

BEFORE THE
COMMISSION ON PROFESSIONAL COMPETENCE
OXNARD SCHOOL DISTRICT

In the Matter of the Accusation Against:

OAH No. 2012051091

STACIE HALAS,
A Permanent Certificated Teacher,

Respondent.

DECISION

This matter was heard on October 22, 23, 24, 25, 26, and 31,¹ and November 1, 2012, in Oxnard, California, before the Commission on Professional Competence, Oxnard School District (Commission). The Commission consisted of Karen Rapien, Cara Comstock and Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, State of California. The Oxnard School District was represented by Nitasha K. Sawhney and Chaka C. Okadigbo with GCR, LLP. Stacie Halas, (Respondent) appeared and was represented by Richard J. Schwab with Trygstad, Schwab & Trygstad.

Prior to presentation of the evidence, Respondent made a “Motion in Limine to Exclude Evidence regarding Matters more than Four Years Prior.” For the reasons stated on the record and in Legal Conclusion 3, below, the ALJ denied Respondent’s Motion in Limine. Also prior to the introduction of evidence, the Oxnard School District made a Motion in Limine to exclude Expert and Character Witness Testimony. For the reasons stated on the record, the Oxnard School District’s Motion in Limine was denied.

Oral and documentary evidence was received, and argument was heard. The matter was submitted for decision on November 1, 2012. The Commission on Professional Competence considered the matter in executive session on November 2, 2012. After due consideration of the entire record herein, the Commission makes the following factual findings, legal conclusions, and order.

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¹ On October 31, 2012, the Commission viewed Exhibit 29B, a videotape, outside the presence of the parties, attorneys and members of the public. No testimony was taken on that date.

FACTUAL FINDINGS

1. The Accusation and Statement of Charges were brought by Sean Goldman in his official capacity as Assistant Superintendent for Human Resources, Oxnard School District (District).

2. Respondent is a permanent employee of the District, presently on paid leave status.

3(a). In approximately April 2012, the Governing Board of the District authorized the service of notice on Respondent stating that she would be dismissed as an employee of the District pursuant to the Education Code.

3(b). On May 16, 2012, an Accusation against Respondent was filed, setting forth the grounds for dismissal. The Accusation was served on Respondent, along with a Statement to Respondent and a blank Notice of Defense / Request for Hearing.

3(c). Although no signed Notice of Defense or Request for Hearing was included with the jurisdictional documents, the totality of the evidence indicated that Respondent had in fact requested a hearing.

4. Respondent graduated from Newbury Park High School in 1998. She earned her Bachelor of Science degree in 2002 from California State University, Monterey Bay. While living in Northern California as an undergraduate student, Respondent worked as a lifeguard (October 1999 through February 2001) and as a manager of a dive shop assisting in SCUBA instruction (from February 2001 through September 2002). She also earned her Emergency Medical Technician (EMT) certification in June 2002, obtained her Ambulance Driver's License in July 2002, and worked for Central Coast Ambulance for a period of time not established by the evidence.² She also worked at Mervyn's department store for "two months."

5. Respondent moved to Oxnard and began working as an EMT with Gold Coast Ambulance (April 2003 through March 2005).

6. On December 6, 2003, Respondent took and passed the California Basic Educational Skills Test (CBEST). On May 15, 2004, she took and passed Multiple Subjects Subtests I, II, and III, the results of which were forwarded to the California Commission on Teacher Credentialing (CTC) and California State University, Northridge (CSUN).

² Although Respondent testified that she worked for Central Coast Ambulance for "two years," she did not obtain her EMT certification and Ambulance Driver's License until June/July 2002, and she began employment with another ambulance service in Oxnard in April 2003.

7. In August 2004 Respondent began attending CSUN (from August 2004 through December 2006) in order to earn her Single Subject Science credential and her Multiple Subject credential.

8. In the Fall of 2005, Respondent's fiancé moved out of their apartment and left Respondent with significant debt. Respondent returned to living with her parents who were also having grave financial difficulties. At that point, Respondent was unemployed.

9. By the Fall of 2005, Respondent had incurred approximately \$100,000 in debt including \$60,000 in student loans, being paid at a rate of \$500 per month, and about \$20,000 in credit card debt. She was also helping to pay for her family's groceries and contributing to her parents' mortgage payments when necessary.

10(a). From September 2005 through December 2005, Respondent searched for employment, which entailed her unsuccessfully applying for employment at "a couple of restaurants." Although she had experience in other fields of work, she did not apply for other employment because she was "starting school and [her] hours were limited." She stated that she had resigned from her job with Gold Coast Ambulance in March of 2005 because it involved working 10 to 20 hours shifts, and she believed she "could not go to school like that" and that being an EMT was not an option at that time.

10(b). At the administrative hearing, when asked if she applied for financial aid in the Fall of 2005, Respondent maintained that she had no additional financial assistance available because she believed she "had used it up with [her] undergraduate" schooling. She did not adequately explain why she could not obtain additional loans or defer payment on her existing student loans while attending CSUN. During the Fall of 2005, Respondent did not seek or receive any advice regarding how to pay down her debts and did not explore bankruptcy as an available option.

11. Respondent began employment in the adult entertainment industry, commonly referred to as the pornography industry, in approximately December 2005.

12. At the administrative hearing, Respondent testified about her involvement in the pornography industry and her teaching experiences prior to and during her employment with three Ventura County School Districts (Simi Valley Unified School District, Conejo Valley Unified School District, and ultimately Oxnard School District). As will be detailed throughout this Decision, the entirety of Respondent's testimony lacked credibility because it was tainted by numerous inconsistent, misleading and evasive statements and outright falsehoods.

13(a). According to Respondent, during the Fall of 2005, she was solicited to be a part of the adult entertainment industry. Respondent testified that one of her best friends had moved across the country, and although she did not like "the social media thing," she created a My Space page to keep in touch with her friend. Respondent maintains that, about one week later, a man named "Romero" contacted her by email, saying that she was pretty, that

he could use her as a model and that she would get paid a lot of money. Respondent stated that she initially thought the contact was “creepy,” and ignored it, but a week later, he contacted her again, reiterating that she could make a lot of money, that it was easy and that a lot of girls in college do it. According to Respondent, he made reference to her financial problems. However, she admitted that she did not know how he knew about her financial problems. Respondent stated that, by his third email, she was “desperate” and decided to accept his offer in order to pay her debts and the debts of her family members.

13(b). It is oddly coincidental that Respondent would have unwillingly created a My Space page and immediately received an unanticipated solicitation by a stranger trolling My Space pages, which solicitation was the apparent answer to her financial dilemma. Although no other evidence was presented to establish how Respondent entered the pornographic industry, this portion of Respondent’s testimony is viewed with suspicion. Given this skepticism, combined with Respondent’s lack of credibility in all other areas of her testimony, this portion of Respondent’s testimony is rejected.³ Respondent’s testimony set forth in paragraph 13(a), above, is not adopted as a factual finding herein.

14. Respondent contacted a man named “Romero” to arrange a meeting to begin her participation in pornography. When she went to the designated house, the participants “made it comfortable” for Respondent to participate in the filming of pornographic activities, which she characterized as a single “scene.” At that point, she felt “dirty.” Nevertheless, she continued her participation in the pornographic industry, filming up to 11 more “scenes,” at least once per month for at least nine months.

15. According to Respondent, she only shot “scenes” and not full films, which allowed the company for which she was worked to compile “scenes” into various videos. However, the evidence established that the “scenes” in which Respondent participated could last for at least half an hour and sometimes almost an hour. (See e.g., Exhibits 29, 30 and 37.) Respondent admitted to filming 10 to 12 “scenes,” but noted that the scenes could be sold to or shared with other companies and websites, apparently without her knowledge or consent.

16(a). Respondent testified that she did not know all the names of the videos in which she appeared.

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

16(b). Nevertheless, the evidence established that Respondent has appeared in the following videos: “18 and Nasty 46,” “On Me POV,” “Anal Consumption 5,” “Boobaholics Anonymous 2,” “Cum Swapping 2,” “Dirty Dan’s POV,” “Eat My Black Meat 4,” “Girls Hunting Girls 10,” “Interracial POV 5,” “No Cum Dodging Allowed 7,” “POV Pervert,” “Semen Sippers,” “Super Size Me,” “This Butt’s 4 U,” “Unnatural Sex,” “Who’s That Girl,” “Cheek Splitters,” and “Pussyman’s Decadent Divas 29.”⁴

17. Respondent’s character name for her pornographic scenes was “Tiffany.”

18. In the pornographic videos in which she participated, Respondent engaged in vaginal intercourse and oral copulation with at least one male at a time. (Exhibits 29, 29B, 30, 31, 37 and 38.)

19. In one of the videos, Respondent portrays a woman who has sexual intercourse with a pizza delivery man, in lieu of monetary payment for the pizza delivery, and engages in oral copulation while the man’s penis is inserted through a hole in the pizza. (Exhibit 31.)

20. The pornographic scenes in which Respondent participated included the following:

(a). Respondent engaging in anal sex, expelling the semen from her rectum into a glass and then drinking the expelled semen from the glass (“Anal Consumption”; Exhibit 30).

(b). Scenes where a male grips his hand around her throat/neck while they are engaging in intercourse (“Unnatural Sex”; Exhibit 38)

21(a). In one video, entitled “No Cum Dodging Allowed 7,” Respondent speaks to an off-screen male interviewer while she is sitting on a garden bench. During the interview, the interviewer calls Respondent “Tiffany.” He asks her what she is doing, and she responds that she is “going to have sex today,” and “get paid for it.” She explains that “it is very risky” for her to be involved in the filming, hesitantly stating “because I am a teacher.” Looking somewhat uncomfortable, she admits that she is “a little bit” worried about people finding out. When the interviewer asks, “Do you think if they find out you’ll get fired?” Respondent admits, “[It’s] questionable.” When asked why she was participating, she responds, “money and fun,” and “the excitement of doing something different that you are not supposed to do.” Although she states, “at least I don’t do the students,” she laughs when the interviewer makes jokes about male students having sexual intercourse with teachers. After the interview, Respondent goes inside to a bedroom and disrobes, fondling her nude breasts and her genitals. She then engages in sexual activities, including oral copulation, vaginal intercourse and anal intercourse, with three men, and then four men, and then five men, and then with various other combinations of men. At one point in the video, she

⁴ In July 2012, Respondent provided this list to the District in her verified response to a special interrogatory in which she was asked to “[l]ist any and all pornographic movies, films or video recordings you have ever participated or appeared in.” (Exhibit 46.)

engages simultaneously in vaginal intercourse with one male, anal intercourse with a second male and oral copulation of a third male. (Exhibit 29B.)

21(b). At the administrative hearing, Respondent insisted that the statements she made in the interview were “scripted” and created by the producer who “knew [she] wanted to become [a teacher].” According to Respondent, she had to answer the interview questions in a certain way or she would be required to redo the scene. Respondent admitted that, although she thought briefly about the prudence of saying such things, she was “just thinking about the money,” and felt she “had to do it,” so she “turned [her] mind off and did what [she] had to do.”

21(c). In supporting her claim that the video was scripted, Respondent testified that she was “not a teacher” at the time she filmed “No Cum Dodging Allowed 7.” That assertion was quickly clarified by her attorney, and Respondent then asserted that she was not a “paid certificated teacher” at the time of filming. As will be detailed below, Respondent carves out this specific characterization to separate her pornography career from her teaching career. (See Factual Finding 27.) As also detailed below, Respondent had varying credentials and was employed in various teaching capacities during the time frame she was involved in the pornography industry. (See Factual Findings 28 through 33.) Given the lack of credibility in all other areas of her testimony, Respondent’s denial of being a teacher at time of filming “No Cum Dodging Allowed ” also lacks credibility. Nevertheless, in the absence of a verified filming date, the remaining evidence does not affirmatively establish that Respondent was employed as a teacher in any capacity at the time this video was filmed.

