

**BEFORE THE
GOVERNING BOARD OF THE
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA**

In the Matter of the Employee Discipline Against:

CONRADE MAYER, Respondent

OAH No. 2024030409

PROPOSED DECISION

Sean Gavin, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter from February 10 through 13, 2025, in Rancho Cordova, California.

Amanda Bray and Kim Kingsley Bogard, Attorneys at Law, represented the Folsom Cordova Unified School District (the District).

Cynthia Lloyd, Attorney at Law, represented respondent Conrade Mayer (respondent), who was present throughout the hearing.

Evidence was received and the hearing concluded on February 13, 2025. The record was held open until March 28, 2025, to permit the parties to file written closing briefs. The District's brief was marked as Exhibit 22 and admitted as argument. Respondent's brief was marked as Exhibit O and admitted as argument. The record closed and the matter was submitted for decision on March 28, 2025.

FACTUAL FINDINGS

Jurisdictional Matters

1. Respondent is a permanent classified employee of the District. He was hired in September 2013 as a campus monitor at Cordova High School (CHS). He remained in that position until he was placed on administrative leave on December 11, 2023. He also led CHS's Mentees at Cordova High (MACH) program, which provides mentoring and guidance to student participants and arranges community service projects off campus.

2. Under state law that requires school districts to maintain written rules and regulations governing how they manage classified personnel, the District maintains Administrative Regulation 4218 (AR 4218), which addresses how it may discipline classified employees. Under AR 4218, the District may only discipline permanent classified employees for cause. AR 4218 lists 22 separate categories that constitute such cause.

3. Pursuant to AR 4218, on February 28, 2024, Don Ogden, Ed.D., the District's Associate Superintendent of Human Resources, notified respondent that Dr. Ogden was recommending his termination. With the notification, Dr. Ogden included a Statement of Charges alleging respondent made sexually harassing and inappropriate comments to and about five CHS students in the 2022/2023 and/or 2023/2024 school years.

4. Based on the allegations, the Statement of Charges identified the following causes to dismiss respondent: (1) Falsification of any information provided to the school district, including, but not limited to, information supplied on application

forms, employment records, or any other school district records; (2) Incompetency; (3) Neglect of duty; (4) Insubordination; (5) Dishonesty; (6) Immoral conduct; (7) Discourteous treatment of the public, students, or other employees; (8) Willful disobedience; (9) Violation of District, Board, or departmental rule, policy, or procedure; (10) Unlawful discrimination, including harassment on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a District employee; and/or (11) Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the District or his/her employment.

5. Respondent timely appealed his dismissal and filed a Request for Hearing, in which he denied all allegations against him. This hearing followed.

District's Evidence

STUDENT COMPLAINTS AND DISTRICT'S INVESTIGATION

6. Justin Jones, a campus monitor at CHS for the past two and a half years, testified at hearing. According to the written job description, campus monitors at CHS must "maintain a safe and orderly environment" and "report unauthorized activities to appropriate supervisory personnel." Mr. Jones and respondent interact as coworkers, but they do not socialize outside of work.

7. In early December 2023, students **S1** and **S2** told Mr. Jones and another campus monitor, Brian Beckman, about certain comments respondent made to them. **S1** said respondent warned her not to walk by herself in the evening during "kidnapping hours." She also said respondent told her that he could recognize her from behind because he had "seen [her] cute little ass walking around." **S2** told Mr.

Jones and Mr. Beckman that respondent said he recognized her in a video depicting a fight on campus because "I have seen that ass anywhere."

8. Mr. Jones and Mr. Beckman reported the students' complaints to the lead campus monitor, Roger Parker, who advised them to tell Amy Strawn, CHS's Principal. They did so the same day. Ms. Strawn testified at hearing.

9. On December 11, 2023, after receiving the information from Mr. Jones and Mr. Beckman, Ms. Strawn interviewed **S1** and **S2** about their complaints. **S1** also agreed to provide a written statement, but **S2** was uncomfortable doing so. Instead, **S2** allowed Ms. Strawn to take notes during their interview.

