

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION)	
)	
Applicant,)	
)	2020-13
vs.)	
)	
ALBERTO MOREJON)	
)	
Respondent.)	

FINAL ORDER

On April 24, 2022, the above-entitled matter came on for hearing before the Administrative Law Judge, Gay Abston Tudor pursuant to assignment from the State Board of Education (“the Board”). Now, on this 26th day of May 2022, the Board voted to accept the proposed order to revoke the Oklahoma teaching certificate and certificate number of Respondent, Alberto Morejon (“Morejon”).

STATEMENT OF FACTS

1. Morejon holds an Oklahoma teaching certificate, certificate number 423263 (“the Certificate”).
2. Morejon is certified in the following areas: U.S. History/OK History/Government/Economics, Grades 5-12.
3. Morejon was most recently employed as a teacher at Stillwater Public Schools (the “District”).
4. On or about May 12, 2020, Stillwater Police Department received a report that lewd and obscene communication had occurred between Alberto Morejon and a sixteen (16) year old

student, Student 1, over the social media platform Instagram. *See* Payne County Information and Affidavit (“Information and Affidavit”), attached to original Application as Exhibit “A”.

5. The communications reportedly began in 2018, when Student 1 was fourteen (14) years old and was Morejon's student at Stillwater Junior High School, and continued for two years. *Id.*

6. On or about May 15, 2020, Student 1 attended a forensic interview at the child advocacy center and disclosed details of the Instagram communications with Morejon. Student 1 reported that although beginning innocuously the communications became flirtatious, with Morejon escalating to sending images of exposed male genitalia, presumably his own. Morejon had sent Student 1 approximately five (5) photos of fully exposed genitalia, and far more frequently would send "imprint" images showing an erect penis under tight fitting clothing. Morejon reportedly sent such penis "imprint" photos "in almost every conversation" with Student 1. He also requested unclothed images of Student 1 and said that they could meet in a residence he had access to where they would not be found. *Id.*

7. Later, on May 15, 2020, the day of Student 1's forensic interview, Detective Sherae LeJeune of the Stillwater Police Department received consent from Student 1 (and guardian) to begin a controlled conversation with Morejon on Instagram, in which Morejon believed he was communicating with Student 1 but was in fact messaging Det. LeJeune. *Id.*

8. Det. LeJeune reports that after being told Student 1 was home alone as part of the controlled conversation with law enforcement, Morejon responded, "You trying to find something to do. Or someone to do? Lmao." As described in the Affidavit, while believing he was messaging with Student 1, "[Morejon] said he still had access to the residence where they could be alone and he asked what they would do together. [Det. LeJeune] responded by asking if he had ever been

with a younger girl. He responded with 'You're a Virgin though...you ain't even ready.'" The controlled conversation was ended after Morejon stated he could not "sneak out" at that time, and Student 1 was advised by law enforcement not to have further contact with Morejon until another controlled conversation could be arranged. *Id.*

9. Over the next four days Morejon sent several picture messages that Student 1 left unopened as law enforcement had requested. On or about May 19, 2020, Det. LeJeune again met with Student 1 for a controlled conversation with Morejon. Another conversation was initiated in which Morejon believed he was messaging with Student 1, but was actually communicating with Det. LeJeune. After an exchange about whether they would be able to meet, the Affidavit reports Morejon said "how fun it would be for [Student 1] to perform a specific sexual act on him but it would be risky to meet. He provided instructions on how to perform oral sex. He explained what would happen if she did perform oral sex on him...He also sent a picture of himself grasping his penis over his underwear with his shorts pulled down." *Id.*

10. While Det. LeJeune was still engaging in the controlled conversation with Morejon, the Special Projects Unit observed him at his home wearing the same clothing partially shown in the pictures he had sent to Student 1's Instagram account. When Morejon left his residence driving a Jeep also seen in the pictures, he was stopped by a marked patrol unit and placed under arrest for soliciting sexual conduct or communication with a minor by use of technology. *Id.*

11. On or about May 22, 2020, Morejon was charged in Payne County with one count of Engaging In Sexual Communication with a Minor by Use of Technology, in violation of 21 O.S. § 1040.13a. *See* Payne County CF-2020-152 on the Oklahoma State Courts Network (OSCN).

12. On May 28, 2020, the Applicant, Oklahoma State Department of Education, filed the Application. The Application was sent to Morejon, via certified mail, on May 28, 2020.

13. Notice of the hearing on the Application scheduled for April 14, 2022, was sent to Morejon, via certified mail, on March 14, 2022. *See* Notice of Hearing, on file herein. Further, Applicant sent its proposed witness and exhibits list, with exhibits, to Respondent via certified mail on March 30, 2022. *See* Witness and Exhibits List, on file herein.