21(d). Despite the unprompted look of the interview and the fact that Respondent had obtained credentials and/or employment in teaching during the time frame “No Cum Dodging Allowed 7” was filmed, there was no evidence that the interview in that video was spontaneous and unscripted. However, even if Respondent did not personally create the scene concept, she actively participated in it and willingly made the statements.

22. Respondent earned approximately \$1,500 per filming, for a total of about \$18,000 during her employment in the pornographic industry, from which federal and state taxes were deducted. Respondent received only her initial payment for the shoots, and did not receive residuals or royalties. According to Respondent, she paid approximately \$500 per month for her family’s debts, for a total of \$6,000 paid during the time she was in the pornography industry. She was still in significant debt (approximately \$82,000) when she stopped performing in the pornography industry, having used much of the money to pay monthly expenses and not to reduce her debt.

23(a). Respondent attempted to characterize her experience in the pornography industry as coercive, noting that she was driven to shoots and dropped off in remote places and, while she was free to leave, there was “pressure to stay and do what they wanted you to do.” Initially, when Respondent was asked if anyone told her she could not drive herself to the shoots, she replied that she could not recall. She later testified that “driving to a shoot was not an option,” and that she was told that she could not drive herself to shoots.

23(b). Respondent insisted that she experienced “persistent hounding” consisting of 10 phone calls a day to do more filming. She maintained that, as a result of the phone calls, she felt she had to comply. She also stated that the producers “threatened to come to [her] parents’ house,” and also “threatened to try to get [her] sisters involved.” When asked what the producers said about her sisters, Respondent replied that she did not recall and that she “blocked that off.” However, Respondent stated that she believed they could “successfully rope them in because they do that very well.” According to Respondent, when she ultimately told the producers that she wanted to discontinue working in pornography, they threatened her. However, she “did not recall exactly” what the threats entailed, but recalled that her “sisters were off the table at that point.” Respondent did not explain why her sisters were no longer an issue. She maintained that the producers kept calling her for months, and she just ignored them. She stated that the phone calls “felt threatening and invasive,” but did not recall what the producers said because she “blocked it out.”

23(c). Respondent’s description of the producers’ coercion and threats was vague and appeared to be a self-serving attempt to shift at least part of the blame. Although it is possible that there is some truth in this portion of her testimony, it is difficult to parcel it out. Given this doubt regarding her description, combined with her lack of credibility in all other areas of her testimony, this portion of Respondent’s testimony is rejected. Respondent’s testimony set forth in paragraphs 23(a) and 23(b) is not adopted as factual findings herein.

24. Respondent regrets her participation in the pornography industry and felt dehumanized by it. She stated that, by choosing to participate in pornography, “all [of her] morals went out the window.”

25. Respondent decided to stop participating in the pornography industry when she realized that she had worked hard for her education and “did not want to throw it away for something so stupid and shameful.” Respondent testified that, at that point, she had “just been offered a position” at Simi Valley Unified School District (Simi Valley USD) and knew that she would have a steady income and benefits. As detailed in Factual Finding 33, Respondent had not “just been offered a position” with the Simi Valley USD, but had already been hired and her first contracted date of service had passed prior to her final participation in pornographic filming.

26(a). Respondent testified that she ceased working in the pornography industry in early August 2006.

26(b). This purported cut-off date raises suspicion as a possible fabrication since it conveniently falls prior to a time which Respondent has apparently determined to be significant: her commencement of work in the classroom as a full-time teacher with Simi Valley USD. Respondent has maintained that she did not film pornographic scenes while she was working as a “paid certificated” teacher, and Respondent has also contended that she did not begin teaching in a classroom as a “paid certificated” teacher until the end of August or early September 2006. (See Factual Findings 27 and 33(b).)

26(c). The District submitted as evidence the production dates listed at the beginning of Respondent's pornographic videos to establish the dates on which she participated in filming pornographic videos. The listed production dates were admitted into evidence pursuant to Government Code section 11513, subdivision (d), to explain or supplement Respondent's testimony and other evidence.⁵ The evidence of the documented production dates was insufficient in itself to support a finding that Respondent filmed her scenes of those dates. Nevertheless, Respondent admitted: (1) that she participated in the filming of the movie "Anal Consumption 5" (Exhibit 30); (2) that the production dates for that video were July 26, 27, 28, 29 and 30, 2006; and (3) that she participated in the filming of pornographic scenes for that video on at least one of those dates. Respondent also admitted that: (1) she participated in the filming of the video "Eat My Black Meat 4" (Exhibit 37); (2) that the production dates for that video were April 16 and 26, 2006, and June 7, 8, 9, and 16, 2006; (3) and that she participated in the filming of pornographic scenes for that video on one of those dates. Respondent understood that the other documented dates related to filming dates for "other artists" appearing in the video. However, for the video "No Cum Dodging Allowed 7" (Exhibits 29 and 29B), the sole listed date of production is October 12, 2006 (which would have been after Respondent began working full-time as a "paid certificated" teacher). When asked on cross examination if that was the date on which she participated in the filming of pornographic scenes for that movie, Respondent denied doing so on that date, instead asserting that the October 2006 date was the date "when he released it." Respondent insisted that she shot this video during the summer of 2006, "either June, July or maybe the beginning of August 2006." She could not explain why her filming date was not included as a "production date."

26(d). Other than Respondent's testimony, no direct evidence was presented to establish when Respondent discontinued working in the pornographic industry. Nevertheless, given the lack of credibility in all other areas of her testimony and the suspiciously convenient purported cut-off date, this portion of Respondent's testimony is also viewed with skepticism and not accepted as true. Nevertheless, the remaining evidence does not affirmatively establish that Respondent continued to participate in the pornographic industry after August 2006.⁶

⁵ Evidence admitted pursuant to Government Code section 11513, subdivision (d), is commonly referred to as "administrative hearsay."

⁶ The rejection of testimony does not create evidence contrary to that which is deemed untrustworthy. Disbelief does not create affirmative evidence to the contrary of that which is discarded. The fact that a finder of fact may disbelieve the testimony of a witness who testifies to the negative of an issue does not of itself furnish any evidence in support of the affirmative of that issue, and does not warrant a finding in the affirmative thereof unless there is other evidence in the case to support such affirmative. (*Hutchinson v. Contractors' State License Bd* (1956) 143 Cal. App. 2d 628, 632-633, quoting *Marovich v. Central California Traction Co.* 191 Cal. 295, 304.)

26(e). The totality of the evidence established that Respondent worked in the pornography industry until at least the beginning of August 2006.

27. Throughout the hearing, Respondent maintained that her cessation of employment in the pornography industry pre-dated her employment as a “paid, certificated teacher”; she later narrowed this categorization to include only full-time, paid work in a classroom. Respondent’s pared-down categorizations aim to draw focus away from the fact (established below) that Respondent acted in other teaching capacities (student teacher, substitute teacher, and full-time paid certificated teacher who had not yet started teaching her classes for the school year) while still employed in the pornography industry. Such contrived differentiation is manipulative and misleading.

28. Respondent’s employment in the pornography industry began after she had taken and passed the CBEST (in December 2003) and Multiple Subjects tests (May 2004) and while she was in the teacher credentialing program at CSUN.

29(a). On January 31, 2005, the California Commission on Teacher Credentialing (CTC) issued Respondent an Emergency 30-day Substitute Teaching Permit, which expired February 1, 2006.

29(b). On February 1, 2006, the CTC issued Respondent another Emergency 30-day Substitute Teaching Permit, which expired February 1, 2007.

29(c). These substitute teaching permits were valid during the time period when Respondent was working in the pornography industry.

30(a). During the time she was working in the pornography industry, Respondent served as a student teacher at two different elementary schools.

30(b). From February 2005 through April 2006, Respondent worked as a student teacher at Sumac Elementary School (Sumac) in Agoura Hills and Justin Elementary School in Simi Valley.

30(c). At the administrative hearing, Respondent did not bring up her student teaching during her direct examination. On cross examination, Respondent attempted to minimize her responsibilities as a student teacher, emphasizing that the majority of student teacher requirements involved observation of other teachers and taking notes. She conceded that “toward the end of the experience,” she was able to “take over some of the lessons from the classroom teacher,” and deliver lessons to the students. However, she denied developing any lesson plans.

30(d). Respondent’s characterization of her student teaching was inaccurate and misleading. As clarified in reference letters written on Respondent’s behalf in 2006 by Respondent’s supervising teacher at Sumac, by the principal at Sumac, and by Respondent’s

University Supervisor at CSUN, Respondent was actively teaching the students, not just acting in an observational role. For example, her supervising teacher wrote:

I found [Respondent] to be well prepared to teach. . . . [Respondent] was able to use appropriate instructional strategies while planning lessons for all students. . . [Respondent] used her knowledge of students' backgrounds and interests when planning her lessons.

(Exhibit D.)

31(a). Respondent testified that the first time she received payment as a teacher was at the end of September 2006, when she was employed with Simi Valley USD. She denied working as a substitute teacher or being paid as a substitute teacher prior to September 2006 (when she was still employed in the pornography industry). This testimony was inaccurate.

31(b). The evidence established that Respondent worked as, and was paid as, a substitute teacher on five different occasions, for four different school districts, between February 1, 2005 and March 31, 2005.

31(c). Factual Finding 31(b) was established on rebuttal through the credible testimony of the District's Assistant Superintendent for Human Resources, Sean Goldman. On October 31, 2012, Mr. Goldman logged onto the California State Teachers Retirement System (CalSTRS) database to determine if Respondent had contributed to CalSTRS through compensation as a substitute teacher. Any time a certificated employee renders service to a public school system, those services are recorded in CalSTRS. Service can be rendered as a permanent or probationary employee or as temporary or substitute employee. According to Assistant Superintendent Goldman's research and knowledge, and as documented in printed copies of the data he originally viewed online (Exhibits 47 and 48), Respondent rendered substitute services for four different school districts and was paid a daily rate of \$90 -\$95, which is the daily rate for substitutes, on five occasions, beginning February 2005 and ending March 2005. On cross examination, Assistant Superintendent Goldman confirmed that he also contacted the four school districts and verified that Respondent had rendered the substitute services as set forth in Exhibit 47.

32(a). On June 20, 2006, Respondent was issued a Preliminary Multiple Subject Teaching Credential.

32(b). On cross examination, Respondent admitted that she was still involved in the pornography industry on June 20, 2006, and for two months thereafter. She also admitted that she went on to participate in one or two more pornographic shoots after that date.

33(a). On July 1, 2006, Respondent began full-time employment in a contracted position as a high school teacher with Simi Valley USD. This was during the time that Respondent admitted she was still employed in the pornography industry. (See e.g. Factual Findings (26(a) through 26(e) and Factual Finding 32(b).) This was also during the time

when she admittedly filmed the scene in “No Cum Dodging Allowed 7” wherein she stated that she was a teacher. (See Factual Findings 21(a) through 21(d), and Factual Finding 26(c).)