10. Through her interview and written statement, **S1** told Ms. Strawn that respondent called her "pretty girl" several times and remarked when she was, in **S1**'s words, "showing too much skin." Respondent also "made several comments about how I could have any boy I wanted because I was pretty."

11. **S1** also told Ms. Strawn about a time in Fall 2023 when she was walking home from campus after cheerleading practice. That evening, respondent pulled up beside her in his car and offered to drive her home because she "shouldn't be out walking, it's kidnapping hours," or substantially similar words to that effect. Respondent explained he recognized **S1** from behind because her "cute little ass was walking around in those shorts at this time of night." **S1** accepted the offer, and respondent drove her home.

12. Shortly after commenting about her "cute little ass" and giving her a ride home, respondent requested to be **S1**'s friend on Facebook. **S1** was not in the MACH program and only ever interacted with respondent intermittently in his role as a campus monitor. She ultimately accepted his friend request, after which he

approached her on campus and said, "I seen you accepted my request on Facebook. I thought you were going to make me work for it."

13. **S2** told Ms. Strawn that she left the MACH program because respondent's comments made her feel uncomfortable. Specifically, he commented when she was either showing too much or not enough skin. He also said he recognized her in the background of a video showing a fight on campus because he would "recognize that ass from a mile away," or substantially similar words to that effect.

14. **S2** also told Ms. Strawn that respondent saw her at a bus stop off campus on a Saturday and pulled over to offer her a ride, which she declined. Finally, **S2** told Ms. Strawn that respondent said his wife "thinks I play around," suggesting his wife suspected him of infidelity.

15. After interviewing **S1** and **S2**, Ms. Strawn forwarded her notes and **S1**'s statement to Dr. Ogden, Shannon Diaz, and Jim Huber. Ms. Diaz was the District's Director of Compliance and Mr. Huber was the Assistant Superintendent of Administrative Services. The next day, Ms. Diaz provided a list of questions and directed Ms. Strawn to use those questions to interview between 10 and 15 other students who had contact with respondent through the MACH program.

16. Ms. Strawn retrieved a MACH attendance list, placed all the female students' names in a Google randomizer tool, and used it to create a list of 11 other students to interview. However, she tested positive for COVID-19 that day, so she was unable to interview the students. Instead, she passed the investigation to Carrie Jackson, Ed.D., an Assistant Principal at CHS. Dr. Jackson testified at hearing.

17. On December 12, 2023, Dr. Jackson began contacting students on the list. Additionally, because the list included just 11 names, Dr. Jackson used the MACH attendance roster to select five additional students to interview. Of those 16 students, 15 agreed to be interviewed. During the interviews, one additional student was identified as a potential recipient of inappropriate comments from respondent, so Dr. Jackson interviewed that student as well. In total, Dr. Jackson interviewed 16 additional students.

18. While Dr. Jackson was conducting the investigation on December 13, 2023, S2 approached her to provide her own written statement. Dr. Jackson accepted the statement and then asked S2 the interview questions she had received from Ms. Strawn. Through her interview and written statement, S2 reported the same information she had provided to Ms. Strawn. In addition, she reported that respondent told her she had a pretty face and suggested she wear tighter clothing because she had a nice body. In September 2023, respondent sent S2 a Facebook friend request and, after she accepted it, remarked to her that he was surprised because "I thought you guys would make me work for it."

19. S2 further explained respondent gave her unwanted attention. Specifically, respondent routinely "liked" S2's Facebook posts, found her mother on Facebook and messaged her to ask about S2, and "one time kept texting [another student] to ask how I was doing." Similarly, respondent regularly asked S2, "where's pretty girl," when S2 was not with S1 on campus. Respondent also warned S2 to avoid other high school boys and Mr. Jones because they would want her to "open [her] legs" for them and she could "end up pregnant."

