

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

In the Matter of the)
Revocation of the) DSE 2015-10
Teaching Certificate of)
THOMAS MARK WENDELGASS) **ORDER REVOKING**
) **SOUTH DAKOTA TEACHER**
) **CERTIFICATION**
)

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-43-28.1, 13-42-9, and 13-42-15, following receipt of a Complaint requesting revocation of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire file herein, the Secretary enters the following order:

1. The Secretary hereby adopts the Findings of Fact and Conclusions of Law of the Commission, attached as Exhibit 6 to the Commission's Order Adopting Findings of Fact and Conclusions of Law, and incorporates those findings and conclusions herein by this reference as if set forth in full.
2. Based upon the foregoing Findings of Fact and Conclusions of Law, the teacher Certificate No. 70989 issued to Thomas Mark Wendelgass is hereby **immediately, permanent revoked.**
3. Notification of this revocation will be placed on the NASDTEC registry and be placed in Wendelgass' permanent certification file within the South Dakota Department of Education.
4. This Order and incorporated findings and conclusions are a public record pursuant to SDCL 13-42-17.1.

This constitutes final agency action.

Dated this 23 day of July, 2015.

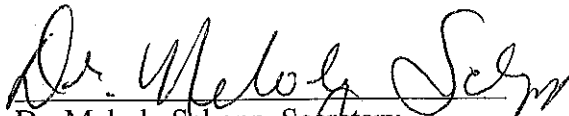

Dr. Melody Schopp, Secretary
South Dakota Department of Education

EXHIBIT A

STIPULATED FINDINGS OF FACT

1. On or about May 6, 2014, Respondent Thomas Mark Wendelgass (Wendelgass) was issued renewed South Dakota teaching certificate number 70989-01. The certificate is valid until July 1, 2019.

2. Prior to September 18, 2014, Wendelgass' previous criminal charges were limited to minor traffic offenses.

3. On or about September 18, 2014, Wendelgass was arrested in Beadle County, South Dakota, for Possession of a Controlled Substance—LSD (SDCL § 22-42-5; Class 5 Felony), Possession of Two Ounces or Less of Marijuana (SDCL § 22-42-6; Class 1 Misdemeanor), and Disseminating Material Harmful to a Minor (SDCL § 22-24-28; Class 1 Misdemeanor). On or about October 20, 2014, Wendelgass was indicted by a grand jury on these charges.

4. On or about November 25, 2014, Wendelgass pled guilty to the felony Possession of a Controlled Substance—LSD. He admitted that he bought the drugs at a concert in 2011. The Possession of Two Ounces or Less of Marijuana charge was subsequently dismissed by the prosecutor in exchange for the plea.

5. On the same date, Wendelgass also pled guilty to the misdemeanor Disseminating Material Harmful to a Minor, which arose out of knowingly sending a nude photo of himself to a seventeen year old former student over Snapchat, a social networking application.

6. On or about December 23, 2014, Wendelgass was sentenced to three years in the penitentiary for the felony drug charge, with three years suspended. He was also sentenced three

years of probation with terms and conditions, as well as various fines and costs. One of the conditions of Wendelgass' probation was that he serve sixty days in jail.

7. On the same date, Wendelgass was sentenced on the Disseminating Material Harmful to Minors charge. He was sentenced to forty-five days in jail, with twenty days suspended and credit for twenty-five days served. Wendelgass was also sentenced to 360 days probation with terms and conditions, including no contact with the former student for two years.

8. Wendelgass was suspended from the Huron School District as a result of the charges and is no longer employed in that district or in the teaching profession.

CONCLUSIONS OF LAW

1. Wendelgass has violated the following subsections of the Code of Ethics for Teachers found in ARSD 24:08:03:01 (obligations to students):

(9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, or harassment.

(10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.

2. Wendelgass has violated the following subsections of the Code of Ethics for Teachers found in ARSD 24:08:03:02 (obligations to the public):

(7) Engage in no act that results in a conviction;

(8) Exemplify high moral standards by not engaging in or becoming a party to such activities as . . . moral turpitude, gross immorality, sexual contact with students, [or] illegal drugs. . . .

3. There is clear and convincing evidence to support the permanent revocation of Wendelgass' teaching certificate.