33(b). Nevertheless, at the administrative hearing, Respondent denied that she was employed in the pornography industry during the time she was employed with Simi Valley USD. She testified that she was first paid as a certificated employee of Simi Valley USD in September 2006. When asked on cross examination why her resume (Exhibit C) stated that she worked in the Simi Valley USD from June 2006 through June 2007, Respondent stated that she “just put that on there,” but that she “was not working for Simi Valley USD in June 2006.” When shown a Verification of Experience completed by the Simi Valley USD (Exhibit B, p. 3) verifying that she was employed as a full-time teacher in a contracted position with Simi Valley USD beginning July 1, 2006, Respondent maintained that she “had not begun working yet.” When asked if her filming dates in July 2006 (for “Anal Consumption 5”; Exhibit 30) were dates when she worked at Simi Valley School District, she reiterated that she “had not begun working yet.” As noted above (Factual Finding 27), this contrived differentiation is deceitful.

34. Don Gaudio, former Assistant Superintendent of Personnel Services for the Simi Valley USD, testified credibly at the administrative hearing. He met with Respondent two to three times in the late Spring of 2007 when she was still employed at Simi Valley High School and he was the Assistant Superintendent. Just prior to their initial meeting, Mr. Gaudio became aware of Respondent’s possible involvement in the pornography industry. He had been contacted by the principal of Simi Valley High School with a concern that one of the school coaches had seen Respondent in an online video clip. The principal informed Mr. Gaudio that she was not satisfied with Respondent’s response regarding the video clip, so Mr. Gaudio decided to meet with Respondent.

35(a). During their initial meeting at the district office, Mr. Gaudio told Respondent that she had been identified in a pornographic film clip portraying a teenage hitchhiker. He asked if Respondent was the person in the video clip, but did not show her the video clip. At that initial meeting, Respondent told Mr. Gaudio she was not the person in the video clip. After their first meeting, Mr. Gaudio assumed that Respondent had told him the truth. Nevertheless, when he later viewed the film clip, he recalled that the teenage hitchhiker in the clip looked remarkably like Respondent. The film portrayed the hitchhiker trading sexual favors for transportation. Mr. Gaudio met with Respondent again later to discuss the fact that they were still unable to ascertain the identity of the person in the film. Respondent continued denying that she was the person in the film clip. Consequently, he began working with the school’s principal to ensure that there was sufficient rumor control.

35(b). At the administrative hearing, Respondent testified that after being told of the subject matter of the film clip at their first meeting, she had to verify that it was her, so she went home to look. Respondent insisted that she never lied to Mr. Gaudio and that she never denied being in the adult entertainment industry. This testimony strains credibility and does not explain why Mr. Gaudio continued to make efforts to determine the identity of the

woman in the film clip. Mr. Gaudio's testimony, unlike Respondent's testimony, was credible and without a self-serving motive. Moreover, given Respondent's lack of sincerity in many other areas of her testimony, this portion of Respondent's testimony also lacked credibility. Consequently, Mr. Gaudio's recollection of events, as set forth in Factual Finding 35(a), is adopted as a factual finding herein.

36. After deceiving Mr. Gaudio, Respondent finally admitted at a later point in time that she was the person in the film clip; this admission was made even though she was never shown the film clip. She told Mr. Gaudio that she made the film in college because she and her boyfriend needed money. Mr. Gaudio told Respondent, "you can't do both," and that if she wanted to continue being a school teacher, she could not also work in the adult entertainment industry. Respondent replied, "The money is really good."

37. Based on Respondent's assertion that she made the film in college and on his belief that she had only made one film, Mr. Gaudio decided that the best course of action was to have Respondent contact the film distributor to have the clip removed from the Internet so that it was no longer accessible. To his knowledge, no student or parent had knowledge of the film clip. The evidence did not establish that Respondent actively sought removal of the film clip in the Spring of 2007.

38. No documentation regarding Respondent's participation in the pornography industry was placed in her Simi Valley USD personnel file. Mr. Gaudio did not ask Respondent to resign, and she remained in her teaching position until the end of the school year. Respondent resigned from her position effective June 30, 2007.

39. Mr. Gaudio noted that school districts seeking to hire a teacher typically seek information from the most recent employing district and supervisor. Mr. Gaudio did not receive a reference check call from Respondent's subsequent employing school district (Conejo Valley Unified School District) so he assumed she had left the teaching profession.

40. Prior to the 2007/2008 school year, Respondent applied for a position at her alma mater, Newbury Park High School, in the Conejo Valley Unified School District (Conejo Valley USD). She began her employment there on August 24, 2007, and was reemployed for the 2008/2009 school year.

41. On June 5, 2008, Respondent was issued her Clear Multiple Subject Teaching Credential.

42. On December 16, 2008, Respondent was issued her Clear Single Subject Teaching Credential in Science/Geoscience.

43. During the 2008/2009 school year, one of the Newbury Park High School coaches informed her that he had seen a video of her online. Respondent immediately contacted an attorney, Courtney Yoder.

44. At the administrative hearing, Ms. Yoder testified credibly to establish the following: Ms. Yoder recalled contacting website administrators and requesting the removal of online pornographic images of Respondent. Ms. Yoder also requested that websites remove references to Respondent, whom Ms. Yoder recalled “had some sort of code name.” However, she noted that websites often copy pornographic material and place it on other websites. Ms. Yoder did what she could to ensure that the pornographic materials would not continue to be copied to other websites.

45. To Respondent’s knowledge, no student, teacher, community member or administrator at Conejo Valley USD knew about her online pornography.

46. Respondent testified that she was not asked to resign from the Conejo Valley USD. However, on cross examination, she admitted that Principal Athol Wong suggested that she resign and that, if she did so, she would receive a good recommendation. Respondent recalled that Principal Wong explained that they were dissatisfied with her classroom skills and that they did not want to retain her as a permanent teacher. Respondent agreed and resigned effective June 12, 2009.

47(a). Prior to the 2009/2010 school year, Respondent filled out an online application for employment with the District. She did not mention in that application that she had been employed in the adult entertainment industry.

47(b). During the application process, Respondent submitted her resume to the District. She listed several of her former employers, including her employment as a water safety instructor/lifeguard, a dive shop manager/SCUBA instructor, an EMT with Gold Coast Ambulance, and science teacher with Simi Valley High School and with Newbury Park High School. She did not list her employment with some of her other employers, including Mervyn’s department store and Central Coast Ambulance. She also did not list her employment in the adult entertainment industry because she did not believe it was pertinent to her teaching ability, because she felt that it was not “important enough to mention,” and because it was a part of her life she “chose to forget.”

48. In September 2009, Respondent was interviewed by Amelia Sugden, Principal of Haydock Intermediate School (Haydock) in the District. Although all teaching positions are typically staffed prior to the first day of school in August, Haydock had an open teaching position after the start of classes. Principal Sugden and Respondent discussed her experience teaching high school science, and Principal Sugden viewed that as valuable teaching experience. Respondent did not mention any involvement in the adult entertainment industry. Principal Sugden did not ask Respondent if she had engaged in any activity or former employment which might be inappropriate for a teacher.

49(a). During the application process, the District conducted a background check of Respondent, including Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) criminal background screenings. The District also conducted a reference check with Respondent’s prior employing district to obtain whatever relevant information it would

provide. When the District contacted Conejo Valley USD's Human Resources Department, they were informed that Respondent was eligible for re-hire. No additional information was provided. Verification of Experience forms were sent to Respondent's prior employing districts, Simi Valley USD and Conejo Valley USD. The completed forms were returned by those two districts confirming her prior positions and employment dates. The Verification of Experience form from the Simi Valley USD was completed by a human resources assistant, as was typical procedure, so Mr. Gaudioso (Assistant Superintendent of Simi Valley USD) did not see the form and did not know Respondent had applied for employment with the District. The District was not notified of any "red flags" regarding Respondent's hiring. During the hiring process and up until March of 2012, the District was never informed that Respondent had been involved in the pornography industry or that her pornographic videos were available on the Internet.

49(b). Assistant Superintendent Goldman testified credibly at the administrative hearing that, if the District had been made aware of Respondent's involvement in pornographic videos at the hiring stage, it would have investigated this issue and would not have hired her if it determined that her pornographic videos were available on the Internet.

50. Respondent began her employment with the District in the Fall of 2009, and she taught eighth grade science classes at Haydock without incident for the remainder of the 2009/2010 school year and for the 2010/2011 school year. Respondent's evaluation for the 2010/2011 school year revealed that she had a good grasp of the content, related well with the students and had the potential to grow into a good teacher. Respondent achieved permanent status and continued teaching at Haydock during the 2011/2012 school year.

51. On Thursday, March 1, 2012, Wayne Saddler, Assistant Principal of Haydock, received information from a Haydock teacher, Ms. Hagerman, regarding three female students talking a lot during her class about a video. Ms. Hagerman provided Assistant Principal Saddler with the names of the three girls. That afternoon, he spoke to two of the students individually to determine the cause of the disruption. The students informed him that they had heard rumors from students about Respondent being depicted in a pornographic video with three men.

52. On the evening of March 1, 2012, Assistant Principal Saddler verified the spelling of Respondent's name as "Stacie." He then conducted an online investigation on his personal home computer since the District's computers have filters which restrict access to pornographic Internet websites. Assistant Principal Saddler performed a Google search of "Stacy Halas" and "Stacie Halas." His search yielded references to a Stacie Halas living in Camarillo, who was a teacher in the District, and a Stacy Halas living in Newbury Park who was associated with pornography. At that point, he determined that name confusion may have been the cause of the rumors.

53. On the morning of Friday, March 2, 2012, Assistant Principal Saddler informed Principal Sugden about the rumor. They agreed that he should contact Respondent to alert her to the rumor and hear her response.

54(a). Assistant Principal Saddler then called Respondent on her cell phone while she was driving to a professional development conference out of town. During the telephone conversation, he informed her that he had been made aware of a rumor from students that she was involved in pornography. Respondent denied having been involved in any pornography, and she expressed shock and surprise about the rumors. She also expressed concern about her standing at the school and about jeopardizing her job. She stated that she felt that she had found a home at Haydock and hoped this did not color their view of her. Assistant Principal Saddler believed Respondent's denial of being involved in pornography. Her response, along with his Google search, convinced him that the rumors arose from unfortunate name confusion. At that point, Assistant Principal Saddler felt that "we needed to support her." (Testimony of Asst. Principal Saddler.)

54(b). Respondent's March 2, 2012 denial of being involved in pornography was false and constituted dishonesty.

54(c). At the administrative hearing, Respondent insisted that, when she was talking to Assistant Principal Saddler, she did not make any misrepresentations to him and that she was not dishonest with him. This testimony was false and constituted a perpetuation of Respondent's dishonesty with the District.

55. After Assistant Principal Saddler conferred again with Principal Sugden, they agreed to try to quell further propagation of the rumor "to protect their teacher." (Testimony of Principal Sugden.) Assistant Principal Saddler prepared and sent an email to all Haydock staff in an effort to quell the rumors going around campus. The email, entitled "Squelching Rumors," stated:

You may be aware of a vicious rumor about a staff member in porn. This has been investigated and it is unfounded. There is an unfortunate similarity of names that has led to this situation. We ask that in every instance when you become aware of this rumor talk, discourage students from spreading rumors. Please also report names of students that are spreading it.

(Exhibits 2 and 3.)

56. On the afternoon of March 2, 2012, several students visited Assistant Principal Saddler's office to share their concerns about the rumor that Respondent had been depicted in a pornographic video. He told them it was just rumor and to please not spread it.

57. That same afternoon, two male students came into the fifth period classroom of Judie Amendola, a seventh grade English Language Arts teacher, and told her that they had just seen a video of Respondent on an iPhone at school. Ms. Amendola immediately went to Assistant Principal Saddler's office to inform him that students were still talking about the video and were also saying that they had viewed it. Assistant Principal Saddler did

not believe the latter information. He explained to Ms. Amendola why he felt the rumor was based on name confusion, and he used his computer to demonstrate how Google searches can yield multiple individuals with the same name. When Ms. Amendola left his office, Assistant Principal Saddler encouraged her to continue trying to quash the rumors and to show her students the Google search demonstration to illustrate name confusion. Ms. Amendola trusted Assistant Principal Saddler, but she remained bewildered by how upset her students were about the video.