20. Finally, on one occasion, respondent said to S2, "if I was your age . . ." Based on respondent's other comments to her and the level of attention he paid to

her, this comment suggested to **S2** that respondent would express romantic interest in her if he was also a high school student. **S2** stopped attending MACH events because respondent made her extremely uncomfortable and she hoped to “avoid him at all costs.”

21. Of the 16 other students Dr. Jackson interviewed, three reported inappropriate comments or conduct from respondent. Student **S3** reported that in either August or September 2023, respondent approached her on a golf cart as she walked to class. She was wearing a skirt and respondent said she looked good and remarked, “if I was in high school with you . . .” A classmate, **S4**, was present and overheard the comment.

22. In her own interview, **S4** reported that when she saw respondent on campus, “every interaction [wa]s kinda weird.” On one occasion, in Spring 2023, when she asked for a ride across campus on respondent’s golf cart, he patted her thigh and responded, “put those pretty legs to work.” She “was grossed out” and walked away. On another occasion, also in Spring 2023, respondent told **S4**, “if only you didn’t have a boyfriend.” A classmate, **S5**, was present and overheard the comments.

23. In **S5**’s interview, she confirmed respondent told **S4** to “put those pretty legs to work.” **S5** also reported that in January or February 2023, respondent complimented her own “pretty white legs.” Another time, respondent yelled to a couple near the school library, “I should get you guys some condoms.”

24. After Dr. Jackson interviewed the students, the District’s attorney interviewed **S1**, **S2**, **S3**, **S4**, and **S5**. Dr. Jackson attended those interviews. In her opinion, the students’ statements during the attorney’s interviews were consistent with

their statements during her interviews. Based on their demeanors and attitudes, Dr. Jackson believed the students were being honest during both interviews.

25. Following the students' interviews, the District's attorney interviewed respondent. Ms. Diaz, the District's Director of Compliance, attended the interview. According to Ms. Diaz, who testified at hearing, respondent denied the students' allegations against him. She did not find his denials credible because she found many of his statements inconsistent. Specifically, respondent initially denied knowing some of the students, but later confirmed he did know them. Similarly, he initially denied giving rides to students, but later confirmed he did. He also initially denied having social media contact with students, but later acknowledged such contact.

26. The District's attorney also interviewed the other campus monitors, Mr. Jones, Mr. Beckman, and Mr. Parker. Ms. Strawn attended those interviews. According to her, Mr. Beckman and Mr. Parker told the investigator that on one occasion, respondent pointed out how certain girls were dressed on campus and remarked, "they look like they want to get fucked." Mr. Parker testified at hearing and confirmed respondent made that comment. Mr. Beckman did not testify at hearing.

27. Based on the District's investigation, it placed respondent on administrative leave and filed the Statement of Charges, as described above. At hearing, Dr. Ogden, the District's Associate Superintendent of Human Resources, identified several District policies that the District contends respondent violated. Specifically, the District believes respondent violated policy 4219.21, which governs professional standards; policy 5137, which addresses a "positive school climate"; policies 0410, 4030, and 5145.3, which prohibit discrimination; and policy 5145.7, which prohibits sexual harassment.

STUDENT TESTIMONY

S1

28. **S1** met respondent during the 2022/2023 school year, when she was a sophomore. She was not part of the MACH program but attended one or two meetings with friends. She confirmed she and **S2** reported respondent's conduct to Mr. Jones and Mr. Beckman in early December 2023. She also reviewed her written interview statement and confirmed the facts contained in it are true.

29. During her testimony, **S1** repeated and summarized the allegations as they appear in the written statements. She also provided additional context. She explained respondent called her "pretty girl" approximately seven to ten times during her sophomore year. He also called other students "pretty girl." At first, **S1** did not react, but she eventually felt uncomfortable about the comments. She recalled specific details about the comments, such as where she was on campus and who else was present.

