

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
	:SS	
COUNTY OF HUGHES)	SOUTH DAKOTA DEPT. OF EDUCATION
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In the Matter of the Teaching)	DSE 2019-07
Certificate of)	
Rick Meyerink)	ORDER REGARDING
)	SOUTH DAKOTA TEACHING
)	CERTIFICATION
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Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-42-9, 13-42-15, and 13-43-28.1, following receipt of a Complaint from the South Dakota Professional Practices and Standards Commission, and after review of the entire record herein, including the Complaint from the Commission and attached exhibits and the entire hearing record, the Secretary enters the following order:

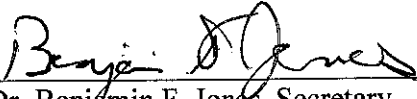
1. The Secretary affirms and adopts Findings of Fact 1-5 and 7-38, and Conclusions of Law 39-44, attached as Exhibit A and incorporated herein by this reference.
2. The Secretary amends and adopts Finding of Fact 6 to read:

Meyerink responded to the initial complaint on or about February 19, 2019.

3. Based on the foregoing Findings of Fact and Conclusions of Law, Rick Meyerink's South Dakota Teaching Certificate #62304 is **hereby suspended for a period of five (5) years, effective as of the date of this order.**
4. Notification of this Order will be placed on the NASDTEC registry and be placed in Meyerink's permanent certification file within the South Dakota Department of Education.
5. This Order and incorporated findings and conclusions are a public record pursuant to SDCL 13-42-17.1.
6. Meyerink is prohibited from being employed by a public school or other accredited school in South Dakota pursuant to SDCL 13-43-5.1.

This constitutes final agency action and may be appealed pursuant to SDCL 13-42-16 unless appeal has been waived.

Dated this 26th day of August, 2019.



 Dr. Benjamin F. Jones, Secretary
 South Dakota Department of Education

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

KIRK EASTON, SUPERINTENDENT, SPEARFISH SCHOOL DISTRICT,)	PTPSC 2019-02
)	
COMPLAINANT,)	FINDINGS OF FACT,
v.)	CONCLUSIONS OF LAW,
RICK MEYERINK,)	AND ORDER
)	
RESPONDENT.)	

This matter came on for hearing pursuant to the provisions of SDCL § 13-43-28 before the South Dakota Professional Teachers Practices and Standards Commission. A hearing was held on June 12, 2019 at 1:00 p.m. Central Time in Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Tammy Jo Schlecter, Paula McMahan, Crystal McMachen, and Kaye Wickard. Paul Bachand, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. Complainant Easton was personally present and represented by attorney Eric John Nies. Respondent Meyerink was personally present and represented by attorney Tim Barnaud.

Based upon the evidence presented at the hearing and documents contained in the official file, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent Rick Meyerink (Meyerink) is the holder of a valid South Dakota Teacher's Certificate, No.62304, issued on March 2, 2011 and expiring July 1, 2019.
2. On or about January 17, 2019, Superintendent Kirk Easton, of the Spearfish School District ("District), filed a complaint against Meyerink with the Commission.
3. The complaint alleged that Meyerink violated the South Dakota Code of Professional Ethics for Teachers as a result of his interactions with a student.
4. The complaint alleged that Meyerink violated the following section of the Code:
 - a. ARSD 24:08:03:01(7), which states that in fulfilling their obligations to students, educators shall "[m]aintain professional relationships with students without exploitation of student for personal gain or advantage[.]"
5. The complaint was served on Meyerink on or about January 18, 2019.
6. Meyer responded to the initial complaint on or about February 19, 2019.