58. After Ms. Amendola left his office, Assistant Principal Saddler contacted Principal Sugden again and informed her that the rumor was “spreading like wildfire.” In consultation with Principal Sugden and Assistant Superintendent Goldman, Assistant Principal Saddler prepared a proposed Connect-Ed⁷ message for distribution to parents, informing them that there was a rumor circulating about a staff member involved in pornography and that it was not true.

59. In the meantime, that same afternoon, Traci Martinez, an English Language Arts teacher at Haydock, was asked by several of her sixth period students if she knew that Respondent was in a pornographic video and was named “Tiffany.” She told them that it was inappropriate to spread rumors and that she did not want to engage in such a conversation. They insisted that it was true and that Respondent said she was a teacher in the video. They claimed that they accessed the video on the Internet at Pornhub.com. Ms. Martinez told them that it was inappropriate to talk about a teacher like that.

60(a). However, after dismissal on March 2, 2012, Ms. Martinez accessed the video on her cell phone and was able to recognize Respondent in the video.

60(b). At the administrative hearing, Ms. Martinez testified credibly. She was shown a portion of the video entitled “No Cum Dodging Allowed 7” (Exhibit 29B) which portrayed Respondent being interviewed as “Tiffany,” and making the comments about being a teacher and the ramifications if she was caught. (See description in Factual Finding 21(a).) Ms. Martinez confirmed that this was the video she viewed on her cell phone on March 2, 2012.

61. After Ms. Martinez saw the video, she went looking for Respondent because she felt betrayed and angry. However, she was unable to find her. She saw Ms. Amendola at the computer lab, and asked her if she had heard the rumors. Ms. Amendola informed her that she had heard the rumors, but had approached the administration and was told that the rumor was not true. Ms. Martinez told Ms. Amendola that she had seen the video and confirmed that it was Respondent. She asked if Ms. Armendola wanted to see for herself that it was true, and then showed Ms. Amendola the video

⁷ Connect Ed is an automated phone message system that delivers recorded messages to all parents’ phone numbers.

66. At 4:55 p.m., Assistant Principal Saddler sent an email to Assistant Superintendent Goldman, informing him that he had already sent out the “Rumor Squelching” email to staff (see Factual Finding 55), but that he had put a hold on the Connect-Ed message. His email also informed Assistant Superintendent Goldman:

Two teachers brought in a cell phone and showed me and Ms. Arias the video. It’s on <http://m.pornhub.com/video/show/tiffany> but we haven’t been able to access it due to blockage. It’s titled “No cum dodging – tiffany.”

(Exhibit 3.)

67. On the evening of March 2, 2012, Assistant Principal Arias viewed more of “No Cum Dodging Allowed 7” online to make sure no children were involved since Respondent has mentioned being a teacher. She saw the portion of the video where Respondent fondled herself and where Respondent performed “various sexual acts” with three men. Assistant Principal Arias testified that she “could only watch a few minutes of it,” and that the video made her “feel dirty.” (Testimony of Asst. Principal Arias.)

68. On the evening of March 2, 2012, Assistant Principal Saddler also viewed more of “No Cum Dodging Allowed 7” video online, up to the point where Respondent was engaged in oral sex with three men. At that point, he discontinued viewing the video.

69. On the evening of March 2, 2012, Assistant Superintendent Goldman accessed the Pornhub website and viewed the video “No Cum Dodging Allowed 7.” Using his computer, he took screenshots at various points throughout the video and retained them as evidence. (Exhibit 29.)

70(a). On the evening of March 2, 2012, after her telephone conversation with Assistant Principal Saddler, Respondent became concerned that websites had re-posted materials which had previously been removed from the Internet. Respondent performed a Google search and then sent several emails to the website “xvideos.com” seeking removal of the specified video links:

http://www.xvideos.com/video305335/tiffany_no_cum_dodging_allowed

http://www.xvideos.com/video196980/tiffany_takes_a_big_black_dick_up_her_tight_white_asshole_interracial

http://www.xvideos.com/video44238/tiffany_is_the_perfect_teen_to_fuck_-_teenie_video

(Exhibit 25.)

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70(c). Respondent's emails to "xvideos.com" stated:

Please help me! I made a mistake of making this film when I was young 20's [sic]. It has resurfaced somehow and connected with my real name now that I am in my 30's! I have had a teaching career for 7 years now & [sic] very young students have been accessing this site and this video. It is horrifically affecting my career and the intermediate school campus. I hope that we can simply remove the video from the site. PLEASE inform me promptly either way so that any further steps can be taken if necessary. I wanted to touch base on a personal note before the district brings up a legal battle – which I hope to avoid. Thank you so much for your time and prompt response.

(Exhibit 25.)

71(a). Pursuant to Superintendent Jeff Chancer's instruction, Principal Sugden contacted Respondent by telephone on Saturday, March 3, 2012, to make an appointment to give her a letter from the Superintendent. Principal Sugden drove to Palm Springs, where Respondent was attending a professional development seminar, and personally handed the letter to her on Sunday, March 4, 2012.

71(b). The letter stated:

The purpose of this letter is to direct you to attend a meeting at 8:00 a.m., on Monday, March 5, 2012 in Mr. Sean Goldman's Office . . . You are **not** to report to your work site, Haydock Intermediate School.

This meeting may lead to discipline action against you by the District; therefore, you may choose to be represented by an Oxnard Education Association (OEA) representative. . . .

(Exhibit 24.)

71(c). Respondent read the letter and signed at the bottom, indicating that she had received it.

72. Principal Sugden did not tell Respondent the reason for the March 5, 2012 meeting. They did not have any discussion about Respondent being involved in the pornography industry.

73. After Principal Sugden delivered the letter, Respondent said she was really embarrassed by the situation. She asked if Principal Sugden believed her. Principal Sugden did not respond. Respondent asked if she should have an attorney present at the meeting, and Principal Sugden informed her that she could have an attorney present but could also request an OEA representative. Respondent requested an OEA representative, specifically asking for

the school site representative, Suzanne Dempsey. Respondent told Principal Sugden that she was scared, and Principal Sugden told her to “trust the process.”

74. On Monday, March 5, 2012, Assistant Superintendent Goldman met with Respondent and her OEA representative, Ms. Dempsey. Superintendent Chancer was also present at the meeting.

75(a). At the March 5, 2012 meeting, Assistant Superintendent Goldman asked Respondent whether there was any truth to the rumors that she had been involved in adult movies or pornographic materials on the Internet. Assistant Superintendent Goldman did not limit his question by time. Respondent answered, “Not that I know of.”

75(b). Respondent’s answer was untrue and constitutes dishonesty. She had ample prior knowledge of her involvement in the pornography industry and the possibility that materials could have been discovered on the Internet to prompt the rumors.

75(c). At the administrative hearing, Respondent maintained that she was being honest when she responded, “not that I know of,” and that she was not trying to mislead Assistant Superintendent Goldman and Superintendent Chancer. She insisted that, on March 2 and 5, 2012, she was “not aware of anything on the Internet.” Respondent was asked on cross examination why, if she was unaware of anything on the Internet, on March 2, 2012, she emailed an adult website to request removal of video links. She responded only that she had “learned to be proactive.” Respondent’s testimony on this issue was false and was a perpetuation of her dishonesty with the District.

76(a). At the March 5, 2012 meeting, Assistant Superintendent Goldman asked Respondent why she thought students were spreading rumors about her. Respondent stated that she had taught high school in other districts and had worked for several years in the District and could not think of why anyone would make up the rumors. She added, “I live a simple and moral life.”

76(b). Respondent’s answers were untrue and evasive and constituted dishonesty. She had ample prior knowledge of her involvement in the pornography industry and the possibility that materials could have been discovered on the Internet to prompt the rumors.

76(c). At the administrative hearing, when asked if she had any basis to know where the students had come up with the pornography rumors, Respondent answered, “No.” Respondent’s testimony on this issue was false and constituted a perpetuation of her dishonesty with the District.

77(a). At the March 5, 2012 meeting, Assistant Superintendent Goldman asked Respondent if she had ever gone by any aliases or other names. Respondent stated, “No.” Assistant Superintendent Goldman also asked Respondent if she had ever used the name “Tiffany” or “Tiffany Six,” and Respondent stated that she did not “go by those names.”

77(b). Respondent's answers were false and misleading and constituted dishonesty. Respondent had knowledge of her use of the name Tiffany in her pornographic videos. Additionally, only three days prior, she had sought a website's removal of three pornographic video links in which she was called "Tiffany." Furthermore, at a subsequent meeting on March 12, 2012, when explaining her efforts to remove her Internet pornography, Respondent stated that she periodically performed random internet searches under "Tiffany." (See Factual Finding 88.)

77(c). At the administrative hearing, Respondent maintained that she was being honest when she denied using the name "Tiffany," or "Tiffany Six," and that she was not trying to mislead Assistant Superintendent Goldman and Superintendent Chancer. Respondent testified that "Tiffany" is the character in her scenes and is a name used only in films. She insisted that it is not an alias, and that if someone asked her if she went by the name "Tiffany," and she said "No," it would be the truth, because she has "never gone by the name 'Tiffany.'" This testimony is disingenuous since Respondent knew that her name in the pornography industry was "Tiffany" and she had conducted searches for her pornographic materials under the name "Tiffany." Respondent's testimony on this issue was false and constituted a perpetuation of her dishonesty with the District.

78. At the March 5, 2012 meeting, Assistant Superintendent Goldman told Respondent that the images in the video he had seen looked very similar to Respondent and asked if she had a twin. She replied that she had three sisters.

79. By this time, Assistant Superintendent Goldman had downloaded the video "No Cum Dodging Allowed 7" to a flash drive and wanted to show Respondent the video so she could confirm or deny that she was in the video. He asked Respondent if he could show her a video on his computer, and he went to retrieve his laptop.

80(a). At that point, Ms. Dempsey asked to take a break. She had no idea what was going to be shown and felt she could not adequately provide the requisite representation. During the break, Respondent did not tell Ms. Dempsey that she wanted to watch the video or that she wanted to continue the meeting. (Testimony of Ms. Dempsey.)

80(b). Ms. Dempsey returned and informed Assistant Superintendent Goldman that she was unable to represent Respondent because she had not been trained for such a situation and needed to obtain more support for the process. She asked if they could reconvene at a later time. At that point, the meeting concluded.

81(a). At the administrative hearing, Respondent testified that prior to the March 5, 2012 meeting, she "had an inkling" of the purpose of the meeting "because of [her prior] conversation with [Assistant Principal] Saddler." She had "a little" understanding that it would be about the possibility of students seeing her on the Internet and appearing in pornographic videos. Despite that understanding, Respondent was untruthful with Assistant Superintendent Goldman.

81(b). At the administrative hearing, Respondent insisted that, at no point during March 5, 2012 the meeting did she make any misrepresentations or false statements or act in any manner that was dishonest. She insisted that she had been truthful. This continued insincerity under oath demonstrates Respondent's propensity for dishonesty and failure to accept responsibility for her wrongful actions.

82(a). Approximately 20 to 30 minutes after the March 5, 2012 meeting, Respondent contacted Assistant Superintendent Goldman by telephone from her vehicle. She told him that she wanted to make sure he was not mad at her and that she had wanted to view the video, but the OEA representative would not let her do so. She also stated that she was very embarrassed about people questioning her sexuality with other females. Since he had never mentioned anything about her sexuality with other females during the meeting, it was unclear to Assistant Superintendent Goldman why Respondent would make this comment.

