him if he did not follow a different path.

63. When talking about his prior termination, respondent said words to the effect of, “I’m just being honest, I’m not gonna lie to you guys, if not for my boys, I would have shot and killed someone.” RG understood the statement to mean: but for his kids, respondent would have shot and killed the administrators involved in his termination. He described respondent as “frustrated” when making the threat.

64. RG remembered respondent specifically identified the “Chancellor” as having been involved in his termination. He did not remember which gender pronouns respondent used when referencing the Chancellor.

65. Respondent eventually returned his attention back to class and discussed his requirement that students make regular class presentations. He explained he expected the presentations “to be good,” and, if they were “not up to standard,” the student “would have to do it again.”

66. RG initially was “not really” concerned or fearful that respondent would carry out his threat. Based on his prior experience with respondent in weightlifting, he “remembered him being like that.” RG perceived respondent’s “style” to be direct and “hard on students.” Upon further reflection, however, RG became “a bit worried” that respondent “could snap” and possibly harm someone in the future.

## **MD**

67. MD attended FCC for two years and graduated in 2023. He did not know who respondent was or anything about him prior to taking HLTH-3.

68. During one class session, respondent was lecturing about the effects of stress on the cardiovascular system. He went off topic and began discussing how he felt about his prior termination. He opined he should not have been terminated. Respondent then talked about having firearms, shooting those involved in his termination, and feeling depressed.

69. Respondent did not specify whether his thoughts of shooting those involved in his termination were ones he currently held or ones he held in the past. He also did not specify if he was currently depressed or was depressed in the past. MD was "shocked" by respondent's comments and felt "unsafe."

## **KE**

70. KE remembered respondent started the first day of class for HLTH-3 but finished early. He expressed concern for his dog before canceling the remainder of class.

71. KE prefaced her explanation of what happened during the second day of class by explaining she was not confident she completely understood everything because English is her second language. She sat in the back of the class, and respondent spoke a little "quiet." He mentioned being involved in litigation with FCC, his prior termination, and his subsequent reinstatement. He explained he had problems "with the woman at school who was his employer." Respondent also talked

about his children and his wife. After he finished talking about himself, he explained what was going to happen in class.

72. Although KE did not understand everything respondent said, she did not perceive him as angry when talking about the woman he referenced. However, she “knows something happened” during class that was inappropriate, even though she did not understand what, because of students’ reactions and comments after class. No students explained what happened to her.

## **PM**

73. PM was a retired peace officer and began attending FCC in Fall 2023. He was studying to become an athletic trainer with the end goal of becoming a physical education teacher. He enrolled in respondent’s HLTH-3 and PE-15C classes his first semester at FCC.

74. Respondent started the first day of class for HLTH-3 but interrupted himself after approximately 15 minutes. He explained he lost his dog over the weekend, but he received a call while driving to class that morning from someone who either found the dog or knew where it was. Respondent said he was very attached to the dog, particularly because of the “stresses in his life,” and the dog was his closest “companion.” He apologized, but explained he was canceling class so he could get his dog.

75. The second day of class started with students asking about his dog. Respondent then spoke generally about health and nutrition and incorporated personal matters into his discussion. He talked about a pending lawsuit between FCC and him. He explained that immediately after his prior termination was an “extremely

low point” in his life. Respondent also discussed his termination and lawsuit during the second day of class for PE-15C.

76. As a result of the low point, respondent said he “had a plan to get his guns and go to the campus and do damage if he needed to.” Also, “if [he] didn’t have his family, health, and nutrition, then those threats are what he would have done.” Respondent did not go into specifics about how he intended to carry out the “damage” he referenced or who his targets were. However, he said he owned firearms.

77. PM did not feel threatened by respondent’s remarks. However, based on his prior experience as a peace officer, he understood why other students may have felt otherwise.

## **GS**

78. The Fall 2023 semester was GS’s first at FCC. He was working toward a personal trainer credential so he could pursue a career in personal training. HLTH-3 was his only class with respondent, and he did not know who respondent was or anything about him prior to attending class.

79. At the beginning of the first day of class, respondent explained he was currently experiencing an “emergency” with respect to his dog. He said he lost his dog, but someone subsequently called and said they found the dog. Respondent then turned his attention to the relevant subject matter and began discussing the cardiovascular system. But he interrupted his lecture and returned to talking about his dog having been found. He expressed how excited he was that his dog was found and their pending reunification. Respondent ended class early to get his dog.

80. Respondent started the second day of class by discussing his background. He explained he previously experienced "issues with the college" due to a disagreement over his teaching methods. He said the disagreement led to a lawsuit between FCC and him, he was "still trying to fight through the issues," and he was "having a hard time with the situation." Respondent explained he was previously terminated but subsequently reinstated.

81. Respondent stated there was a particular "lady in administration" with whom he did not get along, and he made clear their mutual dislike for one another. When asked for more details about the person's identity, GS explained respondent identified her as a "finance person" or a "desk person."

82. Respondent also discussed his family. He explained he had a wife, two sons, and dogs. He described them as being "really close" and said he would "do anything to protect them." Respondent then said, "if it wasn't for them," he would "shoot" someone.

83. GS did not recall respondent articulating a specific plan for carrying out the shooting, but it was "just evident" to GS that the female administrator was his intended target. GS was uncertain if respondent would actually commit a shooting, but he understood the threat to be an expression that respondent "had that much hate" for the administrator that he "could do it" if he wanted to.

84. Respondent eventually returned to discussing the class. He had the class break into groups of three to prepare for group presentations each would make the following class. However, no presentations were ever made because respondent did not return after the second class.

## **DR**

85. During the second day of class, respondent said “if he didn’t have anything to lose, he would have done things differently.” DR did not take respondent’s threat seriously, and he opined that those who did took it out of context. However, he did not provide any context to explain respondent’s comment.

## **JH**

86. JH remembered respondent stating during the second day of class for HLTH-3, “Things would have gone very differently if he did not have a family.” He thought respondent was referring to violence because he was discussing his feelings about FCC, was angry, and expressed the opinion that FCC’s president was not doing her job. Respondent’s threat did not cause JH to fear for his safety, although he understood why others may have felt differently.

## **AM**

87. The Fall 2023 semester was AM’s second semester at FCC. He was majoring in kinesiology and pursuing a degree in coaching. He arrived late to the first day of class and found the classroom door locked. He did not see other students standing by the door waiting to enter, and there was no sign on the door indicating class was canceled.

88. AM was also late to the second day of class. As he entered the classroom, respondent was talking about himself and his background. AM got the impression from what respondent was saying that he was “under scrutiny by the Board for whatever reason.” Respondent explained “one of the higher ups” who was “a female” was causing problems for him. He also talked about his family and described how his

"family was there for him" throughout the process and essentially "saved him." He said his "family" was the reason he wanted to work it out with the college.

89. During this discussion, respondent said words to the effect of "if it had not been for his three sons, he would have shot himself." AM interpreted the comment as something respondent had thought about in the past, as opposed to something he was contemplating in the future. He understood respondent's reference to his family saving him to mean he "would have killed himself" if it he did not have his family.