30. **S1** also confirmed that as she was walking home from cheerleading practice, respondent offered her a ride. According to **S1**, respondent "said he noticed me from my cute little ass in my outfit. It was my cheer uniform. I was wearing shorts and a T-shirt." **S1** accepted the ride. Once she was in the car, respondent told **S1** that time of day was "rape hour." She was "very uncomfortable" and "definitely a little bit scared."

31. Respondent also made **S1** uncomfortable by staring at her, often through the mirrors of his golf cart, "almost every day." He also text messaged **S1** to ask where **S2** was.

S2

32. **S2** met respondent during the 2021/2022 school year, when she was a freshman. She then joined the MACH program her sophomore year. She confirmed she and **S1** reported respondent's conduct to Mr. Jones and Mr. Beckman in early December 2023. She also reviewed her written interview statement and Ms. Strawn's interview notes and confirmed the facts contained in both are true. During her testimony, she repeated and summarized those same allegations as they appear in the written statements.

33. **S2** also explained she did not want to provide a written statement at first because she was afraid no one would believe her based on respondent's reputation and influence within the community. When she realized Ms. Strawn and Dr. Jackson were taking her seriously, she overcame her fears.

34. **S2** also testified about how respondent's comments made her feel. His remarks about her body and clothing made her feel he was constantly observing her and evaluating her looks. She often felt "disgusted" and uncomfortable because respondent is an adult and she is a child. She found respondent's attention "weird" and "creepy," and eventually stopped having contact with him at all.

S3

35. **S3** met respondent during the 2022/2023 school year, when she was a sophomore. She was not part of the MACH program. She reviewed her written interview statement and confirmed the facts contained in it are true. She did not report respondent's conduct because she was unsure how to feel about it. When Dr. Jackson interviewed her, she told the truth.

36. During her testimony, S3 repeated and summarized the allegations as they appear in the written statement. She also provided additional context. She explained, "I can't remember like word for word. But from what I roughly remember, [respondent] said that if he was around like the high school age, he would, you know, go for me." She recalled where she was on campus and what time of day the comment occurred. She understood the comment to be sexual in nature and implying that "I looked good or he found me good looking or something." Once the comment "really sunk in," S3 was "really uncomfortable" because respondent was an adult on her school campus.

S4

37. S4 met respondent during the 2022/2023 school year, when she was a sophomore. She was not part of the MACH program. She reviewed her written interview statement and confirmed the facts contained in it are true.

38. During her testimony, S4 repeated and summarized the allegations as they appear in the written statement. She also provided additional context. She confirmed respondent said to her and S5 "only if you didn't have a boyfriend" or substantially similar words to that effect. S4 understood the comment to be sexual in nature, suggesting "if we didn't have a boyfriend, like, he would make a move or something like that."

39. S4 also described the way respondent touched her when he told her to "use those pretty legs of yours" instead of getting a ride on his golf cart. Specifically, she explained he touched the front of her leg on the "mid thigh, upper knee," like "someone giving you a pat on the back, but it was on your legs." S4 felt "grossed out" and walked away.

S5

40. **S5** met respondent during the 2022/2023 school year, when she was a sophomore. She was not part of the MACH program. She reviewed her written interview statement and confirmed the facts contained in it are true.

41. During her testimony, **S5** repeated and summarized the allegations as they appear in the written statement. She also provided additional context. She explained she and **S4** began avoiding respondent once they realized he was “looking at [their] bodies in a weird way.” She confirmed respondent said “if only you didn’t have a boyfriend” to her and **S4** near the end of their sophomore year. **S5** understood this as a sexual comment and felt “very grossed out.”

Respondent’s Evidence

42. Respondent testified at hearing. He denied most of the students’ allegations. Specifically, he denied ever giving students rides in either his golf cart or personal car, denied calling students pretty or commenting about their appearances, and denied doing or saying anything to make students uncomfortable or scared.

43. Later in his testimony, respondent explained he only ever gave students rides in his personal car as part of his MACH program duties. The students’ parents always authorized such rides with permissions slips.