82(b). At the administrative hearing, Respondent was asked why she made the comment to Assistant Superintendent Goldman about people questioning her sexuality with other females. She responded that, at that time, she was "worried about discrimination" because "other people have lost jobs because of that." When asked if she was concerned about the video depicting her engaged in sex with another female, she stated that she was "not concerned about that," but that she was concerned about her "personal choices being all over the media." When asked why she would have been concerned about the media at a point when it was not yet involved, Respondent stated that, "it wasn't on [March] 5, but afterward." Respondent's explanation was ambiguous and confusing.

82(c). Based on her focus on discrimination where none had been implied, it appears that, on March 5, 2012, Respondent was attempting to frame the developing case against her as a discrimination case, rather than one of misconduct.

83(a). On March 5, 2012, after the meeting, Respondent again sent an email to the website "xvideos.com" seeking removal of the video link:

http://www.xvideos.com/video44238/tiffany_is_the_perfect_teen_to_fuck_-_teenie_video.

(Exhibit 25.)

83(b). Her email stated:

Please help me. This video has been somehow linked to my real name. I have been teaching now for nearly ten years and this is putting me in a situation of losing my job. Middle school students have also been having the capability of accessing your site. Please remove this link as soon as possible. District lawyers will also be in contact. Thank you for your prompt attention to this inappropriate situation. . . .

(Exhibit 25.)

83(c). On that same day, she sent an email to “vaptub.com” seeking removal of the same video link.

84(a). On March 6, 2012, Respondent again sent emails to the website “xvideos.com” seeking removal of the following video links:

http://www.xvideos.com/video44238/tiffany_is_the_perfect_teen_to_fuck_-_teenie_video

http://www.xvideos.com/video164468/stacie_tips_the_right_way_at_big_sausage_pizza

(Exhibit 25.)

84(b). Respondent’s emails to “xvideos.com” stated:

Please block this video. I am a teacher involved in a legal battle with the school district over this video and this site. Young students are gaining access and I am requesting removal of Tiffany (this video) from your site. I appreciate your prompt attention and hope this can be resolved easily. I know I am asking a lot from your business, but I hope that you also understand the deformation [*sic*] of my character that this has caused.

(Exhibit 25.)

85. On March 12, 2012, Respondent met again with Assistant Superintendent Goldman, and was represented by her attorneys Richard Schwab and Gloria Allred. Superintendent Chancer and District counsel Chaka Okadigbo were also present.

86. At the March 12, 2012 meeting, Respondent admitted to participating in the making of pornographic videos.

87(a). At the March 12, 2012, when she was asked how long she participated in the pornography industry, Respondent stated that she made approximately 10 movies between June 2005 and November 2005, and that her participation “may have spilled over into 2006.” This was an inaccurate statement.

87(b). At the administrative hearing, Respondent admitted to participating in the pornography industry from the end of December 2005 through early August 2006. She recalled stating that it was only June through November 2005 and possibly into 2006, but acknowledged that statement was “wrong.” She explained that she had been doing her best to recall the dates and that she was not trying to mislead anyone.

88. At the March 12, 2012 meeting, Respondent stated that she had made many efforts to have the Internet materials removed, and that she periodically performed random Internet searches under “Tiffany.” According to Respondent, they had previously been very difficult to find, and when she did find materials on the Internet, she sent letters to the websites to remove them.

89. At the March 12 meeting, when asked if the adult videos were an issue at her prior employment with Conejo Valley USD or Simi Valley USD, Respondent answered, “No.” This answer was false. (See Factual Findings 35 through 38 and 43 through 46.)

90. Respondent denied being asked to resign in Simi Valley USD or being non-relected in Conejo Valley USD as a result of appearing in pornographic videos. At the administrative hearing, there was no evidence to the contradict these denials.

91(a). At the March 12, 2012 meeting, Respondent was asked if any students approached her directly and asked her about her participation in any of the pornographic films. She responded, “No.”

91(b)(1). In her testimony at the administrative hearing, on October 26, 2012, Respondent denied being approached by any Haydock student to discuss rumors of her being on the Internet. However, this testimony was contrary to her detailed deposition testimony given just 16 days prior to the hearing. On cross examination at the administrative hearing, Respondent admitted that, in her October 10, 2012 deposition, she had been asked if a student had talked to her about her being depicted in adult films, and that she had answered “Yes.” At the hearing, Respondent clarified that she only recalled a female student coming into her classroom to tell her that “people were saying things” about her, but that the student did not use the word “rumors.” On further cross examination, Respondent admitted that, in her deposition, she had testified that the girl said “there were rumors going around,” but insisted that her deposition testimony was “not accurate.” Nevertheless, at the hearing, Respondent further explained that that she did not understand what the rumors were about and did not think that they were about her involvement in pornography. According to Respondent, she assumed it was something “silly,” since the children were “always trying to hook up [another teacher,] Mr. Packham and [Respondent].” During her cross examination, excerpts from Respondent’s deposition were referenced, but Respondent testified that she did not recall making those statements, that her deposition testimony was “inaccurate,” and that her statements at the administrative hearing were a more accurate recollection of the facts. This assertion of renewed and better recollection, despite her detailed deposition testimony (see Factual Finding 91(c), below), is self-serving and is not credible.

91(b)(2). At the administrative hearing six days later, on November 1, 2012, when Respondent was asked why there was a difference in her deposition and hearing testimonies, she explained that she was “nervous.” She further stated that she recalled the student stopping at her door and saying that there was a picture online and a rumor, but that Respondent believed it was a “matchmaking thing.” On further cross examination, Respondent stated that the student did not tell her that the photograph was of Respondent.

Respondent's testimony on November 1, 2012, was also not credible. (See Factual Finding 91(c).)

91(c). Respondent's testimony at the administrative hearing was confusing, internally inconsistent, and was contradicted by her prior inconsistent statements in her detailed deposition testimony on October 10, 2012. In Respondent's October 10, 2012 deposition, the following testimony was elicited:

Q: Q: Okay. So you remember a student talking to you about the issue of your being depicted in adult films; correct?

A: Yes.

Q: And it was in March 2012?

A: Yes.

[¶] . . . [¶]

Q: Was it a boy or a girl?

A: Female.

Q: Female. Do you remember what the female student said to you?

A: She just said that there was rumors going around, and she heard that – one of her friends said they say something and weren't sure if it was me. And I said it was unfounded and that was the end of the conversation and she left.

Q: Did the student explain what the rumor was?

A: The rumor was that they saw either a – I don't know if it was a picture – they saw some picture online, and they weren't sure if it was me, but that there's rumors going around that it could be.

Q: So you recall the student telling you that there was picture online?

A: Yes.

Q: Did the student ask you whether or not you were in fact online?

A: I do not recall.

Q: Did the student mention what this picture was about?

A: No.

Q: So all the student told you, as far as you recall, is that there's just this picture of you online?

A: Yes.

Q: They didn't say what the picture showed?

A: Correct.

Q: Did the student mention anything about videos?

A: No.

(Exhibit 26, p.85, line 14, through p. 87 line 7.)

91(d). Given the foregoing, at the March 12, 2012 meeting, Respondent's denial that any students approached her directly to ask about her participation in pornographic films was

misleading since Respondent had been approached by a student about a rumored online “picture” of her.

92(a). At some point prior to the March 12, 2012 meeting, Assistant Superintendent Goldman conducted an Internet search to obtain information about pornographic videos in which Respondent appeared. He reviewed two databases with her picture and biographical information at the top which listed movies in which Respondent was purported to have appeared. The Internet Adult Film Database identified her as “Tiffany,” “AKA Tiffany Six,” and listed 22 videos. The Adult Film Database listed her as “Tiffany Six,” with the “alias(es) Tiffany,” and listed 17 videos. The Internet Adult Film Database listed her “years active” in pornography as 2005-2007. Both databases listed videos with dates of “2007.”⁸

92(b). At the March 12, 2012 meeting, Assistant Superintendent Goldman pointed out that the Internet Adult Film Database identified 22 films in which Respondent either participated or was depicted. He asked Respondent if this information was inaccurate. She said, “Probably not, but I don’t believe it is true.” Assistant Superintendent Goldman also noted that she purportedly participated in pornography between the years 2005 through 2007 and asked if this information was inaccurate. Respondent stated that it was inaccurate.

93(a). During March 2012, Assistant Superintendent Goldman conducted an Internet search to verify whether there were pornographic images/videos of Respondent online and to ascertain if it they easily accessible. He performed Google searches for “Tiffany,” “Tiffany Six,” or “Halas,” and was able to access pornographic materials depicting Respondent, although different searches yielded more “hits” than others. Through his searches, he was able to click on links to access pornographic images/photographs and videos of Respondent. The pornographic images and videos were readily available, although some websites required the viewer to merely click on a “button” which verified that the viewer was at least 18 years old. Some websites allowed free viewing and others charged a fee.

93(b). In addition to accessing, viewing and documenting “No Cum Dodging Allowed 7” (Exhibits 29 and 29B; see also Factual Finding 69), Assistant Superintendent Goldman was able to access and view the following list of videos (of which he took screenshots and retained the photographs as evidence):

(1). A video entitled, “Big Sausage Pizza,” in which Respondent portrays a woman who has sexual intercourse with a pizza delivery man, in lieu of monetary payment for the pizza delivery, and engages in oral copulation while the man’s penis is inserted through a hole in the pizza (Exhibit 31);

⁸ The information found on these two databases was admitted into evidence solely to establish what Assistant Superintendent Goldman viewed during his Internet search, but not to establish the truth of the purported facts set forth in those databases.

(2). A video entitled “Anal Consumption,” in which Respondent engaged in anal sex, expelled the semen from her rectum into a glass and then drank the expelled semen from the glass (Exhibit 30);

(3). A video entitled “Unnatural Sex,” where a male grips his hand around Respondent’s throat/neck while they are engaging in intercourse (Exhibit 38);

and

(4). A video entitled “Eat My Black Meat 4” (Exhibit 37).

93(c). At the conclusion of his online investigation, Assistant Superintendent Goldman determined that Respondent had appeared in several graphic pornographic videos and that they were accessible on the Internet.

94. At the administrative hearing, Assistant Superintendent Goldman testified credibly that he conducted follow-up Internet research during the summer of 2012 and again on October 15, 2012, by visiting the website entitled “ xnxx.com.” On October 15, 2012, he took screenshots from that website. The screenshots reveal that images of Respondent remain on that website under the heading “Tiffany Six (Suspended Teacher Stacie Halas) Porn.” Under a section for comments regarding one of the videos, several comments with posting dates were listed, including:⁹

[D]ude she was only a school teacher for 3 years lol she was one of my middle school teachers lol 10/12/2012 . . .

[¶] . . . [¶]

[S]he was my 9th grade geo science teacher at Newbury Park HS like 4 years ago . . . 8/15/12. . .

[¶] . . . [¶]

I had that teacher 5/22/2012 . . .

(Exhibit 18.)

95(a). At the administrative hearing, Respondent insisted that, during the March 2012 investigation and in her testimony, she had been truthful with the District and with the Commission. This assertion flies in the face of Respondent’s outright falsehoods and her attempts to contort the facts to her advantage. Her continued duplicity under oath, despite

⁹ The comments were admitted only to establish that comments were still being made regarding Respondent, but not to establish the truth of the matters asserted in the comments.

the incriminating evidence produced at hearing, reveals Respondent's character for dishonesty and her refusal to accept responsibility for her misdeeds.