90. After respondent discussed his background, he talked about a "group activity." AM did not recall what the activity was, but the class was asked to separate into groups of three or four students to make friends in preparation for future class presentations.

91. Respondent's reference to shooting himself "rubbed [AM] the wrong way" because he "personally has experience" with suicide and the discussion "gave him negative feelings." He believed it was an inappropriate topic of discussion for a professor. It appeared to AM that respondent "didn't seem to care one way or another" and was simply making a "statement of fact." Respondent did not appear emotional or upset and made his statement in a "straightforward" manner.

## **JM**

92. Fall 2022 was JM's first semester at FCC. He majored in kinesiology and planned to transfer to a four-year university. His goal was to become a strength and conditioning coach. JM was an infielder for FCC's Men's Baseball team. HLTH-3 was his first class with respondent.

93. Within approximately five minutes of starting the first day of class, respondent answered a telephone call. Afterward, he told the class he lost his dog over the weekend and described the dog as an "extension of his kids." He said the telephone call was to tell him the dog had been found. Respondent canceled the remainder of class to get his dog.

94. Respondent spent much of the second day of class discussing his background and personal training. He said he had played professional basketball. He explained he had three sons and loved them and his dogs. JM said respondent shared "being in some sort of situation" with the District, but JM did not recall the specifics other than it was almost over and that was why respondent was back teaching.

95. After respondent finished providing his background, he moved on to the class syllabus and explained what the class was about. He discussed his requirement that students provide class presentations throughout the semester. Respondent concluded class by having students form groups of three to prepare for the following week's presentations.

96. JM never perceived respondent as behaving "weirdly" or acting in a threatening manner during the second day of class. Respondent never threatened to commit a shooting on campus or shoot anyone in particular. He did not describe having any problems with a female administrator.

## **EL**

97. EL attended FCC during the 2023/2024 school year and then transferred to Merced Community College. He took respondent's HLTH-3 and PE-15C classes. He explained he also took respondent's personnel training class but could not remember if that was the same as HLTH-3.



98. EL recalled respondent once received a call during HLTH-3 about his lost dog having been found. He had not started lecturing on any substantive issues, and he canceled the remainder of class so he could get his dog.

99. EL remembered another day in class when respondent discussed healthy eating. Respondent wove personal stories into the discussion, including his previous termination and it subsequently being overturned. He talked about his love for his children and dogs.

100. Respondent did not make any threats against the campus or any person, and he did not say anything EL found "troubling." EL never felt unsafe in class. He did not know who respondent was or anything about him prior to enrolling in HLTH-3. His first impression of respondent was respondent coming into class and then leaving early to get his dog.

## **JM-2**

101. JM-2 last attended school in 2023. He had only a vague recollection of taking HLTH-3 "a while ago." He remembered it was a required class for his kinesiology major. He also remembered a class during which respondent talked about his dog having been lost and subsequently found. Respondent canceled class early that day to retrieve his dog.

102. There was another class during which respondent discussed ongoing legal proceedings with the District and expressed frustration over them. He blamed one person in particular for his problems with the District, but JM-2 could not recall who it was other than it was a woman. Respondent said he was going to hurt the person. JM-2 thought he was joking.

103. JM-2 also said he did not remember respondent making any threats during class, although he admitted "there was [*sic*] days where I didn't truly pay attention." However, he suspected he would have remembered if he heard respondent make threats.

## **AE**

104. AE told Dean Henderson she did not recall respondent making any threats during class.

## **FI**

105. FI retired from the California Department of Corrections and Rehabilitation in approximately 2020 after 26 years of employment. She spent most of her career as a correctional officer but the last three as a parole agent. During that time, she earned her bachelor's degree in psychology. During the Fall 2023 semester, she was working on her master's degree in performance psychology and attending both Fresno State University and FCC. She previously attended FCC and obtained a personal training certificate and a real estate certificate.

106. On the first day of class for HLTH-3, respondent went around the classroom and had the students introduce themselves. He also introduced himself, explained he was not teaching for a while, and he was happy to be back teaching. He further explained he was working through issues with FCC, which FI interpreted as him "let[ting] us know in a nice way that possibly he will be in and out of the class."

107. Respondent did not end the first day of class early. He finished the discussion he had prepared for that day, answered any questions students had, and then dismissed the class. FI estimated the class was scheduled to last "an hour," but

her understanding was that classes at FCC did not last a set amount of time. Instead, the professor provided instructions, answered any questions, discussed any issues that arose, and then class ended. "We don't look up at the clock. We listen and look at the teacher. If he's finished, it's finished. If there's no questions asked or answered, we leave."

108. During the second day of class, the students broke into groups of three and were working on their group presentation for the following class. Respondent lectured about the topic of the group presentations and the effects of stress on one's health. He explained something previously happened between the District and him, he "will deal with that," and he was "happy to be back." When questioned further about what respondent said about his ongoing matter with the District, FI explained he said "I'm in the middle of taking care of something, but it will be taken care of. This matter has went on for some time, but it will come to an end."

109. FI was certain respondent never made threats against anyone, mentioned he owned guns, or said anything about shooting the District's Chancellor. She explained had she heard anything of that nature, "I would have immediately said something." She was adamant that, even as a retiree, she was obligated "to maintain the security of others," and she could be "fined or thrown in jail [herself] for not being intelligent enough to respond" to such threats.

## **MB**

110. MB told Dean Henderson she enrolled in HLTH-3. However, she never attended class because she enlisted in the United States Marine Corp.

## **Dr. Goldsmith**

111. Dr. Goldsmith has been the District's chancellor since December 1, 2021. In that position, she is "not involved all that often" in employee discipline. Employee discipline "starts with the manager, the direct manager, the supervisorial manager." However, "the decision to terminate [an employee] rests solely with the board of trustees, and that's standard and written into California Ed Code."

112. Dr. Goldsmith played no role in Dr. Pimentel's decision to recommend that respondent's employment be terminated. Her only involvement in respondent's second termination "was to take the college President's decision based on the Skelly hearing to the board of trustees to present the issue."

113. When Dr. Goldsmith first learned of respondent's alleged threat on August 21, 2023, no one knew if there was a specific target. She did not learn she was a target until Officer Olivas told her later that day or the next.

114. After learning she was a target, Dr. Goldsmith was very concerned about her safety and that of her family, colleagues, and students. She knew respondent was going through a divorce, upset over his prior termination, and involved in pending litigation with the District. Dr. Goldsmith's perception was that respondent blamed her for ruining his career. Those circumstances were "scary as hell" to her.

115. Dr. Goldsmith's continued fear over respondent's threat was palpable during her testimony at hearing. She described two other instances in which former employees threatened her and explained why respondent's threat was more concerning.

This was a whole nother [*sic*] level because while those two instances they were directed at me, they didn't involve students. They weren't said clear of mind. I'm assuming [respondent] was clear of mind. It was in the morning, and it was in a classroom, so I'm assuming first week of school there should be no drugs or alcohol involved. Those other instances were. Substances were involved. People lose their job, and they say stupid things. Usually, when they're under the influence, you can kind of give a little bit of grace.

But when you're stone cold sober on the first week of school, and you've gone through all sorts of training, that's a whole level of clarity of mind, and to talk about a murder plot; that's some thought behind it, not just being a hothead.

