

STATE OF SOUTH DAKOTA) OFFICE OF THE SECRETARY
) :SS
COUNTY OF HUGHES) SOUTH DAKOTA DEPT. OF EDUCATION

In the Matter of the Revocation)
of the Teacher's Certificate) ORDER REVOKING SOUTH DAKOTA
of Patrick Ngufor) TEACHER CERTIFICATION
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))

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-43-28.1 and 13-42-9, following receipt of a Complaint for the Revocation of a Teacher's Certificate dated August 19, 2010, from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire record of the hearing before the Commission, the Secretary of Education hereby issues the following:

IT IS HEREBY ORDERED that after review of the entire record of the hearing before the Professional Teachers Practices and Standards Commission, the attached Findings of Fact and Conclusions of Law of the Commission dated August 19, 2010, are hereby affirmed and adopted by the Secretary and incorporated into this Order by this reference as if set forth in full.

IT IS FURTHER ORDERED that based upon a review of the entire record of the hearing before the Professional Teachers Practices and Standards Commission, there is clear and convincing evidence that Patrick Ngufor violated the South Dakota Code of Ethics for Teachers established under SDCL 13-43-25, namely ARSD 24:08:03:02(7) and (8).

IT IS FURTHER ORDERED that pursuant to SDCL 13-42-9, the Teacher Certificate No. 69982 issued to Patrick Ngufor on June 9, 2009, shall be permanently revoked for violation of the South Dakota Code of Ethics for Teachers, namely ARSD 24:08:03:02(7) and (8). This revocation shall be effective immediately.


IT IS FURTHER ORDERED that notification of Patrick Ngufor's permanent revocation be placed on the NASDTEC registry and be placed in his permanent certification file within the South Dakota Department of Education. This Order will be sent to the Professional Teachers Practices and Standards Commission and its counsel, the complainant and their counsel, and Patrick Ngufor and his counsel, if any. This Order does not restrict the Secretary of Education from forwarding this file to anyone that has the authority to employ Patrick Ngufor, if requested in writing.

IT IS FURTHER ORDERED that pursuant to SDCL 13-42-15, Respondent has **ten (10) days** after receipt of this notice to surrender his original South Dakota Teacher certificate No. 69982 to Ferne Haddock, South Dakota Department of Education, MacKay Building,

800 Governors Drive, Pierre, SD 57501. As stated in SDCL 13-42-15.1, failure to surrender the certificate may result in a civil penalty.


This constitutes final agency action. Respondent has the right to appeal from this Order to circuit court as provided by law unless such appeal has been waived.

Dated this 7 day of September, 2010



Tom Oster
Secretary
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

STATE OF SOUTH DAKOTA) SOUTH DAKOTA PROFESSIONAL
) TEACHERS PRACTICES AND
 COUNTY OF HUGHES) STANDARDS COMMISSION

Melody Schopp, Deputy Secretary)	
South Dakota Department of Education)	
700 Governors Drive)	
Pierre, SD 57501)	
)	
COMPLAINANT,)	FINDINGS OF FACT,
v.)	CONCLUSIONS OF LAW
)	AND ORDER
)	
Patrick Ngufor,)	
)	
)	
RESPONDENT.)	

A hearing was held pursuant to the provisions of SDCL 13-43-28 before the South Dakota Professional Teachers Practices and Standards Commission on August 19, 2010 at 9:00 a.m. at Conference Room 1, MacKay Building (State Library), 800 Governors Drive, Pierre, South Dakota. Notice of this hearing was previously provided to the parties.

The following South Dakota Professional Teachers Practices and Standards Commission (Commission) members were present: Joseph Harrison, Nancy Decker, Bob Gill and Aaron Weaver. Paul E. Bachand, counsel for the Commission, and Ferne Haddock, Executive Secretary for the Commission were also present. Deputy Attorney General Robert Mayer represented the Department of Education. Patrick Ngufor failed to appear at the hearing.

Based upon Ngufor’s failure to appear and the evidence presented by the Department, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Ngufor is the holder of a valid South Dakota Teacher's Certificate No. 69903, issued on February 24, 2009 and expiring on July 1, 2014.
2. On May 26, 2010, Melody Schopp, Deputy Secretary of Education filed a complaint against Ngufor with the Commission.

3. The complaint alleged that Ngufor violated sections of the South Dakota Code of Professional Ethics for Teachers.
4. The complaint was served on Ngufor on or about May 28, 2010.
5. A notice of hearing was served on Ngufor on or about July 12, 2010. The notice of hearing advised Ngufor that a hearing had been set for Thursday August 19, 2010 at 9 a.m. at Conference Room 1, McKay Building (State Library), 800 Governors Drive, Pierre, South Dakota.
6. On August 19, 2010, Ngufor failed to appear at the hearing.
7. On or about November 26, 2009, in Stanley County, Ngufor attempted to put Angel Gomez in fear of imminent bodily harm by firing a .38 caliber handgun at Gomez. During Ngufor's arrest on this date, he informed the arresting officer that he wanted to shoot the person who threw a beer bottle at his car.
8. The acts contained in paragraph 7 violate ARSD 24:08:03:02(8), in that in fulfilling their obligations to the public, educators shall commit no act of moral turpitude or gross immorality.
9. On or about December 21, 2009, Ngufor was convicted of simple assault in violation of SDCL 22-18-1, Stanley County Criminal Case 58C09000121AO, regarding his actions on November 26, 2009.
10. Ngufor's conviction violates ARSD 24:08:03:02(7), in that in fulfilling their obligations to the public, educators shall engage in no act that results in a conviction.
11. On or about December 21, 2009, Ngufor was convicted of reckless use of a weapon in violation of SDCL 22-14-7(1), Stanley County Criminal Case 58C09000121AO, regarding his actions on November 26, 2009.
12. Ngufor's conviction violates ARSD 24:08:03:02(7), in that in fulfilling their obligations to the public, educators shall engage in no act that results in a conviction.
13. Any finding of fact improperly denoted as a conclusion of law is hereby incorporated as a finding of fact.

CONCLUSIONS OF LAW

14. The Commission has jurisdiction over this matter pursuant to SDCL 13-43-28 and 13-43-28.1, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, Chapters 24:08:03 and 24:08:04.01.
15. The burden of proof in this matter is clear and convincing. In Re: Setliff, 202 SD 58, 645 N.W.2d 601, 605.

16. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in fulfilling their obligations to the students, educators shall act as follows:
 - (7) engage in no act that results in a conviction;
 - (8) commit no act of moral turpitude or gross immorality.
17. Clear and convincing evidence exists that Ngufor violated ARSD 24:08:03:02 (7) and (8).
18. Ngufor violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:02(7), by being convicted in Stanley County of the crimes of Simple Assault and Reckless Use of a Weapon.
19. Ngufor violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:02(8), by attempting to put Angel Gomez in fear of imminent bodily harm by firing a .38 caliber handgun at Gomez.
20. Any conclusion of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.

Based upon the foregoing findings and conclusions, it is hereby

ORDERED that this matter be referred to the Secretary of the South Dakota Department of Education for proceedings to revoke the teaching certificate of Ngufor as provided for in SDCL 13-43-28. It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law and Order be sent to parties herein. It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law and Order be provided to the Secretary of the South Dakota Department of Education for placement on the NASDTEC clearing house and that it remain with the Department's permanent certification file.

Dated this 19th day of August, 2010.

PROFESSIONAL TEACHERS PRACTICES
and STANDARDS COMMISSION

By Joseph Harrison
Joseph Harrison Ed.D. Chair
700 Governors Drive
Pierre, SD 57501-2291