95(b). Respondent asserted that, given her repudiation of the pornography business and her years of service as a teacher, she has demonstrated that she has reformed and could be a role model for her students. When asked, if she returned to teaching, how she would handle student or parent inquiries about her participation in the pornography industry, Respondent stated that, if the administration allowed her to respond, she would be "honest." Regarding the students who have seen her videos, Respondent maintained that she would still have their respect after a transition period. She insisted that she would teach students that, although people make mistakes, they can overcome them.

95(c). Respondent's declarations of reformation are hollow and belied by her continued dishonesty.

96(a). Prior to the District's March 2012 investigation and continuing thereafter, the rumors and information about Respondent's pornographic videos impacted the Haydock campus in various ways, as set forth below in Factual Findings 96(b) through 96(i).

96(b). On Monday, March 5, 2012, at 8:15 a.m., Sarah Raskin, a science teacher whose classroom was occupied by Respondent during the prior school year, reported vandalism to the exterior of her classroom which abutted a public alleyway. The vandalism consisted of the name "Tiffany" carved onto the number plate of the classroom door and the words "skank," "no cum," "porn," "slut," "whore," and "Halas" etched onto the exterior windows. The custodial staff "scratched" over the words that morning to obliterate them. The administration later replaced the number plate and windows and installed blinds at the front and back of the classroom and a video surveillance camera outside the classroom.

96(c). On March 5, 2012, at 3:15 p.m., a Haydock staff meeting was led by Assistant Superintendent Goldman and Superintendent Chancer to advise the staff that the Human Resources investigation had been opened and a staff member had been placed on administrative leave pending investigation. The staff was told that, since this was a personnel matter, they could not discuss it, but due to the nature of the allegations and the content of recent news in the Los Angeles area, it was likely that the media would get involved. Staff was encouraged to refer media inquiries to Superintendent Chancer and to direct student or parent questions to Principal Sugden.

96(d). For several days beginning the week of March 5, 2012, news vans gathered at the Haydock campus to publicize the unfolding story of Respondent's pornographic past and the District's investigation against her. The media arrived prior to student arrival and remained at the campus for the entire school days until dismissal. Students, parents and teachers were approached by reporters while entering and departing the campus. Additionally, media groups began contacting Superintendent Chancer.

96(e). On March 6, 2012, at end of the school day, a letter from Superintendent Chancer was sent home with students of the District's three intermediate schools, which stated:

Dear Parents/Guardians of Intermediate School Students,

I must bring to your attention an incident that has occurred at one of our Intermediate Schools. Unfortunately, with social media sites and other websites, the information has spread very quickly throughout the District and to surrounding Districts.

It has been alleged that one of our teachers is depicted in at least one pornographic video and possibly others on the Internet. These allegations do **not** involve any Oxnard School District students. The District has placed the teacher on administrative leave pending an investigation of the allegations. Because this is a personnel matter, we are unable to share any further information regarding the allegations. We assure you however, that this matter will be dealt with in an immediate and fair manner that protects our students and the integrity of our educational environment.

Since the allegations surfaced, the information has spread quickly throughout the District. We are concerned that students may attempt to view or access inappropriate sites and possibly attempt to post links to pornographic material on their Facebook site and other social media sites. While it is not possible to access these sites through the school site's internet connection because of the District filters, the information is being accessed by students on their smart/cellular telephones and using networks outside of the schools. These sites contain extremely graphic and inappropriate pornographic material.

We are asking teachers to discourage the children from searching for and/or visiting these inappropriate sites. We ask that you be particularly vigilant over the next few days with respect to the internet content being accessed by your child on his or her telephone or other internet ready devices (i-pads, notebooks, laptops, computers, etc.).

If you have any questions, please contact your school principal.

(Exhibit 23.)

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96(f). On March 7, 2012, a Connect-Ed message was sent to Haydock parents, stating:

Good Morning Parents:

This is a message to inform you that the media has picked up the story regarding our site and has began seeking interviews with our students. As the reminder the media can only speak to students with parent permission and you can be assured that this procedure will be strictly enforced by school administrators.

We understand that some students have become upset regarding this incident; we are providing support through our site and would like to share that if you feel that your student needs additional support please fee free to contact the school and we will respond to your request.

(Exhibit 12.)

96(g). On March 8, 2007, after the news reports broke, Mr. Gaudioso sent an email to Assistant Superintendent Goldman stating, “Hi Sean, Please tell me that the situation with your middle school science teacher does not involve Stacie Halas!” Assistant Superintendent Goldman responded, “Yes. What do you know?” Mr. Gaudioso responded:

She was here in 06-07 teaching at Simi High and one of the coaches there was watching porn sites at home and reported to the principal that he has [*sic*] seen her. I had a lot of conversations with her . . . For most of that time she denied it was her and we were trying to verify that. Right at the end of the school year she told me it was her, and it had been made years ago when she was in college, and although she loved teaching science at Simi High she had decided to resign her position. . . All of this was handled without any student, parent or public knowledge. I’ve never had one single reference call on her so I thought she just left teaching.

(Exhibit 20.)

96(h). Several students who attended Haddock during the 2011/2012 school year testified credibly at the administrative hearing regarding their exposure to Respondent’s pornographic videos and/or rumors and jokes regarding those videos.

(1). Student B.N., who was in seventh grade at Haddock during the 2011/2012 school year recalled a high school friend, A.S., showing him a pornographic video of Respondent on the website www xnxx.com while they were standing in front of B.N.’s house last year. B.N. recalled that, in the video, Respondent talked about working as a teacher and then disrobed and engaged in oral copulation of three men. B.N. recalled

feeling awkward about the video. He talked to friends about the video and saw students viewing the video on smart phones at the Haydock campus near the locker rooms, on the basketball courts and in the quad. He heard students making jokes about the video and also heard one student calling Respondent “Tiffany,” which was her name on the website he viewed. B.N. also recalled students making jokes about a science teacher, Ms. Raskin, because she looked like Respondent. B.N. recalled the media coming to the Haddock campus for two days and “felt bad” that the school had a “bad rep[utation].” B.N. confirmed that people can still access at least one of the videos on the website if they search under “Tiffany.” However, the students have not talked about the video, nor has the media been on campus, for a “long time.”

(2). Student S.C., a seventh grader at Haddock during the 2011/2012 school year, recalled students last year talking about Respondent being in a pornographic video. At some point, he saw the beginning of a video on a friend’s smart phone while they were at a neighborhood park. S.C. wanted to see the video to confirm that the person in the rumored video was Respondent. The video S.C. saw featured Respondent ordering pizza and then inviting the pizza delivery man into her home to sit on the couch. At that point in the video, S.C. asked his friend to turn it off. S.C. observed other students watching videos of Respondent while the students were near the physical education area of the Haddock campus, and he overheard the students talking about “stuff [Respondent] did in the video.” The students have discontinued viewing the video and have stopped talking about it.

(3). Student C.S., a seventh grader at Haddock during the 2011/2012 school year, recalled hearing students talking last year about Respondent’s involvement in pornographic videos. C.S. saw students in groups watching a video of Respondent, but he did not watch it with them. He recalled students on campus making jokes about Respondent, including one student saying that Respondent could “take a lot in her mouth.” When he was at home, C.S. was able to access a video of Respondent by using Google and searching for “Tiffany Six,” which was Respondent’s rumored name, and thereby finding a link on a website called “Pornhub.com.” C.S.’s mother was with him when he accessed the video because “she did not believe . . . that there was teacher [who] did that.” When viewing the video, C.S. saw Respondent being interviewed while sitting outdoors. He did not watch the entire video. His parents spoke to him about Respondent’s videos and instructed him not to talk about the videos either on or off campus or he would “get in trouble.” Additionally, after the media arrived at the Haddock campus, C.S.’s language arts teacher, Mr. Packham, instructed the students to ignore the media and avoid being interviewed. Currently, there are not as many jokes or comments on campus about Respondent as there were last year.

(4). Student A.B., an eighth grade student in Respondent’s class during the 2011/2012 school year recalled hearing rumors last year that Respondent had made pornographic videos. He heard rumors that students, including some from Respondent’s class, had viewed Respondent’s videos on their smart phones while on the basketball courts and in the restroom. He also recalled students making jokes about the videos and overheard that the website to access the video was called “Pornhub.” A.B. spoke to his parents about the rumor that a teacher had made a pornographic video. He and his parents tried to access

the video but “could not find anything.” After hearing about the videos, A.B. “felt a little awkward being in . . . a pornographic teacher’s classroom.” A.B. currently attends Pacifica High School in the District and has not heard students there talking about Respondent.

(5). Student A.V., an eight grade student at Haddock during the 2011/2012 school year recalled hearing “a lot of rumors” about a pornographic video featuring Respondent which could be found on the website “Pornhub.com.” While on the Haddock campus, another student showed A.V. a video of Respondent on the other student’s smart phone. A.V. recalled that, at the beginning of the video, Respondent was interviewed and said that she was a teacher. Later in the video, Respondent was featured “having sex” with two to three men. Upon viewing the video and seeing that it was Respondent, A.V. thought, “Damn!” and was “surprised.” While on campus, he heard other students making jokes about Respondent and calling her names like “slut,” “ho,”¹⁰ and “porn star.” He recalled that “everyone was talking about it,” and that the videos were “a big rumor.” A.V. recalled that the students kept talking about the videos and accessing them on campus despite being instructed by their teachers not to do so. Additionally, A.V. recalled seeing on one student’s phone a downloaded picture of Respondent with a male, both nude. However, by the end of the school year, “nobody was talking about it anymore.”

96(i). Several Haydock administrators and teachers testified credibly at the administrative hearing regarding their exposure to Respondent’s pornographic videos and/or rumors and the impact of those videos/rumors on the Haydock campus.

(1). Ms. Raskin, Ms. Amendola and Ms. Martinez recalled disruption in their classrooms for the remainder of the 2011/2012 school year following the confirmed rumors and subsequent media involvement. Ms. Raskin recalled several students making comments and asking questions about Respondent, and also recalled instructing students to avoid speaking with the media. Ms. Amendola recalled having difficulty keeping students focused on the curriculum because they kept asking questions about Respondent and laughing and referring to her as “Tiffany.” Ms. Amendola testified that the video made Respondent look “inappropriate” and “like a bad person” to her. According to Ms. Martinez, the topic of Respondent’s pornography and her alias, “Tiffany,” was brought up in all of her classes. She recalled a student asking why Respondent would “allow those guys to do that,” and several students asking if Ms. Martinez had ever made such videos and if pornography was “okay to do.” The teachers did their best to redirect the students’ attention to the curriculum. As the year progressed, the students did begin to settle down.

(2). Haydock teachers Greg Packham and Erika Alstot testified on Respondent’s behalf and recalled no disruptions in their classrooms or on campus. Both teachers recalled the news vans on campus, but stated that very few children asked about the media presence and it did not affect student behavior or disrupt the educational program. However, on cross examination, Ms. Alstot did recall students initially asking if the rumor was true and also asking when Respondent would return. Both Mr. Packham and

¹⁰ This is a slang term for “whore.”

Ms. Alstot stated that they would be “okay” with Respondent returning as a colleague at Haydock. Neither had viewed the videos. Mr. Packham and Ms. Alstot stated that, if Respondent had been untruthful with the District about making the pornographic videos it would not change their opinion of her. However, Mr. Packham admitted that if “right now she is still lying, that may probably change some parts of [his] opinion.” Mr. Packham also admitted that, if Respondent was a teacher at the time she made a video stating that she was a teacher, it could affect his opinion. However, Ms. Alstot maintained that, even if Respondent made a pornographic video during the time she was a teacher, this would not change her opinion since her “private life is separate” and should not affect her ability to teach.