## **Respondent**

### **ADDITIONAL BACKGROUND**

116. Respondent was born in New York but grew up mostly in Florida. He grew up playing sports, mostly football, baseball, and soccer. He did not start playing basketball until high school, but he quickly "fell in love" with the game.

117. Respondent had a "pretty dismal" high school basketball career, but he excelled at the college level. He played for Oxnard Community College from 1991 to 1993 and for Sonoma State University from 1994 to 1996. He was "an all-league player in the community college level," and he was the National Collegiate Athletic

Association's Division 2 Player of the Year and an inductee to Sonoma State University's Hall of Fame. Respondent briefly played professional basketball in Mexico.

118. Respondent began coaching college basketball as an assistant coach at Chico State University in 1998. Two years later, he went to College of the Sequoias. After one season, he was promoted to head coach when College of the Siskiyous hired him. He transferred to FCC in 2006 and remained there until his first termination.

### **RESPONDENT'S TEACHING PHILOSOPHY**

119. As a basketball coach, respondent expected the same from his players as he did from himself: "to be on time, work hard, be professional, represent the program with class and respect at all times, and understand it was a privilege and an honor to be a part of Fresno City College athletic program." As a professor, he expected no less from his students. He explained:

I think coaching and teaching are one and the same. I happen to be a teacher first, and I coached - - well, by trade, most of my career, I coached men's basketball. But it wouldn't matter what I coached. I'm a teacher first. It just so happened the curriculum was basketball.

### **RETURN TO FCC AFTER FIRST TERMINATION**

120. Respondent vividly recalled when he learned the Administrative Law Judge dismissed the First Statement of Charges. It was December 27, 2021, and he was driving his three sons somewhere when his attorney called. Respondent answered the call using Bluetooth, so his sons heard the news the same time he did. His oldest son

"reacted very emotional," and that was when respondent understood how much "going through this process" affected his children.

121. Respondent was absent from FCC for 16 to 18 months after his first termination, and many rumors circulated about the reason for his termination. When he returned to campus, he did not "feel welcomed back." Although there were "some handshakes" from colleagues and other staff, there were also "some cold shoulders." Respondent "felt scared, lonely, and hurt," and his perception was that his "reputation had been tarnished" during his absence. However, he was "not angry" but uncertain as to "who [his] friends were."

122. Respondent recalled "being disappointed" when he learned the District was appealing the Administrative Law Judge's Decision to the Fresno County Superior Court. The District's decision to appeal "sort of validated that [he] wasn't welcome back at Fresno City and that [the] feelings that [he] was feeling were probably accurate." Respondent "had mixed feelings" in response to the court's denial of the District's petition for a writ of mandate.

I was happy on one hand, but I was also concerned that it wasn't the end. I just felt that in my experience at Fresno City, the one year I taught there, I didn't feel welcomed back. I didn't feel that it was over. And so I was concerned, A, am I ever going to get my back pay, because financially, I was in debt; and, B, I was just praying that it would come to an end, and I could get back to normality.

123. Respondent learned the District was filing an appeal in the Fifth District Court of Appeal on August 14, 2023. He was "pretty disappointed, to say the least.

Pretty upset. Hurt.” He was still experiencing those emotions the following day when he went to teach HLTH-3.

### **THE FIRST TWO DAYS OF CLASS FOR HLTH-3**

124. Ms. Ginsberg asked respondent during his interview to describe what he remembered about the first day of class for HLTH-3. He initially responded, “Class went forward” as scheduled. It was not until she prompted him that he explained his dog was lost about a week prior. On the morning of the first day of class, someone who saw his dog called him in response to a reward he had posted. Respondent did not recall what he lectured about that day or if he only spent time introducing himself. He denied canceling class early to get his dog and explained he waited until class was over to retrieve his dog.

125. Ms. Ginsberg also asked respondent what he remembered about the second day of class, and he explained he lectured about cardiovascular fitness and the need to manage stress, eat healthy, engage in good habits, and manage sleep to maintain good cardiovascular health. He did not recall sharing details about his personal life with the class, and he answered “I don’t think so” when asked if he talked about his family, brother, or grandmother. However, respondent confirmed he had a brother in prison, his grandmother raised him “since the age of nine,” and he has three sons. He acknowledged being divorced but described he and his wife as continuing to have a “great friendship,” being “best friends,” and having “dinner nightly” with their children.

126. Respondent denied threatening to commit a shooting at FCC, discussing a plan to exact revenge against those he purportedly blamed for his termination, or expressing anger toward, or dislike of, any District employees. Indeed, he stated he



never discussed with students his prior termination or the subsequent litigation between him and the District. Respondent explained he did not own firearms, and he never told students otherwise. Additionally, he never engaged in any behavior or said anything that could have provided students a negative impression of him.

127. At hearing, respondent explained he was honest and truthful “to the best of my ability” with Ms. Ginsberg. He confirmed he received a telephone call while walking from the parking lot to the classroom on the first day of class for HLTH-3. The caller described the area where she recently saw respondent’s dog.

128. After the telephone call, respondent started class and discussed the syllabus and his expectations for the semester. Then, “I couldn’t help but be pretty excited to share with the class that I had a dog that was missing, and he had been located.” He estimated he let the class go approximately 15 minutes early because he “wanted to go get [his] dog.” Respondent believed he “notified [his] secretary’s [*sic*] dean” that he canceled class early.

129. On the second day of class, respondent lectured about the need to manage stress to maintain good cardiovascular health. He used his experience at FCC as an example of facing a lot of stress. He frequently used himself as an example when teaching “because I think it’s real-life experience, and it gets closer to the heart. And it’s a great teaching tool.” Respondent told the class he was “under a tremendous amount of stress” the previous few years because FCC terminated him as a professor and removed him as the Men’s Basketball head coach and litigation with the District followed. He expressed frustration over his termination and explained it was an example of his facing adversity yet still maintaining good cardiovascular health.

130. Respondent admitted he said things during class like what former students testified to at hearing. Although he did not recall his exact comments, he agreed “there were some similarities” with what TS and others testified to. However, he did not recall discussing his brother being in prison and explained “he’s never been in prison.” He did not “recall specifically” telling his class his grandmother raised him, but he agreed he “did spend a good portion of [his] childhood with [his] grandparents.”

131. Respondent was adamant that he “definitely [did] not” threaten to shoot or harm anyone at FCC. He reiterated, “I never made a threat.” He never told students he owned a gun, and he did not. He never intended to convey an intent to harm anyone. However, respondent admitted he held FCC’s “administration” responsible for his termination, and he included Dr. Goldsmith as part of FCC’s administration. He further explained he did not “trust anybody from the District [¶] . . . [¶] because the District has done me so dirty that it’s really hard to trust them at this point.”

## **Expert Testimony**

132. Allan Hedberg, Ph.D., has been licensed to practice psychology in the State of California since 1974. He earned his bachelor’s degree in psychology and master’s degree in clinical psychology from Northern Illinois University in 1960 and 1964, respectively. He earned his doctorate in clinical psychology from Queen’s University in Kingston, Ontario, in 1969.