44. Even later in his testimony, respondent acknowledged he gave **S1** a ride home but denied saying it was “kidnapping hour” or “rape hour.” He confirmed **S1** was not in the MACH program, but nevertheless believed it was within the scope of his job as a campus monitor to offer her a ride to ensure her safety. He also

acknowledged offering S2 a ride from a bus stop but explained he only did so because he believed her family was in financial need.

45. Respondent also confirmed he commented about students' clothing, but explained he had a legitimate reason to do so. One of his job duties as a campus monitor was to enforce CHS's dress code, which prohibited clothing that was too revealing. He submitted into evidence three emails from the District reminding personnel to enforce the dress code. One such email, from May 2017, encouraged staff to "be on the lookout for girls wearing booty shorts and inappropriate tops." Another email, from August 2017, provided the following:

"[P]ro tip" for DCVs (Dress Code Violations): when iss[uing] the DCV, smile, make eye contact, compliment the clothes ("that is the cutest shirt, unfortunately, it is not appropriate for school." Please save it for the weekend), and record the incident however you see fit.

46. All three dress code emails included details about how to follow up on violations, which ranged from giving students yellow slips to sending them to the front office. None of the emails instructed personnel to comment about the students' bodies, and none of the emails advised telling students to wear tighter fitting clothing.

47. Respondent also acknowledged sending students friend requests on Facebook. He clarified he and MACH both maintained separate accounts, and he regularly invited students to be friends via the MACH account. However, he conceded, "I don't know how that works. I invited them from both."

CHARACTER EVIDENCE

48. Five witnesses testified to respondent's good character. David Sander, a City of Rancho Cordova City Council member, has known respondent for approximately 25 years. They met through the local chamber of commerce and he has observed respondent interact with children hundreds of times through the MACH program. Mr. Sander is also a coach at CHS and has seen respondent on campus. In his opinion, it is "impossible" that respondent made the comments alleged in this matter. He became generally aware of allegations against respondent through conversations with parents of children in the District, but did not know specific details.

49. Shelley Blanchard has known respondent for approximately 25 years. She is the editor of a local newspaper and met respondent when writing a story about his mother. They continued to interact when the newspaper covered the MACH program's work in the community. She has observed respondent interact with children at events and never witnessed him make any inappropriate comments. At hearing, she read some of the students' allegations against respondent. She explained those allegations would be "totally out of character" for respondent. In addition, she submitted a letter, in which she summarized what she believes is "a simmering dispute" between some local community members who have advocated for Mr. Parker, respondent's supervising lead campus monitor, to be inducted into the Rancho Cordova Sports Hall of Fame, and respondent, the "Hall of Fame's founding father."

50. Rena Zellars has known respondent approximately 12 years. They met socially through her husband. They have interacted socially and professionally over the past decade. Ms. Zellars has witnessed respondent interact with children and has never heard him make inappropriate comments to or about anyone. At hearing, she read

some of the students' allegations against respondent. She explained those allegations would be inconsistent with what she knows about respondent's character.

51. Lori Parker has known respondent since 1987, when they were neighbors. She also worked at CHS as an administrator's secretary. She has observed respondent on campus and never heard him make inappropriate comments to or about students. At hearing, she read some of the students' allegations against respondent. She explained she could not imagine a world in which she could believe the allegations to be true.

52. Melody Granger-Mayer has been respondent's wife for 35 years. She regularly attends MACH events and has seen respondent interact with students many times over the past several years. They have also hosted several "troubled students" in their home temporarily, sometimes for as long as a full school year. Ms. Granger-Mayer has never heard respondent made inappropriate jokes or comments to or about students or anyone else. She is aware of the allegations against respondent and believes them to be inconsistent with her opinion of respondent based on their shared experiences.

53. In addition to the witnesses who testified, the parties stipulated that three other individuals—Perry Mansch, Kiari Savorn, and Tim McCandless—if called as witnesses, would testify that they all knew respondent, did not witness the events alleged in this matter, and have not witnessed any other similar conduct from respondent. Respondent also submitted letters of support from those three individuals.

