

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEPT. OF EDUCATION

In re: Certification Application of)	DSE 2024-19
REMI VARDOUX)	ORDER DENYING
)	EDUCATOR CERTIFICATE

In accordance with and pursuant to the authority granted to the Secretary by SDCL § 13-42-4, 13-42-9, and ARSD article 24:18, and after review of the record herein, the Secretary issues the following Order:

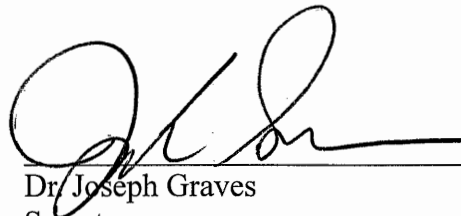
1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Independent Hearing Examiner, Robert B. Anderson. These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The application of Remi Vardoux for an educator certificate is **DENIED**.
3. Although the Independent Hearing Examiner recommended Vardoux's application be denied and he be precluded from reapplying for an educator certificate in the State of South Dakota for a period of one (1) year, the Secretary finds the conduct disclosed in the Findings of Fact and Conclusions of Law particularly egregious and a longer period of suspension is warranted:
 - a. Vardoux's lack of complete candor and honesty by only disclosing one criminal conviction of a "DUI" in 2003.
 - b. Vardoux's criminal history contained in Findings of Fact #9-14, include careless driving, failure to report an accident, disorderly conduct, making threatening or harassing telephone calls, entering or refusing to leave, and a driving under the influence over the span of eleven (11) years. Any one of such offenses would be

alarming from an educator, constitute a violation of the Code of Ethics, and warrant appropriate discipline.

4. Remi Vardoux is prohibited from reapplication for an educator certificate in the State of South Dakota for a period of five (5) years.
5. The Order and Findings of Fact and Conclusions of Law are a public record pursuant to SDCL § 13-42-17.1 and ARSD 24:18:04:05.
6. Notification of this denial is to be placed on the NASDTEC registry and be placed in applicant's permanent certification file within the South Dakota Department of Education.

This constitutes final agency action and may be appealed to circuit court pursuant to ARSD 24:18:02:06.

Dated this the 3rd of November, 2025.

A handwritten signature in black ink, appearing to read 'J. Graves', is written over a horizontal line.

Dr. Joseph Graves
Secretary
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF HUGHES)

DIVISION OF THE SECRETARY

S.D. DEPT. OF EDUCATION

In Re:

DSE 2024-19

Certification Application of
REMI VARDOUX

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

The South Dakota Department of Education issued a written "Notice of Intent to Deny Educator Certificate" in regard to Remi Vardoux (Vardoux) and an application filed by Vardoux, which was opened on or about August 17, 2024.

A hearing on the Notice of Intent to Deny was held on Vardoux's timely request before Robert B. Anderson, the duly appointed Independent Hearing Examiner, on July 21, 2025, commencing at 09:00 o'clock a.m. CDT in the MacKay Building Library Commons, 800 Governors Drive, in Pierre, South Dakota 57501. The hearing was a private hearing. The hearing was held pursuant to written Notice of Hearing.

The South Dakota Department of Education (Department) appeared through Jane Cronin, Administrator for Educator Certification of the South Dakota Department of Education, Amanda LaCroix, Senior Staff Attorney for the South Dakota Department of Education, and Brayden Beaner, Legal Intern. Vardoux appeared personally and with his legal counsel David Claggett, of Spearfish, South Dakota. The hearing was held before the duly appointed Independent Hearing Examiner, a verbatim record was made, and the Hearing Examiner had an opportunity to see all witnesses testify live and make a determination as to their credibility. After hearing the arguments of counsel and the parties and having reviewed all the testimony and exhibits and other evidence offered at the time of the hearing, including but not limited to a written transcript of the July 21, 2025 hearing, as Independent Hearing Examiner, I now make and enter the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Vardoux filed an application for an Educator Certificate, which was opened by the Department on or about August 17, 2024.
2. Vardoux failed to designate the type of certificate he was applying for but, later, the application was completed to note that it would be treated as an "Initial Educator Application".
3. Vardoux failed to submit an "official transcript" to the Department as required.