133. Dr. Hedberg initially worked at a mental health center in Minnesota and simultaneously as an adjunct professor at Mankato State University. Two years later, he went to Baylor University and started its doctorate program in psychology. Schick Corporation subsequently hired him, and he relocated to Los Angeles to start their weight control, alcohol treatment, and smoking cessation programs.

134. Dr. Hedberg relocated to Fresno in 1973 and has had his own clinical practice ever since. Over the years, he also worked in the rehabilitation center at Fresno Community Hospital and served as an adjunct professor at Fresno State University and the California School of Professional Psychology.

135. Dr. Hedberg's clinical practice includes evaluating employees for fitness for duty. Such evaluations generally start with an employer referring an employee to him to: (1) evaluate whether the employee needs treatment to remain fit for duty and, if so, if he is fit to continue working during treatment; or (2) treat an employee placed on leave to restore his fitness for duty.

136. Respondent voluntarily reached out to Dr. Hedberg for an appointment, and Dr. Hedberg's secretary scheduled one for September 6, 2023. Dr. Hedberg first met respondent during the appointment, although Dr. Hedberg was familiar with respondent from press coverage of him as FCC's Men's Basketball head coach. Dr. Hedberg did not know the reason for the appointment, other than his secretary indicated it was somewhat urgent and respondent sounded distressed when he called.

137. During the initial appointment, respondent explained FCC terminated him as a professor. Throughout the appointment, he "spoke incoherently" and frequently mumbled. Therefore, it was "very difficult" for Dr. Hedberg to fully understand respondent's concerns. "Emotionally, he was not able to express himself in a consistent matter or in a manner that would be conversational even." Nonetheless, Dr. Hedberg was able to determine respondent "was extremely, extremely distressed and upset and was not functioning. He was not functioning at all." He recalled respondent stating, "My heart is crushed."

138. Dr. Hedberg explained respondent's affect throughout the initial appointment was indicative of "significant and severe depression and significant cognitive confusion to sort out facts and to put things in a lineal manner." Respondent's difficulty with clearly communicating his concerns reflected "the emotional distress that he was experiencing at the time."

139. Dr. Hedberg had his first meaningful conversation with respondent during their second appointment. The purpose of that conversation was to allow respondent to vent and explain his concerns. Dr. Hedberg understood part of their conversation, but a substantial part "was just random talk."

140. Dr. Hedberg's initial diagnosis for respondent was severe depression and confusion. He and respondent met weekly for the first three or four weeks, and then they switched to every other week. Currently, they meet monthly. Their last in-person appointment was about five months prior to hearing, but they spoke by telephone on February 9, 2025. As of that date, Dr. Hedberg and respondent met nine times.

141. Dr. Hedberg explained that depression "is always associated with loss," so respondent's treatment started with identifying what was lost and evaluating "the relevance or the importance of those issues in his life." Respondent identified the following three values, in order of importance to him, as having been lost when FCC did not reinstate him as head coach and terminated him the second time: (1) teaching others; (2) the ability to help and relate to students, especially those in need; and (3) coaching others. Dr. Hedberg observed, "[Respondent] saw himself first as a teacher, secondly as a student relater, and then thirdly as the coach of the basketball team."

142. Dr. Hedberg began identifying and then teaching respondent coping skills and stress management skills to help respondent process the losses, eventually

accept them, and ultimately overcome them. A third component of respondent's treatment involved exploring his options for the future and the possibility of returning to teaching and coaching.

143. When describing the Second Statement of Charges to Dr. Hedberg, respondent explained it alleged he told his class that if he were under a lot of stress, he would or could shoot others. He told Dr. Hedberg the allegations were false, and he never made any threats during class. However, he never had a chance to provide his side of the story or provide context. Dr. Hedberg explained, "So that became, then, the critical hurt for him as to not having opportunities for his voice to be expressed and his view of that situation to be heard."

144. Dr. Hedberg opined that respondent made progress during treatment and explained he "restored himself" and began to "rebuild himself." Dr. Hedberg estimated that by their fifth session, he saw indications respondent was in "recovery mode" and exploring his options and preferences for the future. Prior to that, "it was just really rehearsing of the hurts and the losses, you know, that he's experienced."

145. Dr. Hedberg also opined that any inappropriate remarks respondent made during class were most likely due to the unusual amount of stress he was experiencing at the time, rather than a personality defect. Such behavior was unlikely to reoccur. He explained:

You would tend to find the stress factor being associated with an aberrant behavior, a one-time occurrence, or a very infrequent behavior, only occurring under high levels of stress as compared to a behavior pattern that is quite

routine and regular and part of the personality pattern, part of the lifestyle of that individual.

146. Dr. Hedberg further opined that respondent remained “impaired” as of their last session in February 2025. He said the following about the state of respondent’s impairment:

Well, if you take a look at what his level of functioning was at his peak - - when he was coaching, when he was teaching, and he was working with students and rebuilding the lives of students, which is a very component in his life; he’s a caretaker; he’s a care provider - - so when you compare him to that, he still is not recovered to that point where he could take over a formal professional career in teaching, coaching, and student relationships. I think he’s probably about 70 percent there, but he’s certainly not at that point nowhere - - he’s still impaired.

147. When asked what would be necessary for respondent to return to teaching, Dr. Hedberg responded:

Well, on one hand, I don’t know if that is even going to be possible. If it were, if we take the assumption if he were to return, he could return, I would see another year of therapy. That might be helpful to him. It would be another attempt to perhaps work at a lower level of assignment, and then move up to a level where he was at that point in time when he was released. It’s hard to put that question into context

because I think he's impaired. I think he's - - he's functionally impaired currently even.

148. Dr. Hedberg further stated that FCC caused respondent to suffer the losses previously identified. When a person suffers losses to the extent he did, he experiences "significant clinical depression." He becomes "essentially nonfunctional in terms of being able to be creative, to be relational, you know, to be instructive in the life of other people." Respondent remains capable of day-to-day living, but he cannot function at the high level required to be a professor.

149. Finally, Dr. Hedberg opined respondent is not prone to engaging in workplace violence.

That is not [respondent]. This is not the man. I determined right away, soon, that this was an aberrant behavior or statement, whatever statement was made, but that there was no - - and there would be no behavioral manifestation of the frustration or the statement being made.

[¶] . . . [¶]

That is not the man. That is not the man. It's not how he behaves. That is not his behavior pattern. It's not his personality pattern. This is a caring person. So this is not somebody that acts in an aggressive, violent manner. Years of experience in knowing him in the community as a coach and as a teacher. And this kind of behavior is most unusual, whatever was actually said.

## Character Evidence

150. Respondent produced numerous letters attesting to his good character. The letters were either undated, dated long before the events alleged in the Second Statement of Charges occurred, or referenced events that occurred before the events alleged in the Second Statement of Charges. Each was written in support of respondent's appeal of his first termination.

151. Respondent also called 11 character witnesses to testify. Five of them were former colleagues at FCC, three were former basketball players respondent coached at FCC, two were parents of former basketball players respondent coached at FCC, and one was a former student at FCC. All lauded respondent's coaching or teaching skills. Eric Solberg has taught and coached at FCC for 37 years. He served on at least one committee that evaluated respondent as a professor and described him as someone who has always been honest, upfront, and trustworthy. Michael Crawley, a former basketball player, credited respondent for teaching him most of the positive characteristics and habits he developed.