(3). Assistant Principal Arias recalled students talking about Respondent and seeing students crying and upset about Respondent being in a “nasty movie.” She received reports of students interrupting classrooms, shouting “slut,” “whore,” or “Tiffany” as they walked by. Assistant Principal Arias recalled that the issue was “so destructive” and that it was hard to stabilize the campus. She believed that Respondent’s effectiveness as a teacher was influenced by the revelation of her videos and that it would be impossible for her to return to the classroom without her students being negatively impacted. According to Assistant Principal Arias, teachers are exemplars and role models, and it would be hard for Respondent to be a role model and discipline her class after students have seen the videos. She pointed out that students are taught that there are consequences for their actions, and that this must be true for teachers as well.

(4). Principal Sugden recalled students commenting on the negative impact to Haydock’s reputation due to the videos. She also recalled hearing from administrators at other school sites in the district regarding rumors/news of Respondent’s videos spreading to other schools in the district. After the story broke in the media, Principal Sugden handled a barrage of parent meetings for a few weeks to field their questions and concerns. Some of them stated that they held her personally responsible for hiring someone with a background in pornography and accused her of not caring for their children. Counselors were brought to the campus to provide counseling for the students if requested. Principal Sugden noted that, after she learned about Respondent appearing in pornographic videos, it impacted her confidence in Respondent as a teacher because she views teachers as role models in addition to educators. According to Principal Sugden, teachers take on a tremendous responsibility when they enter classrooms because they influence their students’ behavior and set the standard of what is acceptable and not acceptable. This responsibility is magnified at the middle school level where students are in the process of setting their self image and making decisions about their value systems, propriety and boundaries.

97(a). Assistant Superintendent Goldman testified that, although Respondent has teaching skills, given what has happened, the impact on the educational environment will never go away. He noted that the issue of her pornographic career has come up in each of Respondent’s employing districts: Simi Valley USD, Conejo Valley USD, and now in the District. He stated that, although it is not Respondent’s fault that the children discovered her pornographic materials, the fact remains that they discovered them. According to Assistant

LEGAL CONCLUSIONS

Pursuant to the foregoing factual findings, the Commission on Professional Competence makes the following Legal Conclusions:

Jurisdiction

1. The Commission has jurisdiction to proceed in this matter pursuant section 44944. (Factual Findings 1 through 3.)

Burden of Proof

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

Motion in Limine – Statute of Limitations

3(a). At the outset of the hearing, the ALJ denied Respondent’s “Motion in Limine to Exclude Evidence regarding Matters more than Four Years Prior,” ruling that: (1) the Motion in Limine did not pertain to the allegations and evidence of Respondent’s dishonesty in 2012, and (2) regarding the allegations of conduct four years prior to the filing of charges, *Atwater v. Dept. of General Services* (2007) 41 Cal.4th 227, allowed for the application of equitable principles in this case. It is appropriate to allow the District to rely on evidence four years prior to the filing of charges because the District did not know about, and could not have discovered, the evidence of Respondent’s career in pornography until March of 2012. (See also Legal Conclusions 3(b) and 3(c), below.)

3(b). The denial of the Motion in Limine was conditioned on the District establishing the facts asserted as the basis for the denial. As set in the Factual Findings above, for purposes of the denial of the Motion in Limine, it was factually established that:

(1) Respondent had been approached by administrators in her two prior employing school districts about her pornographic videos being seen online, and therefore, in addition to knowing the truth about her participation in pornographic videos, Respondent had reason to know that the information could be relevant to her employment in the District;

(2) Respondent did not reveal this information to the District during the employment process or at any point prior to March 2012 (to provide the District an opportunity to address potential problems or choose not to employ her), but instead allowed the District to rely on her concealment in employing her;

and

(3) the District conducted a diligent background check but was unable to discover Respondent's past conduct because: (A) neither of Respondent's prior employing districts had included in Respondent's personnel files any information about their discovery of Respondent's online pornography; (B) neither of Respondent's prior employing districts provided information about Respondent's online pornography to the District when it conducted its reference check on Respondent; and (C) the District could not have uncovered Respondent's participation in pornography with an Internet search since it had no knowledge of Respondent's stage name/alias, "Tiffany," through which the online links to the pornographic materials could be found.

3(c). Respondent argued that the purpose of the statute of limitations (Education Code section 44944) is to ensure that districts cannot judge a teacher by who they were, but by who they are now. This is not accurate. "[The] primary purpose of statutes of limitations is to prevent the assertion of stale claims," (*Scharer v. San Luis Rey Equine Hosp., Inc.* (2012) 204 Cal.App.4th 421, 429-430) and "'to promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared.'" (*Ferraro v. Camarlinghi* (2008) 161 Cal.App.4th 509, 556-557 (citing *Marin Healthcare Dist. v. Sutter Health* (2002) 103 Cal.App.4th 861, 872).) These fundamental purposes are not contravened in the application of equitable principles in this case to allow the District to pursue its recently discovered claims.

Causes for Dismissal

4. Cause for dismissal of Respondent, Stacie Halas, exists under Education Code section 44932, subdivision (a)(1), based on immoral conduct, as set forth in Factual Findings 4 through 97, and Legal Conclusions 7 through 13.

5. Cause for dismissal of Respondent, Stacie Halas, exists under Education Code section 44932, subdivision (a)(3), based on dishonesty, as set forth in Findings 4 through 97, and Legal Conclusions 7 through 13.

6. Cause for dismissal of Respondent, Stacie Halas, exists under Education Code section 44932, subdivision (a)(5), based on evident unfitness for service, as set forth in Findings 4 through 97, and Legal Conclusions 7 through 13.

Analysis re: Causes for Dismissal

7. It has been established that "Public service provides no hiding place for the dishonest and those lacking integrity." (*Brewer v. Department of Motor Vehicles* (1979) 93 Cal.App.3d 358, 364.)

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8. In addition, a teacher is regarded as a role model for students, as noted by several courts:

The calling (of a teacher) is so intimate, its duties so delicate, the things in which a teacher might prove unworthy or would fail are so numerous that they are incapable of enumeration in any legislative enactment. [Her] habits, [her] speech, [her] good name, [her] cleanliness, the wisdom and propriety of [her] unofficial utterances, [her] associations, all are involved. [Her] ability to inspire children and to govern them, [her] power as a teacher, and the character for which [she] stands are matters of major concern in a teacher's selection and retention." (*Board of Education v. Weiland*, 179 Cal.App.2d 808, 4 Cal.Rptr. 286, citing from *Goldsmith v. Board of Education*, 66 Cal.App. 157, 168, 225 P. 783.)

There are certain professions which impose upon persons attracted to them responsibilities and limitations on freedom of action which do not exist in regard to other callings. Public officials such as judges, policemen and schoolteachers fall into such a category.

As between a teacher and [her] student, "(a)n important part of the education . . . is the instilling of a proper respect for authority and obedience to necessary discipline. Lessons are learned from example as well as from precept." (*Johnson v. Taft School Dist.*, 19 Cal.App.2d 405, 408, 65 P.2d 912.) And as our Supreme Court said in *Board of Education v. Swan*, 41 Cal.2d 546, at 552, 261 P.2d 261, at 265, "A teacher . . . in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the (students) coming under [her] care and protection."

(*Board of Trustees v. Stubblefield* (1971) 16 Cal.App.3d 820, 824-825; see also *San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1463-1464.)

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

10. Throughout the administrative hearing, Respondent asserted that her performing in pornographic videos was legal. However, the legality of Respondent's actions does not direct the analysis in this case. While our laws are often founded in morality, not all

legal acts are moral and not all illegal acts are immoral (e.g. civil disobedience). Additionally, the same basic act may be characterized differently depending on the circumstances. Although society has determined that engaging in sexual acts in exchange for money is immoral and illegal (See e.g., Penal Code 647), case law has established that, if that sexual activity is filmed for viewing by persons other than the participants, this may render the paid sexual activity legally-protected expression. Nevertheless, this legality does not, *ipso facto*, render the conduct moral. Therefore, Respondent's argument that her conduct was legal is neither conclusive nor persuasive in determining whether it was immoral. Furthermore, the immorality of Respondent's conduct cannot be determined by the personal views of the Commission members or by society in a vacuum, but must be considered in the context of Respondent's role as a teacher. As set forth in *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, a teacher's conduct cannot be abstractly characterized as "immoral," or "unprofessional," thus warranting discipline, "unless that conduct indicates that [Respondent] is unfit to teach." (*Id.* at 229.)

11. *Morrison, supra*, enumerated eight criteria which the trier of fact must analyze in determining whether a teacher is unfit to teach. As set forth below, these criteria are applied to the instant case, addressing both immoral conduct and dishonesty as grounds for termination:

(a). The likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated

The first factor enumerated by *Morrison* is "the likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated." (*Id.*) This factor was analyzed recently in *San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454. In the *San Diego Unified* case, a parent and the school principal viewed a pornographic advertisement which a teacher posted on a website, and the principal testified that, "based upon [the teacher's] conduct she had lost confidence in [his] ability to serve as a role model for students." (*Id.* at 1463.) The *San Diego Unified* Court found, "This evidence is substantial evidence of an adverse impact on [the teacher's] on-campus relationships" and it "established [his] conduct interfered with his ability to serve as a role model at school." The *San Diego* Court noted that the principal's testimony, "combined with the graphic, pornographic nature of the ad, provided substantial evidence that his relationship with her had been sufficiently impaired to render him unfit for service as a teacher or administrator." (*Id.*)

(1). *Immorality -Appearing in Pornographic Scenes*

In this case, similar to *San Diego Unified*, Respondent's appearance in films has had an adverse impact on Respondent's on-campus relationships and her ability to serve as a role model at school, such that she is rendered unfit for service as a teacher. Respondent's pornographic scenes may demonstrate for viewers a lack of respect for herself and may send a message that she endorses the degradation of women and deviant sexual

behavior (See, e.g. “Anal Consumption”/Exhibit 30, in which Respondent drank semen expelled from her rectum after engaging in anal sex; and “No Cum Dodging Allowed 7”/Exhibits 29 and 29B, in which Respondent engages in simultaneous anal and vaginal intercourse with two males while orally copulating a third male). Her statements in “No Cum Dodging Allowed 7” about being a teacher and the thrill of doing something improper, even if scripted, portray disrespect for the teaching profession. Although her participation in the pornographic scenes took place years ago, they were made for later viewing and are currently available for viewing. Consequently, their adverse effects have lingered and could continue to linger. After several of the students, teachers and administrators (including Principal Sugden, Assistant Principals Saddler and Arias, Assistant Superintendent Goldman and Superintendent Chancer) saw the pornographic video(s), their views of Respondent changed for the worse and their confidence in her decreased. The students’ jokes about “Tiffany” and their calling Respondent derogatory names demonstrated their reduced respect for Respondent as a teacher and role model. Ms. Martinez’s anger, Ms. Amendola’s sensation of being “sick to [her] stomach,” and Assistant Principal Arias’s feeling “dirty” after seeing one of Respondent’s videos illustrated some of the adverse impact on Respondent’s on-campus relationships with her colleagues and administrators. After Principal Sugden learned about Respondent appearing in pornographic videos, it impacted her confidence in Respondent as a teacher because she views teachers as role models. These adverse impacts on Respondent’s on-campus relationships have rendered her unfit for service as a teacher.

In attempting to diminish her culpability for the students’ viewing of the videos, Respondent noted that pornographic materials are intended only for adults and not children, and pointed to the parents’ lack of controls. However, this argument displaces only part of the blame since she was the party who made the videos for future viewing. Furthermore, Respondent fails to address the fact that adults -- teachers and administrators -- can and did view the videos and were adversely impacted.