4. Delays were experienced in processing Vardoux's initial application for several reasons including but not limited to his failure to submit an "official transcript" and his failure to designate the type of certificate he was applying for.

5. One section of the application which Vardoux completed and submitted in August, 2024, was related to "conduct review". This section relates to character and fitness of the Applicant.

6. Although Vardoux's application was never reviewed by an Educator Certification Officer (due to the failure to designate the type of certificate applied for), it was sent to the character and fitness team for review.

7. Vardoux responded to questions 1 and 2 of the "conduct review" portion of his application by accurately stating that he had been charged with and plead guilty to a "DUI in Lead in 2003". However, he failed to completely and thoroughly respond truthfully to other questions contained in the "conduct review" portion.

8. Vardoux's intent was to apply for certificate that would permit him to teach Driver's Education. Vardoux has never held any type of teacher educator certificate in the State of South Dakota. Vardoux has not given any indication that he intends to apply for any other type of Educator Certificate.

9. On or about October 15, 2014, Vardoux was charged in Lawrence County, South Dakota, with certain criminal offenses including careless driving – a violation of SDCL § 32-24-8 – and failure to report an accident to a police officer – a violation of SDCL § 32-34-7, both of which offenses he plead guilty to on January 26, 2015.

10. Other charges from the incident of October 15, 2014, were dismissed.

11. On or about November 20, 2013, Vardoux was arrested in Lawrence County and charged with disorderly conduct to which he plead guilty on March 10, 2014. Additional charges from November 20, 2013, were dismissed.

12. On or about August 18, 2007, Vardoux was charged with making threatening or harassing telephone calls – a violation of SDCL § 49-31-31 – to which he plead guilty. Other charges arising from August 18, 2007, were dismissed.

13. On or about May 16, 2005, Vardoux was arrested and charged with entering or refusing to leave – a violation of SDCL § 22-35-6 – to which he plead guilty. Other charges from that date were dismissed.

14. On or about February 20, 2003, Vardoux was arrested and charged with driving under the influence – first offense – a violation of SDCL § 32-23-2. He plead guilty to that charge.

15. Of all the arrests, pleas, and dismissals discussed in ¶¶ 9-14 above, the only offense which Vardoux disclosed on his conduct review statement was the DUI of 2003.

16. The questions contained in the conduct review section of the application completed by Vardoux were plain and easy to understand for any reasonable person.

17. Many of the terms utilized in the questions contained in the conduct review section of the Vardoux application were defined in the application itself. Vardoux successfully completed a drug and alcohol evaluation after his DUI conviction in 2003.

18. Vardoux's intention in filing his application was, at the time, to only teach driver's education.

19. Although Mr. Vardoux corresponded with Christopher Grant of the Department of Public Safety, neither Mr. Grant nor the Department of Public Safety had any authority to grant or deny Vardoux's application. That power was granted strictly to the Department of Education.

20. A reasonable person in Mr. Vardoux's position should have understood the questions contained in the application and, in particular, the conduct review portion of that application, and therefore should have responded more thoroughly and accurately to those questions.

21. The questions contained in the application and, in particular, the conduct review section relating to criminal history are very direct and straightforward.

22. It mitigates in favor of Vardoux that there is no record of any criminal arrests or convictions since the incident of October, 2014.

23. Although a number of Vardoux's arrests and convictions were not traffic offenses, a number of them were.

24. The Department requires the application and, in particular, the conduct review portion to be completed thoroughly in accordance with instructions so that a well-informed determination can be made as to the applicant's ability to successfully fulfill the duties which are placed upon him or her if the application is granted.

25. Vardoux's failure to completely respond to the questions in the conduct review section deprive the Department of the ability to fully examine Vardoux's history and make an informed decision on his application.