152. Tamera Banbury's son played basketball for respondent from 2011 through 2013. She opined respondent "had the most impact" of any professor or coach on her son. She credited respondent with teaching her son to be a good person, always do the right thing, work hard, and always strive to win in life. Vee Vang took two classes from respondent, the last of which was during the Spring 2023 semester. Mr. Vang described respondent as easy to talk to and one of his favorite professors. He transferred to Fresno State University in the Fall of 2023.

153. Each witness but two admitted he or she did not read the Second Statement of Charges. John Jordan could not recall if he did, and Geraldine Santos,



Ed.D., was not asked if she read it. Dr. Santos retired from FCC as an academic counselor. She maintains an active presence on social media and has posted numerous stories telling her "truth" about "what happened to [her] at Fresno City College." She has accused Dr. Goldsmith of holding "vendettas against [her]" and treating her "with unkind spirit." Dr. Santos opined Dr. Goldsmith also has a vendetta against respondent "because [respondent] continued to win in court, and she continues to lose, and Dr. Goldsmith doesn't like - - she doesn't want to lose, and so that's why I believe it. It's been going on, like, a lot of lawsuits. And we're here today, so I think that would indicate a vendetta."

154. FCC hired Paul Keysaw as a professor and wrestling coach at the same time it hired respondent. He described respondent as one of his closest confidantes and friends at FCC. He candidly admitted he "probably [would] not" say anything negative about respondent.

## **Analysis**

### **RESPONDENT ENDED THE FIRST DAY OF CLASS EARLY WITHOUT PROVIDING SUBSTANTIVE INSTRUCTION**

155. The preponderance of the evidence established respondent received a telephone call on the first day of class informing him where his lost dog was last seen, and he ended class early to retrieve his dog. Although respondent denied ending class early during his interview with Ms. Ginsberg, he admitted at hearing he did because he "wanted to go get [his] dog."

156. Respondent's testimony was more persuasive than his statement to Ms. Ginsberg. Additionally, his testimony was corroborated by several students who recalled class ending early. Moreover, AM persuasively explained he arrived for class

late and found the door locked. A reasonable inference was drawn from the evidence that he received no advance notice that class ended early that day. Respondent was dishonest when he told Ms. Ginsberg class did not end early.

157. Though there was an inconsistency in the evidence about the exact timing of the telephone call, the substance of the call was undisputed. There also was contradictory evidence of whether respondent provided a substantive lecture before ending class. The evidence established that at most he discussed the class syllabus and an overview of the class, which did not constitute substantive instruction. He also discussed how much he loved his dog, the dog was recently lost, and the caller found him.

158. FI was the only witness who corroborated respondent's statement to Ms. Ginsberg that class did not end early. In addition to FI's testimony contradicting respondent's, she was wholly incredible as a witness. Her explanation that classes at FCC did not last a set amount of time but ended when the professor finished lecturing and answering any questions was belied by the overwhelming evidence to the contrary.

159. There was insufficient evidence to support the allegation that respondent did not notify administration he ended class early. He testified that he thought he notified his dean's secretary, and the District produced no evidence refuting his belief. The District failed to produce admissible evidence that respondent was dishonest when he told Ms. Ginsberg he provided substantive instruction prior to ending class. His statement to Ms. Ginsberg was that he did not recall what he lectured about or if he only spent time introducing himself. Respondent introducing himself did not constitute substantive instruction, and his not recalling what he lectured about was not the same as saying he lectured about something substantive.

## **RESPONDENT THREATENED TO SHOOT DR. GOLDSMITH DURING THE SECOND DAY OF CLASS**

160. The preponderance of the evidence established that during the second day of class respondent lectured about the need to manage stress to maintain good cardiovascular health. He discussed his first termination, removal as head coach of the basketball team, and subsequent litigation with the District under the guise of providing examples of him being “under a tremendous amount of stress” and successfully managing that stress to maintain his cardiovascular health.

161. The persuasive evidence further established that respondent expressed frustration over his termination and the subsequent litigation. He identified Dr. Goldsmith and a “finance lady” as the people he believed responsible for his termination. Respondent then said something to the effect of, “If I didn’t have my kids, I would come on campus and shoot the three people that have to do with the lawsuit.” He explained he “would separate them” and shoot “each one at a time and make it look like an accident.”

162. Although no one heard respondent identify Dr. Goldsmith as a target of his threat by name, JB understood the District’s chancellor was the target because respondent made the threat in the context of discussing his lawsuit against FCC and its chancellor. RG recalled respondent explaining “the Chancellor” was involved in his prior termination, and RG understood the threat to be against the administrators respondent held responsible for his prior termination. It was “just evident” to GS that the target of respondent’s threat was the female administrator with whom he did not get along. MD said respondent talked about shooting those involved in his termination.

163. The persuasive evidence also established at least Dr. Goldsmith was a target of respondent's threat. She was FCC's president when she recommended that the District's Board of Trustees dismiss him the first time. She became the District's chancellor shortly before his reinstatement at the beginning of 2022. Although Dr. Goldsmith played no role in Dr. Pimentel's decision to recommend respondent's dismissal the second time, she concurred with the recommendation and brought it before the Board of Trustees for consideration.

164. There was conflicting evidence of the specific wording of respondent's threat. However, it was consistently described as something he said he would do under different circumstances, such as if he did not have a wife and kids, kids, three sons, or a family and good health and nutrition.

165. Several students had negative reactions to respondent's threat. TS immediately transferred out of the class even though it was required for her major, there were no other sections open for her to transfer into, and she was scheduled to transfer to a four-year university at the end of the school year. RG initially was unfazed by respondent's threat, but he became "a bit worried" that respondent "could snap" and harm someone in the future the more he thought about it. MD was "shocked" and felt "unsafe." GS interpreted the threat as respondent's expression that he "had that much hate" that he "could do it" if he wanted to. AM understood respondent's threat was to harm himself, but it still "rubbed [AM] the wrong way" because he "personally has experience" with suicide.

166. In addition to respondent's threat affecting students, Dr. Goldsmith found the threat against her, in conjunction with the stress respondent was experiencing at the time, "scary as hell." She feared for her safety and that of her family, colleagues, and students. Dr. Goldsmith's fear was palpable as she explained at

hearing why respondent's threat was so much more concerning than others she previously received. Her explanation was credible and persuasive.

167. Some students denied respondent made a threat, and two did not recall hearing him make one. Not recalling something is not the same as denying it occurred. Moreover, respondent admitted at hearing he said things similar to what former students testified to. Although he could not recall his specific words, he agreed "there were some similarities" with what TS and others testified to. Indeed, respondent argued in his closing brief that he "does not deny making a statement or statements" to the effect of, "If I didn't have my family, I would or could have hurt the people responsible for my termination in 2020." He attributed such statement(s) to a "mental health episode on August 15, 2023."