54. Mr. Mansch has known respondent for approximately 20 years and, in his opinion, respondent's behavior with students has always been "up-standing, honoring,

respectful, and appropriate.” Ms. Savorn is a mother of three former members of the MACH program. She trusted respondent to give her children rides and “not once has any of my children ever expressed any fear or being uncomfortable or in an inappropriate situation.” Mr. McCandless is a high school classmate of respondent. They have worked together as adults through the Rancho Cordova Athletic Association. In his opinion, respondent “would never compromise the trust and wellbeing of the children he advocates for.”

Analysis

55. The District’s witnesses and respondent maintained respective versions of events that are largely incompatible with one another. Although there was some documentary evidence, most of the case focused on witness testimony. As a result, witness credibility is central to the result. For the reasons explained below, the District’s witnesses were more credible than respondent.

56. First, none of the District’s witnesses have any personal stake in the outcome of this case. In contrast, respondent is biased by his own self-interest. (Evid. Code, § 780, subd. (f).)

57. Second, each of the District’s witnesses testified in a straightforward and forthright manner. More importantly, they each shared details that were sufficiently consistent with one another to support their credibility, but not so identical as to suggest collusion or fabrication. Many of the student witnesses related substantially similar accounts of respondent’s behavior. For example, multiple students shared respondent’s comments about them being “pretty” and suggesting they use their “pretty little legs” to walk around campus. **S2** and **S1** both credibly testified that respondent made comments about recognizing them based on their “ass.” Multiple

witnesses agreed that respondent commented on students' appearances and clothing. Mr. Parker, an adult with nothing to gain or lose from the outcome of this matter, buttressed the students' testimony when he confirmed respondent said some of the children "look like they want to get fucked."

58. On the other hand, respondent's denials included several inconsistent statements. (Evid. Code, § 780, subd. (h).) For example, he initially denied giving students rides, but later confirmed he did so. Moreover, he clarified that he only gave students rides as part of the MACH program, but then admitted he gave **S1** a ride home and offered **S2** a ride, neither of which was related in any way to MACH. Similarly, respondent unpersuasively explained his comments about the students' clothing was part of enforcing the school dress code. To be clear, although the school's emails instructed staff to enforce the dress code, respondent's comments went well beyond that directive. Instead, the credible evidence is that respondent remarked not just about students' clothing, but about how their bodies looked while wearing that clothing. Furthermore, **S2** credibly testified that respondent encouraged her to wear tighter clothing, which was not covered by the dress code at all.

59. Finally, respondent's character witnesses were not persuasive. Many of them refused to accept even the possibility that respondent could have made any of the alleged comments. Such unwillingness to entertain the possibility that respondent might have engaged in some portion of the alleged wrongdoing revealed a bias that undermined the witnesses' credibility. (Evid. Code, § 780, subd. (f).) Moreover, although many of the witnesses had opportunities to observe respondent interact with children at MACH events, none of them were present during any of the misconduct alleged in this matter. (Evid. Code, § 780, subds. (c), (d).) As such, their opinions are entitled to little weight with regard to their assessment of respondent's character. (*Seide v. Com.*

of Bar Examiners of the State Bar of Cal. (1989) 49 Cal.3d 933, 940 [If the character witnesses were not aware of the extent or seriousness of respondent's alleged wrongdoing, their evaluations of his character carry less weight].)

60. Consequently, the persuasive evidence established that respondent engaged in the acts of misconduct alleged in the Statement of Charges. The District therefore established by a preponderance of the evidence that cause exists to terminate respondent's employment.

LEGAL CONCLUSIONS

1. Education Code section 45113, subdivision (a), provides that a "governing board of a school district shall prescribe written rules and regulations, governing the personnel management of the classified service, which shall be printed and made available to employees in the classified service . . ." A permanent classified employee is "subject to disciplinary action only for cause as prescribed by rule or regulation of the governing board." (*Id.*, at subd. (b).) In a disciplinary action against a permanent classified employee, the "burden of proof shall remain with the governing board." (*Id.*, at subd. (c).) "Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence." (Evid. Code, § 115.)