14. Respondent failed to respond to any of the above pleadings and did not furnish any witness or exhibits lists within the time frame provided by OAC 210:1-5-6.

15. On April 24, 2022, the above-entitled matter came on for hearing before the Administrative Law Judge, Gay Abston Tudor pursuant to assignment from the Board. Respondent did not appear at the hearing.

CONCLUSIONS OF LAW

1. The Board is vested with the general authority to provide for the health and safety of schoolchildren while under the jurisdiction of school authorities. *See* 70 O.S. § 3-104(17).

2. That Title 70 O.S. § 3-104(6) provides:

The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall...[h]ave authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state...and shall formulate rules governing the issuance and revocation of certificates.

3. The Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.*, governs the State Board's administrative actions relating to teacher disciplinary matters. *See* 75 O.S. § 250.3(3). More specifically, 75 O.S. § 314(C)(2) provides:

If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its

order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

See 75 O.S. § 314.

4. Further, 75 O.S. § 314.1 provides:

As authorized by or pursuant to law, if an agency finds that the public health, safety, or welfare imperatively requires emergency action, has promulgated administrative rules which provide for such action and incorporates a finding regarding the emergency in its order, emergency actions may be ordered pending the final outcome of proceedings instituted.

...

5. The Board's rules in OAC 210:1-5-6(e) provides:

Pursuant to 75 O.S. § 314.1, in the event the State Board of Education finds that public health, safety, or welfare imperatively requires emergency action, the State Board of Education may issue an emergency order summarily suspending a certificate pending an individual proceeding for revocation or other action. Such proceedings shall be promptly instituted and determined. Such an order shall include specific findings of fact specifying the grounds for the emergency action. Within three (3) business days of the issuance of the order by the Board, a copy of the order shall be sent to the holder of the certificate via certified or registered mail, delivery restricted to the certificate holder, with return receipt requested.

6. Oklahoma law and Board rules provide that a certificate shall be revoked for a "willful violation of a rule or regulation of the State Board of Education, a willful violation of any federal or state law. . . . or for other proper cause." *See* 70 O.S. § 6-189(F); *see also* OAC 210:1-5-6(b).

7. Further, the Board's rules provide that "[t]eachers are charged with the education of the youth of this State. In order to perform effectively, teachers must demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles." *See* OAC 210:20-29-1(b).

8. Through their conduct, teachers must demonstrate the respect of their students, such being a responsibility that is inherent in the profession. *See* OAC 210:20-29-2.

9. In addition, a teacher shall “strive to help each student realize his or her potential as a worthy and effective member of society.” *See* OAC 210:20-29-3. In fact, in fulfillment of the obligations to the student, a teacher shall:

- a. make reasonable effort to protect the student from conditions harmful to learning or to health and safety
- b. not intentionally expose the student to embarrassment or disparagement.
Id.

10. Additionally, the Board’s rules, at OAC 210:20-29-4, provide:

- a. The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.
- b. In order to assure that the quality of the services of the teaching profession meets the expectations of the State and its citizens, the teacher shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education, and assist in preventing the practice of the profession by unqualified persons.

11. Board rules expressly state that “[i]n fulfillment of the obligation to the student, the teacher shall not use professional relationships with students for private advantage.” *See* OAC 210:20-29-3.

12. It has been held by Oklahoma courts that “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 children coming under her care and protection.” *Vaughn v. Board of Bar Examiners for the Oklahoma Bar Association*, 1988 OK 87, 759 P.2d 1026, 1030. The teaching profession, not unlike the legal profession, imposes a code of ethics upon its members. *Id.*

13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 429638 of Alberto Morejon.

14. Board rules further provide that upon the filing of an application to suspend and/or revoke a certificate, the Board, at its discretion, may utilize a hearing officer to conduct the hearing and such individual shall be appointed by the Chairperson of the Board. *See* OAC 210:1-5-6(f)(1).

15. Morejon was properly served with notice of the hearing on the Application.

16. Morejon failed to appear at the hearing on the Application. Board rules state that if the holder of the certificate fails to appear at the scheduled hearing, the Board of hearing officer shall hold the party in default and issue an order sustaining the allegations set forth in the Application for Revocation. OAC 210:1-5-6(G)(1)(C).

WHEREFORE, based on the evidence presented and considered, in light of the foregoing, the teaching certificate and certificate number of Respondent, Alberto Morejon, # 423263 is hereby revoked, effective May 26, 2022.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education