168. JM-2 provided contradictory testimony – he initially explained respondent said he was going to hurt the woman responsible for his problems with the District, but then stated he did not recall respondent making any threats. He admitted "there was [*sic*] days where I didn't truly pay attention." JM-2's testimony was not persuasive. In addition to the reasons previously explained why FI was not a credible witness, her insistence that she could be "fined or thrown in jail" if she overheard respondent threaten someone and did not immediately intervene impaired her credibility.

169. There was no admissible evidence Glynna Billings was the "finance lady" respondent threatened to harm. The sole evidence of her identity and involvement in respondent's prior termination was her declaration in support of the District's request for the TRO, which was admitted as administrative hearsay. There was no direct evidence for her declaration to supplement or explain. (See Gov. Code, § 11513, subd. (d) ["Hearsay evidence may be used for the purpose of supplementing or explaining

other evidence but . . . shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions”].)

170. There was no admissible evidence of the outcome of the District Police Department’s investigation into respondent’s threat. Officer Olivas’s investigation report was admitted pursuant to *Lake v. Reed* (1997) 16 Cal.4th 448. Her statements to Ms. Ginsberg, as well as those of her colleagues, were admitted as administrative hearsay. Neither Officer Olivas nor any of her colleagues testified about the investigation, so there was no direct evidence of its outcome for any statements in the investigation report or to Ms. Ginsberg to supplement or explain. (See *id.* at pp. 461–462 [statements by third-party witnesses documented in the police report are admitted as administrative hearsay].)

### **RESPONDENT EXCEEDED THE SCOPE OF PROVIDING PROPER INSTRUCTION DURING THE SECOND DAY OF CLASS**

171. Respondent went beyond lecturing about matters relevant to HLTH-3 when he described successfully managing his prior termination, removal as the head coach, and subsequent litigation. Although a talented and effective professor must use different techniques to keep his lectures memorable and interesting, and incorporating real-life examples is certainly an appropriate technique, respondent’s discussion went well beyond that which was necessary for effective teaching.

172. Respondent explained the reasons for his termination and why he disagreed with them. He identified the people he believed responsible for his termination, threatened to shoot them, and described a mutual disliking between him and a “lady in administration.” Respondent also described having a brother in prison, talked about going through a contentious divorce and how it affected him, and

discussed his three sons and how much he loved them. Discussing such personal details exceeded the bounds of appropriate teaching techniques, was unnecessary, and needlessly wasted class time.

173. Although respondent told Ms. Ginsberg he did not recall sharing details about his personal life during class and answered "I don't think so" when asked if he discussed his brother or family, he confirmed his brother was in prison, he has three sons, and he is divorced. Respondent explained he and his wife remain on good terms. He denied expressing dislike for any District employees. At hearing, respondent explained his brother has "never been in prison." He admitted he held FCC's "administration" responsible for his termination, and he included Dr. Goldsmith as part of administration. He stated he did not "trust anybody from the District."

174. As previously discussed, respondent provided other statements during Ms. Ginsberg's interview that he later contradicted at hearing, which makes him an unreliable historian. Additionally, he conceded at hearing "there were some similarities" between TS's and other witnesses' testimony and his statements during class. Finally, TS's statement that respondent talked about his brother being in prison was corroborated by RG. TS confirmed she knew nothing about respondent prior to attending class, did not know any of her classmates, and never talked to any of them. Although RG previously had respondent as a weightlifting coach, he knew nothing about respondent's family prior to the second day of class for HLTH-3. Respondent did not explain how TS or RG could have known about his brother if he did not talk about his brother during class.

175. There was insufficient evidence to support the finding that respondent was dishonest when he told Ms. Ginsberg he did not recall discussing his personal life during class. Although the persuasive evidence established he did discuss his personal

life, such evidence does not necessarily mean he was feigning an inability to recall the discussion during his interview.

### **THERE WAS NO ADMISSIBLE EVIDENCE RESPONDENT DISCUSSED PERSONAL MATTERS IN PE-15C**

176. The sole evidence of respondent discussing personal matters in PE-15C on August 18, 2023, was PM's statement to Ms. Ginsberg. Therefore, there was no evidence for the statement to supplement or explain, and it was not considered. (See Gov. Code, § 11513, subd. (d).)

### **FITNESS TO TEACH**

177. A community college employee may be dismissed only for misconduct that demonstrates an unfitness to teach. (See *Broney v. Cal. Com. on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 473.) The California Supreme Court has delineated factors for determining whether misconduct demonstrates an unfitness to teach. (*Morrison v. State Bd. of Education* (1969) 1 Cal.3d 214, 229–230 [analyzing former Ed. Code, § 13202, predecessor to Ed. Code, § 44421]; see *Bevli v. Brisco* (1989) 211 Cal.App.3d 986, 993 [reversing trial court's judgment granting writ of mandate ordering community college district to reinstate instructor and remanding for retrial to consider *Morrison* factors].) Only the pertinent *Morrison* factors need to be analyzed. (*West Valley-Mission Community College Dist. v. Concepcion* (1993) 16 Cal.App.4th 1766, 1777.)

### **Adverse Impact**

178. In addition to the adverse impact respondent's threat had on TS, RG, MD, AM, and Dr. Goldsmith as explained in Factual Findings 165 and 166, the District



incurred the expense of obtaining the TRO. The District incurred the additional expense of obtaining a temporary modification of the TRO so respondent could attend the administrative hearing when Dr. Goldsmith, TS, and MD testified. In granting the modification, the Superior Court ordered that a sworn peace officer be present during hearing. Therefore, the District either paid one of its police officers overtime to attend the hearing, or the officer was temporarily reassigned while the duties he otherwise would have performed went unfulfilled.

### **Proximity or Remoteness in Time of Misconduct**

179. In *West Valley-Mission Community College District*, an instructor was disciplined for facilitating the sale of a kilogram of cocaine. He was placed on a compulsory leave of absence within days of his September 1986 arrest, he was convicted in August 1987, and the district initiated disciplinary proceedings the following month. The criminal court granted him a new trial, and the parties stipulated to suspend the disciplinary proceedings pending the outcome of the second trial. The appellate court affirmed the trial court's finding that disciplinary proceedings were initiated close in time to the underlying misconduct. (*West Valley-Mission Community College District v. Concepcion, supra*, 16 Cal.App.4th at p. 1776.)

180. The District initiated disciplinary proceedings against respondent just as quickly, if not sooner. He made his threat on August 15, 2023, but it was not reported to the District until six days later. Dean Henderson immediately began contacting students to try to verify the threat. By the end of the day, Vice Chancellor Mosier drafted notice placing respondent on administrative leave, and officers from the District Police Department attempted to serve the notice on respondent. He was ultimately served the following morning before class started.

181. Nine months later, respondent was notified of the outcome of the District's investigation, Dr. Pimentel's recommendation to terminate him, and the factual and legal bases for the recommendation. He was sent a signed copy of the Second Statement of Charges on June 10, 2024, and the District's Board of Trustees voted to accept Dr. Pimentel's recommendation shortly thereafter. The Board of Trustees' action occurred less than one year after respondent's misconduct, which was sufficiently close in time to demonstrate an unfitness to teach.