2. In accordance with Education Code section 45113, the District Board has adopted AR 4218, which, in relevant part, sets forth the following causes for disciplinary action:

1. In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation

of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.

b. Incompetency.

[¶] . . . [¶]

d. Neglect of duty.

e. Insubordination.

f. Dishonesty.

[¶] . . . [¶]

k. Immoral conduct.

l. Discourteous treatment of the public, students, or other employees.

[¶] . . . [¶]

n. Willful disobedience.

[¶] . . . [¶]

p. Violation of district, Board or departmental rule, policy, or procedure.

[¶] . . . [¶]

t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.

[¶] . . . [¶]

v. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.

Specific Causes for Termination

FALSIFYING INFORMATION AND DISHONESTY

3. The District did not prove respondent was dishonest or falsified any information supplied to the District, including, but not limited to, information supplied on application forms, employment records, or any other District records. In its closing brief, the District argued respondent lied during its investigation into his conduct by denying wrongdoing. However, there was no reliable evidence of respondent's specific denials. Moreover, the District argued respondent lied at the hearing, but even if that is true, he cannot be disciplined for statements he made during the hearing. The Statement of Charges under AR 4218, section 1, subdivisions a. (falsifying information) and f. (dishonesty) are therefore dismissed.

INCOMPETENCY

4. The term “incompetency” generally indicates “an absence of qualification, ability or fitness to perform a prescribed duty or function.” (*Pollack v. Kinder* (1978) 85 Cal.App.3d 833, 837.) The District did not establish that respondent is incompetent because it did not prove he lacks the qualifications, ability, or fitness to perform the duties of a campus monitor. The Statement of Charges under AR 4218, section 1, subdivision b. (incompetency) is therefore dismissed.

NEGLECT OF DUTY, INSUBORDINATION, IMMORAL CONDUCT, DISCOURTEOUS TREATMENT OF STUDENTS, WILLFUL DISOBEDIENCE, VIOLATION OF DISTRICT POLICIES, AND SEXUAL HARASSMENT

5. As described above, the District proved by a preponderance of the evidence that respondent: called **S1** “pretty girl” several times; remarked that **S1** was “showing too much skin”; commented about how **S1** could have any boy she wanted because she was pretty; offered to drive **S1** home because she should not be out during “kidnapping hour” or “rape hour”; told **S1** he recognized her from behind based on her “cute little ass”; commented that **S2** was either showing too much or not enough skin; told **S2** he recognized her in a video because he would “recognize that ass from a mile away,” or substantially similar words to that effect; told **S2** that his wife “thinks I play around”; told **S2** she had a pretty face and suggested she wear tighter clothing because she had a nice body; asked **S2**, “where’s pretty girl,” in relation to **S1**; warned **S2** to avoid other high school boys and Mr. Jones because they would want her to “open [her] legs” for them and she could “end up pregnant”; told **S3** she looked good in her skirt and suggested romantic interest by saying, “if I was in high school with you . . .”; patted **S4**’s thigh and said, “put those pretty legs to

work”; complimented **S5** on her “pretty white legs”; and told Mr. Parker some girls on the campus “look like they want to get fucked.”

6. To establish “neglect of duty,” the District must show respondent acted intentionally or without lawful excuse. (*Peters v. Mitchell* (1963) 222 Cal.App.2d 852, 862.) By engaging in the conduct described in Legal Conclusion 5, above, respondent intentionally and without legal excuse neglected his duties as a campus monitor to maintain a safe and orderly environment and report unauthorized activities to appropriate supervisory personnel. The District therefore established cause to dismiss respondent under AR 4218, section 1, subdivision d.