EXHIBIT

A

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7. A due and proper notice of hearing was served on the parties, setting the hearing for June 12, 2019.
8. A hearing was held on June 12, 2019 at 1:00 p.m. Central Time in Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota.
9. Meyerink began employment with the District as a school counselor at the beginning of the 2015 school year and as of the hearing date, continues to be employed by the District.
10. Prior to his employment with the District, Meyerink worked at the Pierre School District and before that, he was employed by the Meade County School District between 2006 and 2013.
11. While at the Meade County School District, Meyerink was the school counselor and a track coach.
12. When Student was in 7th grade at the Meade County School District, Student met Meyerink.
13. Meyerink was Student's track coach starting in 8th grade and coached Student for track for three years through 10th grade.
14. Student considered Meyerink a "mentor" and "father figure."
15. Student confided in Meyerink with certain things Student was going through in Student's life or things Student was frustrated with.
16. Student eventually left the Meade County School District and started school at Stevens High School in Rapid City, South Dakota.
17. Student would see Meyerink at track meets and they would visit.
18. In November 2015, Meyerink began conversing with Student over Snapchat. At the time, Student was 18 years old and a senior at Steven's High School in Rapid City, South Dakota.
19. The conversation between Student and Meyerink included a conversation about Student being 18 years old and included the following:
 - a. Meyerink: That's prolly a good choice, and you are leaving something out, which I like but you probably haven't thought of.
 - b. Student: What is that?
 - c. Meyerink: Well I don't want to come right out and say it, but I'll tell you if you guess it.
 - d. Student: Get married?
 - e. Meyerink: Ha, well I guess you could but that's not it.
 - f. Student: By a lottery ticket?
 - g. Meyerink: And you can do that too, but that's strike 2 for me
 - h. Student: Ummm...go to a hookah lounge?

- i. Meyerink: Dang girl you are killing me
- j. Student: I have not ideah hahah
- k. Meyerink: Ok, I'll just have to let you ponder it for awhile
- l. Student: Wait is it go to a strip club? Isn't that more of a guy thing?
- m. Meyerink: I think most strip clubs are 21, and a guy thing and a little depressing. I was thinking about us Sorry if that's strange Damn, that didn't sound right either
- n. Student: What about us?
- o. Meyerink: Well, what do you think about me for starters. I don't want to wreck a good thing or anything or be a perv
- p. Student: Well I like you?? And I don't think you're a perv hahah
- q. Meyerink: I like you also, and I think you are extremely beautiful, and hot as well. There, I put it out there
- r. Student: Oh well thanks!
- s. Meyerink: I'm sure you hear that quit a bit
- t. Student: Nah, boy at my school never really go for me haha..but it's okay!
- u. Meyerink: I will just say they are idiots.
- v. Student: Okay most of them I would prefer they don't go for me anyways so I guess it all works out!

20. Another series of Snapchat messages between Meyerink and Student involved Valentine's Day flowers:

- a. Meyerink: What's the story there And you mad at me?
- b. Student: What do you mean? And no I'm not mad at you!! I was just wondering if you wanted to get flowers for your wife!
- c. Meyerink: I just wanted to buy them for you!
- d. Student: Wait seriously?? I never got a reply from you!
- e. Meyerink: Heck ya, I've had a thing for you for some time now And why are all our snaps saved Literally all we have talked about I can't delete
- f. Student: Just hold them down and they should disappear
- g. Meyerink: I have tried that and they still are there. Are they saved for you?
- h. Student: Yes

- i. Meyerink: Crazy, all mine are saved
- j. Student: So are mine
- k. Meyerink: And I think you are very attractive. You out for track this year? Since November 23 every snap message is saved So where are we at here
- l. Student: Where are we at for what?
- m. Meyerink: I'm kinda embarrassed to say
- n. Student: Just say it
- o. Meyerink: Well I think that we are not on the same page, so you would think I am weird
- p. Student: If you bought me flowers?
- q. Meyerink: Yea, and if you realized that I like you
- r. Student: Well you already told me that before so I already knew
- s. Meyerink: I want to keep you as a friend cause we have a history, but I also find you very attractive and don't know how to really tell you
- t. Student: I always thought of you as more of a father figure
- u. Meyerink: Well I appreciate that and don't want it to wreck that. You are one of the few kids I've come across that have made a connection with me because of your maturity and intelligence. It's my fault that I thought of anything more than that.
- v. Student: I've always thought very highly of you and trusted you a lot and I feel like that type of relationship isn't the most appropriate
- w. Meyerink: I agree. And I'm sorry I made you say that. I hope we can move on and have the type of relationship that you want. So, I have a couple questions for you.

21. The conversation between Meyerink and Student then turn towards deleting all the messages between Meyerink and Student:

- a. Meyerink: Ok, first I've read that we both need to unsave messages to make them go away. Have you unsaved our messages? If not, give it a try On another note, do you like that an older man has a crush on you, or do you think it's creepy That's more then one question I guess
- b. Student: Um, I don't know. I kinda think it's a little weird because I always thought of you more as a mentor/father figure like I said before so I guess I just assumed it was mutual and never thought you would feel the way you do
- c. Meyerink: OK, last apology and I won't bug you again. So is you knee healed enough to run this spring?