### **Type of Credential**

182. This criterion is irrelevant because respondent was not required to have a teaching credential to teach HLTH-3. (See Cal. Code Regs., tit. 5, § 53410, subds. (a) & (b) [minimum qualifications for faculty members teaching lower division and upper division credit courses do not include possessing a teaching credential].)

### **Extenuating and/or Aggravating Circumstances**

183. For the first time in his closing brief, respondent characterized his inappropriate comments during the second day of class, as an "isolated instance of [an] emotional outburst following years of stress" that he attributed to a "mental health episode." Dr. Hedberg agreed respondent's conduct was more likely "associated with an aberrant behavior, a one-time occurrence, or a very infrequent behavior, only occurring under high levels of stress," as opposed to "a behavior pattern that is quite routine and regular and part of the personality pattern, part of the lifestyle of [respondent]."

184. Although such evidence may constitute an extenuating circumstance, it does not for respondent. During Ms. Ginsberg's interview and at hearing, respondent provided inconsistent explanations of what he said. Such lack of candor eliminates any

mitigating effect of the potential cause for respondent's misconduct and demonstrates an unfitness to teach.

### **Praiseworthiness or Blameworthiness of Motives**

185. Respondent adamantly stated at hearing that he "definitely [did] not" make a threat during class but also admitted "there were some similarities" between what he said and what TS and others testified he said. Given such inconsistent statements, respondent's motives are wholly irrelevant.

### **Likelihood of Recurrence**

186. Acknowledging the wrongful nature of one's misconduct is essential to demonstrating it is unlikely to recur. (See *Seide v. Com. of Bar Examiners of the State Bar of Cal.* (1989) 49 Cal.3d 933, 940.) Respondent's failure to clearly, unhesitatingly, and consistently admit his misconduct evidences its likelihood of recurring and his unfitness to teach.

### **Potential Chilling Effect on Constitutional Rights**

187. The United States Supreme Court has concluded that although "a government employee does not relinquish all First Amendment rights otherwise enjoyed by citizens just by reason of his or her public employment," his employer may impose "restraints that would be unconstitutional if applied to the general public." (*City of San Diego, Cal. v. Roe* (2004) 543 U.S. 77, 80 [reversing appellate court's judgment vacating trial court's order dismissing police officer's lawsuit against his employer for violating his civil rights by terminating his employment for selling homemade, sexually explicit videos online].)

188. The High Court's conclusion has been extended to a public school teacher who was terminated for posting an online advertisement soliciting sex and including explicit photographs of his genitalia and anus and obscene written text. (See, e.g., *San Diego Unified School Dist. v. Com. on Professional Competence* (2011) 194 Cal.App.4th 1454 [reversing trial court's judgment denying petition for writ of mandate and directing it to issue writ of mandate directing Commission to render decision finding cause for dismissal due to evident unfitness to teach and immoral conduct].)

189. Given the nature of respondent's threat and adverse effect it had on others, imposing discipline will not have a chilling effect on his constitutional rights, and they demonstrate his unfitness to teach.

## **LEGAL CONCLUSIONS**

### **Applicable Burden/Standard of Proof**

1. The District has the burden of proving the allegations in the Second Statement of Charges by a preponderance of evidence. (*Lopez v. Imperial County Sheriff's Office* (2008) 165 Cal.App.4th 1, 4 ["In disciplinary administrative proceedings, the burden of proving the charges rests upon the party making the charges"]; *Gardener v. Com. on Professional Competence* (1985) 164 Cal.App.3d 1035, 1040 [the standard of proof in an administrative proceeding for the dismissal of a teacher is a preponderance of the evidence].) This evidentiary standard requires the party with the burden of proof to produce evidence of such weight that, when balanced against evidence to the contrary, is more persuasive. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.) In other words, the District must

prove it is more likely than not that respondent engaged in the conduct alleged. (*Lillian F. v. Super. Ct.* (1984) 160 Cal.App.3d 314, 320.)

## **Applicable Law**

2. The grounds for dismissing respondent are entirely statutory. (Ed. Code, § 87732.) He may be dismissed for: (1) immoral conduct; (2) dishonesty; (3) evident unfitness for service; or (4) persistent violation of, or refusal to obey, state law or reasonable regulations adopted by the Board of Governors of the California Community Colleges or the District's Board of Trustees. (*Id.* at subds. (a), (b), (d), & (f).) The District's Board Policy (BP) 7360 provides, "Any faculty member or educational administrator may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732." Administrative Regulation (AR) 7360 itemizes the same grounds for dismissing a faculty member as Education Code section 87732.

### **IMMORAL CONDUCT**

3. The California Supreme Court has recognized that the terms "immoral conduct" and "unprofessional conduct" substantially overlap one another and that conduct which constitutes one, often includes the other. (See *Morrison v. State Bd. of Education*, *supra*, 1 Cal.3d 214, 221, fn. 9.) In describing what constitutes "immoral conduct" within the context of the Education Code, the court in *Board of Education of San Francisco Unified School District v. Weiland* (1960) 179 Cal.App.2d 808, said:

In *Orloff v. Los Angeles Turf Club*, 36 Cal.2d 734, at page 740 [227 P.2d 449], the Supreme Court quotes with approval the following statement from Words and Phrases, permanent edition, volume 20, pages 159-160: "The term 'immoral' has been defined generally as that which is hostile

to the welfare of the general public and contrary to good morals. Immorality has not been confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as 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."

4. The court in *San Diego Unified School District v. Commission on Professional Competence*, *supra*, 194 Cal.App.4th 1454, said the following about the definition of immoral or unprofessional conduct:

Moreover, the 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.]

(*Id.* at p. 1466.)

5. The following has been said about the analysis for determining whether conduct constitutes sufficient cause for dismissing a teacher:

*Goldsmith v. Board of Education*, 66 Cal.App. 157, 168 [225 P. 783], quoted in *Board of Education v. Swan*, 41 Cal.2d 546, 553-554 [261 P.2d 261], found that the standards for judging the propriety of a teacher's conduct, and the extent to which that conduct may be the basis for the revocation

of a credential, involves many aspects. " . . . the teacher is entrusted with the custody of children and their high preparation for useful life. His habits, his speech, his good name, his cleanliness, the wisdom and propriety of his unofficial utterances, his associations, all are involved. His ability to inspire children and to govern them, his power as a teacher, and the character for which he stands are matters of major concern in a teacher's selection and retention."

(*Moser v. State Bd. of Education* (1972) 22 Cal.App.3d 988, 991.)

## **DISHONESTY**

6. "An approved definition of dishonesty connotes a disposition to deceive."

(*Midway School Dist. of Kern County v. Griffeath* (1946) 29 Cal.2d 13, 18.)