7. The courts have noted that “insubordination can be rightfully predicated only upon a refusal to obey some order which a superior officer is entitled to give and entitled to have obeyed.” (*Garvin v. Chambers* (1924) 195 Cal. 212, 224; *Sheehan v. Bd. of Police Commissioners* (1925) 197 Cal. 70.) The District maintains policy 4219.21, which governs professional standards; policy 5137, which addresses a “positive school climate”; policies 0410, 4030, and 5145.3, which prohibit discrimination; and policy 5145.7, which prohibits sexual harassment.

8. In describing what constitutes “immoral conduct” within the context of the Education Code:

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.

(Bd. of Ed. of San Francisco Unified School Dist. v. Weiland (1960) 179 Cal.App.2d 808 (quoting *Orloff v. Los Angeles Turf Club* (1951) 36 Cal.2d 734, 740.))

9. The District did not prove respondent violated District policies 0410, 4030, or 5145.3. However, by engaging in the conduct described in Legal Conclusion 5, above, respondent violated District policies 4219.21 (professional standards), 5137 ("positive school climate"), and 5145.7 (sexual harassment). The District therefore established cause to dismiss respondent under AR 4218, section 1, subdivisions e. (insubordination), k. (immoral conduct), l. (discourteous treatment of students), n. (willful disobedience), p. (violation of District policy), and t. (unlawful sexual harassment).

OTHER FAILURE OF GOOD BEHAVIOR

10. Apart from the actions described in Legal Conclusion 5, above, the District did not prove respondent engaged in any other failure of good behavior either during or outside of duty hours which is of such nature that it caused discredit to the District or his employment. The Statement of Charges under AR 4218, section 1, subdivision v. is therefore dismissed.

Appropriate Discipline

11. As a general rule, the discipline imposed by a public employer will not be disturbed unless an abuse of discretion is shown. (*Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194, 217; *Barber v. State Personnel Bd.* (1976) 18 Cal.3d 395, 404.) In *Skelly*,

the court noted that in determining whether there was an abuse of discretion, "the overriding consideration . . . is the extent to which the employee's conduct resulted in, or if repeated is likely to result in, '[h]arm to the public service.'" (*Skelly v. State Personnel Bd.*, *supra*, 15 Cal.3d at p. 218.)

12. Respondent is a longtime employee of the District. It is evident that many students and their families have appreciated his efforts. However, respondent has failed to take responsibility for his actions and continues to deny them. Under these circumstances, the District's determination that respondent's conduct warrants termination is supported by a preponderance of the evidence.

Respondent's Additional Arguments

13. In his closing brief, respondent argued: (1) the District failed to meet its burden of proof; (2) the District violated respondent's due process rights by failing to provide video footage of CHS's campus in discovery; (3) Mr. Jones did not testify that respondent made inappropriate comments; (4) Mr. Parker is biased against respondent; (5) the student witnesses were not credible; (6) the alleged misconduct is out of character for respondent; and (7) respondent's alleged comments do not justify his termination.

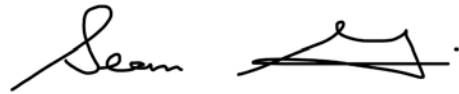
14. Many of respondent's arguments have been addressed above. Each of respondent's arguments has been considered in full and rejected.

ORDER

Respondent Conrade Mayer's appeal is denied. The District's personnel action to terminate respondent from his permanent classified employment from the District is

approved pursuant to Administrative Regulation 4218, section 1, subdivisions d. (neglect of duty), e. (insubordination), k. (immoral conduct), l. (discourteous treatment of students), n. (willful disobedience), p. (violation of District policy), and t. (unlawful sexual harassment). The District's personnel action to terminate respondent is dismissed pursuant to Administrative Regulation 4218, section 1, subdivisions a. (falsifying information), b. (incompetency), f. (dishonesty), and v. (other failure to good behavior).

DATE: April 28, 2025

A handwritten signature in black ink, appearing to read "Sean Gavin". The signature is written in a cursive style with a horizontal line underneath.

SEAN GAVIN

Administrative Law Judge

Office of Administrative Hearings