22. After some additional messages between Meyerink and Student, the conversation turned back to how to delete all the messages:
 - a. Meyerink: Sounds cool. Next question is about all these messages that won't delete. Needless to say I don't want anyone able to read them besides you, any ideas on how to delete them?
 - b. Student: Um well I'm not sure, I don't think you can unsave them I tried
 - c. Meyerink: So our conversation is saved? And we can't delete it? I really don't want anyone else to know that I have an interest in an 18 yr old. Prolly wouldn't be good for my career.
 - d. Student: No one will know, It's not like I'm going to tell people and I assume you won't either. We figured it out in a mature way and nothing happened so I think everything will be okay.
23. The above Snapchat messages occurred between November 22, 2015 and February 15, 2016.
24. On December 4, 2018 Easton received a letter and copy of the Snapchat messages.
25. Based upon the messages, the District investigated the matter including conducting an interview with Meyerink and Student.
26. The District eventually provided Meyerink with a letter of reprimand based upon his conduct related to the messages he exchanged with Student. Meyerink was informed that a complaint may be filed with the Commission.
27. At the time Meyerink and Student conversed by Snapchat, Meyerink was a teacher with the District.
28. At the time Meyerink and Student conversed by Snapchat, Student was enrolled in high school in Rapid City, South Dakota.
29. Meyerink previously was Student's track coach and guidance counselor.
30. Student testified before the Commission and described the impact of Meyerink's actions on Student.
31. Student considered the communication with Meyerink as inappropriate at the time yet did not disclose it to Student's School or Meyerink's school.
32. Although at the time Student did not report Meyerink's behavior to Student's school or Meyerink's school, she did report the Snapchat exchange to Student's mother.
33. Student's testimony to the Commission regarding the impact of the messages and her reasoning for not disclosing the information at the time was credible.
34. Meyerink sought out Student in order for Meyerink to engage in an inappropriate relationship with Student, including a sexual relationship. As such, Meyerink sought to exploit Student for his personal gain or advantage.

35. Meyerink's lack of judgment as to what constitutes appropriate boundaries between students and teachers created an environment detrimental to students' emotional well-being.
36. Multiple statements by Meyerink in his communications with Students indicate the knowledge and belief that the communications should be kept hidden because they were inappropriate and impermissible, which is an aggravating factor in this case.
37. As a certified teacher, Meyerink has an ethical obligation which he owes to all students regardless as to whether they are in his District, or another school district.
38. Any conclusion of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.

CONCLUSIONS OF LAW

39. The burden of proof in this matter as a contested case hearing is clear and convincing. *In re Selliff*, 2002 S.D. 57, 245 N.W.2d 601, 605.
40. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligations to students, educators shall:
 - (7) "[m]aintain professional relationships with students without exploitation of students for personal gain or advantage[.]"
41. As a certified teacher, Meyerink must comply with the South Dakota Code of Professional Ethics for Teachers, specifically as it obligates Meyerink to fulfill his obligations to students, pursuant to ARSD 24:08:03:01 (7), which includes all students, not just those with whom he directly teaches.
42. The complainant has met his burden of proof through testimony and evidence presented at the hearing regarding the allegation of a violations of ARSD 24:08:03:01(7).
43. Clear and convincing evidences exists that Meyerink violated ARSD 24:08:03:01(7).
44. 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 suspend the teaching certificate of Meyerink as provided for in SDCL 13-43-28.1. The Commission recommends immediate suspension of Meyerink's teaching certificate for a period of five (5) years, effective on the date the applicable order is signed by the Secretary of Education.

It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law, and Order be sent to the 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 National Association of the State Directors of Teacher Education and Certification (NASDTEC) clearinghouse and that it remain with the Department's permanent certification file. It is further

ORDERED that the Department may release the Findings of Fact, Conclusions of Law, and Order to the certification office of any state in which the respondent holds or applies for a certificate.

Dated this 19th day of July, 2019.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: Mrs. Tammy Jo Schlechter
Mrs. Tammy Jo Schlechter, Chair