26. The facts as found by the Independent Hearing Examiner support the Department of Education's determination to refuse to issue Vardoux's certificate pursuant to SDCL § 13-42, in general, and § 13-42-9, in particular.

27. The facts support a determination of moral turpitude in that the arrests and convictions, which were omitted by Vardoux, were several, and it can only be concluded that, given the straightforward nature of the application, he intentionally, contrary to honesty and principle, determined not to list those prior contacts with the criminal justice system in his conduct review response.

CONCLUSIONS OF LAW

1. Robert B. Anderson was duly designated and appointed as Independent Hearing Examiner pursuant to ARSD 24:18:02:03 by the South Dakota Secretary of Education and is thereby designated to preside over the contested case relating to the Department's Notice of Intent to Deny Vardoux's Educator Certificate. The Hearing Officer's jurisdiction is based on the authorizing statutes, administrative rules, and the Order from the Secretary of the South Dakota Department of Education which appoints him.

2. The Department of Education has jurisdiction over the parties and the subject matter of this proceeding.

3. SDCL § 13-42-9 provides that the Secretary of the Department of Education has the power and authority to refuse to issue an Educator Certificate for a variety of reasons including, but not limited to, violation of the code of ethics, failure to fulfill any requirement for certification imposed pursuant to SDCL §§ 13-42 or 13-43 or administrative rules promulgated thereto, or moral turpitude as defined in SDCL § 22-1-2.

4. The South Dakota Department of Education has the burden of going forward and the burden of proof on whether Vardoux's actions as described in the Notice of Intent to Deny his Certificate justify such suspension by a preponderance of the evidence.

5. The South Dakota Department of Education has the burden of going forward and the burden of proof to show, by a preponderance of the evidence, that it is justified in denying Vardoux's application for an Initial Educator-Alternative Preliminary Certificate.

6. The South Dakota Department of Education has met its burden of proof as to its decision to deny Vardoux's application for an Initial Educator Certificate based on their determination that Vardoux failed to fully and truthfully answer the questions contained in the conduct review portion of his application and failed to provide court documents as required.

7. The Department of Education's reliance on the provisions of SDCL §§ 13-42-9, 13-42, and 13-43, in general, are supported by the facts found in this matter and justify denial of Vardoux's application. Further, Vardoux's actions as set forth in the findings of fact above constitute moral turpitude as that term is defined by SDCL § 22-1-2. *See* Finding of Fact 28 above.

8. The South Dakota Department of Education has a legitimate concern relating to Vardoux's criminal history but primarily to his lack of complete candor and honesty when dealing with the Department and providing answers to the questions contained in his application.

This concern is legitimate but not significant enough to deny Vardoux the right to re-apply for an Educator Certificate of the appropriate type for five years.

9. The Department of Education justifiably depended on Vardoux and other applicants like him to comply with the requirements of whatever application he completed and, in particular, to do so fully and honestly.

10. It is both the finding and conclusion of this Hearing Officer that the Department of Education's decision to deny Vardoux's application for an Initial Educator Certificate should be upheld for the reasons set forth in these findings and conclusions as amplified in the Memorandum Opinion filed simultaneously herewith. However, Vardoux shall be precluded from reapplying for any educator certification in the State of South Dakota only for a time running from one year after a final decision in this matter is signed and filed by the Secretary of Education. Thereafter, Vardoux shall be permitted to reapply for whatever certification may be appropriate and for which he is qualified after this suspension period expires. At that time, he must comply with the requirements that apply to any application process, including thorough and accurate responses to the character and fitness portion of the application, providing whatever information is required by the Department Education, and completing whatever preliminary requirements may apply. However, the Department of Education will be precluded from relying on the factors described in their Notice of Intent to Deny, which was the subject of this hearing.

11. Any finding of fact which is actually a conclusion of law shall be denominated as such, and any conclusion of law which is actually a finding of fact shall be denominated as such.

An order should be entered consistent with these Findings of Fact and Conclusions of Law.

Dated this 22^d October day of ~~September~~, 2025.



Robert B. Anderson
Independent Hearing Examiner