## **EVIDENT UNFITNESS FOR SERVICE**

7. A charge of evident unfitness for service requires proof that the teacher is "clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies. [It] connotes a fixed character trait, presumably not remediable merely on receipt of notice that one's conduct fails to meet the expectations of the employing school district." (*Woodland Joint Unified School Dist. v. Com. on Professional Competence* (1992) 2 Cal.App.4th 1429, 1444.) When considering such a charge, the *Morrison* factors "must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service." (*Id.* at p. 1445.) Only if the conduct demonstrates an unfitness for service does one proceed to the next step of determining "whether the 'unfitness' is 'evident'; i.e., whether the offensive conduct is caused by a defect in temperament." (*Ibid.*)

## **PERSISTENT VIOLATION OR REFUSAL TO OBEY LAWS OR REGULATIONS**

8. A charge of persistent violation of, or refusal to obey, requires a showing of insubordination. (*Midway School District of Kern County v. Griffeath, supra*, 29 Cal.2d at pp. 18–19.) Furthermore, “persistence” requires a showing of “continuing or constant” behavior. (*Governing Board of the Oakdale Union School Dist. v. Seaman* (1972) 27 Cal.App.3d 77, 82.) “Persistence, in the sense intended, is referable to past conduct. The Legislature undoubtedly intended that opportunity for correction be available and refrained from providing for dismissal for a single violation of regulations, or until repeated violations could be considered persistent.” (*Midway School District of Kern County v. Griffeath, supra*, 29 Cal.2d at p. 18.)

9. BP 1200 identifies one of the District’s missions as “efficiently delivering a comprehensive array of postsecondary educational programs and support services to meet a range of student needs and student goals, including associate and baccalaureate degrees, transfer, employment-ready certificates, and lifelong learning.” Its values include “Kindness; Collegiality; Respect; Responsive; [and] Trustworthy.” BP 3510 expresses the Board of Trustees’ commitment “to providing a District work and learning environment that is free of violence and the threat of violence.” BP 6720 prohibits anyone from coming onto or remaining on any District property for the purpose of advocating, committing, or attempting to commit a crime or a violation of a campus’s or the District’s rules, regulations, or policies.

10. AR 3510 expresses the District’s commitment to providing an environment free from violence and the threat of violence. It specifies that “violence or the threat of violence against or by any employee of the District or any other person is unacceptable.” It warns that an employee who demonstrates or threatens violent behavior during work hours is subject to disciplinary action and criminal prosecution.



AR 3510 defines a violent act as, among other things, "threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm."

11. AR 7122 defines the duties and responsibilities of instructors. It provides, "The major duty of an instructor shall be to teach students in accordance with the philosophy, strategic goals and directions, Board Policies and Administrative Regulations of the District, the approved curricula of the colleges, the provisions of the Education Code, and the California Administrative Regulations." It requires instructors to "know mission, values and vision statements . . . and be guided by them in the planning of each course." Instructors are also required to "teach classes," "be present in the classroom during the time classes are officially scheduled," and "devote full effort, attention, and time to assignments and refrain from engaging in any . . . activity . . . which has been determined to be . . . incompatible . . . with duties as a District."

12. AR 7123 identifies the following activities as incompatible with the duties of a District Employee:

Use for private gain or advantage of District time . . . for any purpose other than the performance of official District business.

[¶] . . . [¶]

Engaging in any . . . activity . . . which is clearly inconsistent, incompatible, or in conflict with, or adverse to, the employee's duties or the welfare of the colleges or the District.

Willful violation of any policy and regulations of the District  
or any lawful administrative directive . . . .

## **Conclusion**

### **IMMORAL CONDUCT**

13. The preponderance of the evidence demonstrated respondent engaged in immoral conduct when he ended the first day of class early without providing substantive instruction so he could retrieve his lost dog, threatened to shoot Dr. Goldsmith during the second day of class, and exceeded the scope of providing proper instruction during the second day of class by discussing personal matters, as discussed in Factual Findings 155 through 158, 160 through 168, and 171 through 174. Therefore, cause exists for his dismissal from the District pursuant to Education Code section 87732, subdivision (a).

### **DISHONESTY**

14. The preponderance of the evidence demonstrated respondent was dishonest when he told Ms. Ginsberg he did not end the first day of class early, as discussed in Factual Findings 155 and 156. However, there was insufficient evidence he was dishonest when he told Ms. Ginsberg he did not recall if he provided substantive instruction that day, for the reasons explained in Factual Finding 159. There also was insufficient evidence respondent was dishonest when he told Ms. Ginsberg he did not recall discussing personal matters during the second day of class, for the reasons explained in Factual Finding 175.

15. Although the District proved only a single act of dishonesty alleged in the Second Statement of Charges, respondent was dishonest about not performing a

fundamental duty as an instructor: being present and providing relevant instruction for the duration of the assigned class period. Therefore, cause exists to dismiss him from the District for dishonesty pursuant to Education Code section 87732, subdivision (b).

### **EVIDENT UNFITNESS FOR SERVICE**

16. The preponderance of the evidence demonstrated respondent is unfit for service because he ended the first day of class early without providing substantive instruction so he could retrieve his lost dog, threatened to shoot Dr. Goldsmith during the second day of class, and exceeded the scope of providing proper instruction during the second day of class by discussing personal matters, as discussed in Factual Findings 177 through 189. His unfitness is evident for the reasons discussed in Factual Findings 155 through 158, 160 through 168, and 171 through 174. Dr. Hedberg's testimony supports such conclusion because he explained respondent "still is not recovered to that point where he could take over a formal professional career in teaching, coaching, and student relationships." Dr. Hedberg concluded respondent is "functionally impaired currently even." Therefore, cause exists for his dismissal from the District pursuant to Education Code section 87732, subdivision (d).

### **PERSISTENT VIOLATION OR REFUSAL TO OBEY LAWS OR REGULATIONS**

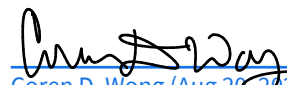
17. The preponderance of the evidence established respondent violated BP 1200, AR 7122, and AR 7123 when he ended the first day of class early without providing substantive instruction so he could retrieve his lost dog and exceeded the proper scope of instruction on the second day of class. The persuasive evidence further established he violated that policy and those regulations, as well as BP 3510 and BP 6720, when he threatened to harm Dr. Goldsmith during the second day of class.

18. However, the violations occurred too close in time to afford respondent an "opportunity for correction." (*Midway School District of Kern County v. Griffeath, supra*, 29 Cal.2d at p. 18.) Additionally, there was only a single instance of respondent violating BP 1200, BP 3510, BP 6720, and AR 3510 by making the threat. (*Governing Board of the Oakdale Union School Dist. v. Seaman, supra*, 27 Cal.App.3d at p. 84 ["We hold, only, that a single violation of a school board's rules is not of itself cause for the dismissal of a permanent teacher" for persistent violation of rules].) No cause exists to dismiss respondent from the District pursuant to Education Code section 87732, subdivision (f).

## ORDER

The Statement of Charges and Recommendation for Immediate Suspension and Dismissal dated June 10, 2024, seeking to dismiss respondent Edward Madec from the State Center Community College District is AFFIRMED, as to the causes for dismissal for immoral conduct, dishonesty, and evident unfitness for service, and is DISMISSED, as to the cause for dismissal for persistent violation of, or refusal to obey, state law or reasonable regulations adopted by the Board of Governors of the California Community Colleges or the Board of Trustees for the District. This Decision is effective IMMEDIATELY.

DATE: August 20, 2025

  
Coren D. Wong (Aug 20, 2025 08:45:41 PDT)  
COREN D. WONG

Administrative Law Judge

Office of Administrative Hearings