In addition to the foregoing, there were several disruptions to the Haydock campus caused by the viewing of Respondent’s pornographic videos. The turmoil included the vandalism to Ms. Raskin’s classroom, the media influx and interference with student arrival/dismissal, and the student unrest and difficulty focusing on lessons. All of these adverse impacts on the students, teachers and administrators at Haydock added to Respondent’s negative on-campus standing, further rendering her unfit for service as a teacher.

(2). *Dishonesty*

In March 2012, Respondent was continually dishonest with Haydock administrators and with District administrators regarding her participation in the pornographic industry. Her duplicity had an adverse impact on her relationship with Haydock and District administration in that it fostered lack of trust and depleted their confidence in her, thus rendering her unfit for service as a teacher.

(c). The type of credential held by the person involved

The next factor enumerated by *Morrison* is “the type of credential held by the person involved.” (*Id.*)

(1). *Immorality -Appearing in Pornographic Scenes*

Respondent holds credentials which authorize her to teach in kindergarten through 12th grade. This provides her the ability to exert influence over, and act as a role model for, many age groups of children.

(2). *Dishonesty*

The type of credential held by Respondent is inapplicable to the analysis of whether her dishonesty renders her unfit to teach. Dishonesty is an undesirable trait for any teacher, regardless of the credential held.

(d). The extenuating or aggravating circumstances surrounding the conduct

The next factor enumerated by *Morrison* is “the extenuating or aggravating circumstances surrounding the conduct.” (*Id.*)

(1). *Immorality -Appearing in Pornographic Scenes*

Respondent attempted to establish several extenuating circumstances, many of which were not credible (See Factual Findings 13 and 23, above). Although Respondent was experiencing financial difficulties at the time she entered the pornography industry, this did not sufficiently justify her nine-month filming of pornographic videos, several of which were disturbingly graphic, which resulted in only a minor reduction of her debt. Although Respondent had other means of obtaining salary (e.g. as an EMT), she discarded that option, deeming it inconvenient for her school schedule. Additionally, she did not make diligent efforts to obtain other types of employment, instead applying only to “a couple of restaurants.” Respondent also failed to explore bankruptcy, further financial aid, and/or deferment of her then-existing student loan payments. Consequently, Respondent’s pecuniary motivation for engaging in pornographic filming provides no extenuating circumstances and does not counteract a finding that Respondent is unfit to teach.

As another purported mitigating factor, Respondent also maintained that she has continued to seek removal of her pornographic materials from the Internet. However, the evidence established only that she attempted to remove her pornographic materials out of self-preservation, when she realized that her employing school district had discovered them online. The evidence did not establish that Respondent sought removal of her pornographic materials from the Internet either before her employment with Simi Valley USD or during the Spring of 2007, when Mr. Gaudioso suggested that she seek removal of the teenage hitchhiker film clip. In 2008, Respondent did hire an attorney to help her seek removal of

her online pornographic materials when the issue was resurrected at Conejo Valley USD. Thereafter, there was no evidence of any diligent efforts to remove the online pornographic materials again until March 2, 2012, after she received the call from Assistant Principal Saddler (during which she denied being involved in pornography), and March 5, 2012, after the meeting with Assistant Superintendent Goldman and Superintendent Chancer (during which Respondent was misleading and untruthful about her involvement in pornography). It is unclear whether Respondent made further and continuing efforts for removal of her online pornographic materials, but any such attempts were apparently ineffective, since the materials were still available online until at least October 15, 2012 (See Factual Finding 94). Given the foregoing, Respondent's attempts at removing her online pornographic materials provide no extenuating circumstances and do not counteract a finding that Respondent is unfit to teach.

As an aggravating circumstance, Respondent served in several teaching capacities (student teacher, substitute teacher, and signed a contract to begin full-time teaching), while simultaneously employed in the pornography industry. (See also, Legal Conclusion 11(b)(1), para. 2, above.) Her inclination to simultaneously engage in employment in pornography and teaching demonstrates her unfitness for service as a teacher.

Another more concerning aggravating factor is Respondent's dishonesty when District administrators asked about her involvement in pornography on March 2 and 5, 2012. As set forth more fully below (Legal Conclusion 11(d)(2), her deceitfulness continued through her testimony at this proceeding. Respondent's enduring insincerity voids her declarations of reformation and redemption and demonstrates her unfitness for service as a teacher.

(2). *Dishonesty*

In addition to lying to District administrators in March of 2012, Respondent affirmed her prior falsehoods during her testimony, compounding her prior deceit with additional deception. Respondent's continued duplicity under oath constitutes an aggravating circumstance which supports a finding that Respondent is unfit to teach.

(e). The praiseworthiness or blameworthiness of the motives resulting in the conduct

The next factor enumerated by *Morrison* is "the praiseworthiness or blameworthiness of the motives resulting in the conduct." (*Id.*)

(1). *Immorality -Appearing in Pornographic Scenes*

Despite Respondent's debt, her financial motive was not a praiseworthy justification for entering the pornography industry and filming graphic videos for up to nine months. (See also Legal Conclusion 11(d)(1), above). Such a motive does not counteract a finding that Respondent is unfit to teach.

(g). The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.

The next factor enumerated by *Morrison* is the “extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.” (*Id.*)

(1). *Immorality -Appearing in Pornographic Scenes*

There was no evidence to establish that disciplinary action would inflict an adverse impact or chilling effect on Respondent’s or other teachers’ constitutional rights. No case law was presented to establish that a teacher has the constitutional right to a career in pornography. While her pornography employment was apparently legal, this legality does not provide absolute constitutional protection. As set forth above (see Legal Conclusion 8), teachers fall into a category of professions “which impose upon persons attracted to them, responsibilities and limitations on freedom of action which do not exist in regard to other callings.” (*Board of Trustees v. Stubblefield*, 16 Cal.App.3d 820, 824-825; *San Diego Unified School Dist. v. Commission on Professional Competence*, 94 Cal.App.4th 1454, 1463-1464.) Consequently, there is no constitutional concern to weigh against the imposition of discipline for Respondent’s conduct.

(2). *Dishonesty*

There was no evidence to establish that imposing discipline for Respondent’s dishonesty may “inflict an adverse impact or chilling effect on Respondent’s or other teachers’ constitutional rights.” No authority was presented to establish that a teacher has a constitutional right to lie to her employing District, and then to continue her lies under oath. Consequently, there is no constitutional concern to weigh against the imposition of discipline for Respondent’s dishonesty.

(h). The publicity or notoriety given to the conduct

The next factor enumerated by *Morrison* is “the publicity or notoriety given to the conduct.” (*Id.*) As noted by the Court in *Board of Trustees v. Stubblefield*, *supra*, a teacher may be discharged where her conduct “has gained sufficient notoriety so as to impair [her] on-campus relationships.” (16 Cal.App.3d 820, 826.)

(1). *Immorality -Appearing in Pornographic Scenes*

In this case, the publicity and notoriety given to Respondent’s pornographic materials have been extensive and long-lived. As early as March 8, 2012, press coverage had reached at least one other school district since Assistant Superintendent Goldman received an email that day from Mr. Gaudioso with Simi Valley USD, inquiring whether “the situation with [the] middle school science teacher” involved Respondent. The publicity and notoriety have continued through the present, and due to Internet media coverage, Respondent’s

identity as a teacher has been intermingled with her prior pornographic images on websites such as www xnxx.com. On October 15, 2012, images of Respondent remained on that website under the heading “Tiffany Six (Suspended Teacher Stacie Halas) Porn,” and comments were still being posted regarding Respondent’s employment as a teacher. Furthermore, given the viral and infinite nature of the Internet, an imminent end to Respondent’s notoriety does not appear likely. This does not bode well for Respondent’s on-campus relationships. With little change to her notoriety, the impairment to Respondent’s relationships with her students and colleagues will likely continue. (See also Legal Conclusion 11(a)(1) regarding the adverse impacts to Respondent’s on-campus relationships.) All of the foregoing supports a finding that Respondent has been rendered unfit for service as a teacher.

(2). *Dishonesty*

In this case to date, the publicity and notoriety have focused on Respondent’s pornographic materials and not her dishonesty. Consequently, this issue weighs in Respondent’s favor. Nevertheless, this favorable finding does not outweigh the considerable factors which support a finding that she is unfit to teach.

(i). Analysis of the totality of the *Morrison* criteria, set forth above, indicates that Respondent is unfit to teach.

12(a). *Evident Unfitness for Service* - In addition to immorality and dishonesty, the District has alleged (and has established) “evident unfitness for service” as a cause for termination. “Evident unfitness for service” has been defined by the Court in *Woodland Joint Unified School Dist. v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, as follows:

“Evident unfitness for service” . . . means “clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies.” [Footnote] Unlike “unprofessional conduct,” “evident unfitness for service” connotes a fixed character trait, presumably not remediable merely on receipt of notice that one’s conduct fails to meet the expectations of the employing school district.

[¶] . . . [¶]

Our conclusion does not mean that the criteria for unfitness set out in *Morrison v. State Board of Education* . . . may be disregarded where “evident unfitness for service” is at issue. These criteria must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service. (*Board of Education v. Jack M.* (1977) 19 Cal.3d 691, 696.) If the *Morrison* criteria are satisfied, the next step is to determine whether the “unfitness” is “evident”; i.e., whether the offensive conduct is caused by a defect in temperament.

(2 Cal.App.4th 1429, 1444 -1446.)

12(b). As set forth in Legal Conclusion 11, Respondent's conduct, measured by the *Morrison* factors, indicates her unfitness for service.

12(c). Additionally, Respondent's conduct apparently arises from fixed character defects. First, Respondent demonstrated a lack of judgment by engaging in her nine-month pornography career while also serving at intervals as a student teacher and a substitute teacher. This defect in judgment was magnified by her making the film "No Cum Dodging Allowed 7," wherein she stated that she would be having sex for money and that "it is very risky" since she was "a teacher." Making such statements, even if scripted, demonstrated disrespect for the teaching profession and an extreme lack of discretion. In addition to her poor judgment and lack of discretion, Respondent demonstrated an inability to accept responsibility for her actions and a propensity for dishonesty during the District's investigation and continuing throughout her testimony such that virtually none of her statements were reliable. Respondent's inclination to lie in the face of contrary evidence indicates that her deceitfulness is "not remediable," is grounded in either foolishness or arrogance, and is a fixed character trait. Since teachers must demonstrate good judgment, honesty and trustworthiness, Respondent has demonstrated her "evident unfitness for service."

13. Complainant has established all three causes for termination of Respondent's employment with the District. Although Respondent's pornography career has concluded, the ongoing availability of her pornographic materials on the Internet will continue to impede from her from being an effective teacher and respected colleague. More concerning was her character for dishonesty, continuing even into her sworn testimony, which invalidated her arguments of reformation. While Respondent failed to establish that she can be trusted as a role model for children or an example of redemption, the circumstances of this case most certainly demonstrate that one's decisions and conduct, particularly continual deceit, must bring with them certain consequences.

ORDER

Respondent, Stacie Halas, shall be dismissed.

COMMISSION ON PROFESSIONAL COMPETENCE
OXNARD UNIFIED SCHOOL DISTRICT

DATED: January ____, 2013

JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings

I concur with the Decision and Order set forth above:

COMMISSION ON PROFESSIONAL COMPETENCE
OXNARD UNIFIED SCHOOL DISTRICT

DATED: January ____, 2013

CARA COMSTOCK
Commission Member

I concur with the Decision and Order set forth above:

COMMISSION ON PROFESSIONAL COMPETENCE
OXNARD UNIFIED SCHOOL DISTRICT

DATED: January ____, 2013

KAREN RAPIEN
Commission Member