

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SOUTH DAKOTA DEPT. OF EDUCATION


In re: Certification Application of)
MABEL HOWE) DSE 2024-01
) 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 accepts the allegations of the Notice of Intent to Deny Educator Certificate as true and enters the attached Findings of Fact and Conclusions of Law.
2. The application of Mabel Howe for an educator certificate is DENIED.
3. Mabel Howe is prohibited from reapplication for an educator certificate in the State of South Dakota until July 1, 2026 and upon proof that she is a law-abiding citizen.
4. 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.
5. 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 26th of November, 2024.



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

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

In re: Certification Application of)
MABEL HOWE) **DSE 2024-01**
) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW**

Mabel Howe filed an application for an educator renewal certificate which was activated on October 30, 2023. After a review of the entire file, the Secretary enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On or about February 27, 2024, the South Dakota Department of Education Office of Educator Certification (hereinafter “Department”) served a Notice of Intent to Deny Educator Certificate and attached exhibits on Mabel Howe (hereinafter “Howe”) via certified mail, first-class mail, and email, at her last known address. Howe responded to the email on October 18, 2024, confirming she received the Notice. See Exhibit A attached hereto and made a part of this document.
2. The Notice of Intent informed Howe that if she failed to request a hearing within 30 days after service of the notice, the allegations of the Notice would be accepted as true by the Secretary.
3. The Department received no request for hearing from Howe within the 30-day period.
4. Howe answered “Yes” to Question 1 of the Conduct Review portion of the application which asked:

“Have you ever been arrested or charged with any criminal offense?”
5. Howe disclosed on her application that she had been charged with driving under the influence and obstruction of a law enforcement officer.

6. Howe answered “Yes” to Question 2 of the Conduct Review portion of the application which asked:

“Have you ever been convicted or pleaded guilty to any criminal offense?”

7. Howe disclosed she pled to obstruction of a law enforcement officer on June 7, 2023, and served 1 day in jail with the remaining 89 days suspended and paid court costs.
8. Howe completed the application online and electronically signed an oath of affirmation prior to submitting the application. The oath of affirmation declares that under penalty of perjury pursuant to SDCL § 22-29-9.1 that the application and accompanying documents are true, accurate, complete, and correct to the best knowledge and belief of the applicant.
9. Howe provided court documents for one of her two criminal cases from South Dakota.
10. Howe failed to disclose her complete criminal history and provide court documents for all criminal matters.
11. The Department held a phone interview with Howe on December 19, 2023.
12. During the interview, the Department requested additional documentation from Howe. Howe failed to provide any of the requested documentation.

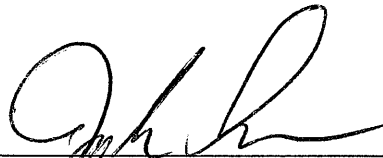
CONCLUSIONS OF LAW

13. Grounds for the denial or non-renewal of an educator certificate are provided in SDCL § 13-42.
14. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate. SDCL § 13-42-9.
15. Howe’s failure to adequately disclose her criminal history constitutes moral turpitude in violation of SDCL § 13-42-9 and perjury under SDCL § 22-29-9.1.
16. Any Conclusion of Law more properly designated as a Finding of Fact is hereby so designated.

17. Howe's application should be denied pursuant to SDCL § 13-42-9.

18. Howe should be prohibited from reapplication for an educator certificate in the State of South Dakota until July 1, 2026, and upon a proof that she is a law-abiding citizen.

Dated this the 26th of November, 2024.

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

Dr. Joseph Graves
Secretary, South Dakota Department of Education

Haddock, Ferne

From: Mabel Picotte <mpicotte@hotmail.com>
Sent: Friday, October 18, 2024 11:09 AM
To: Haddock, Ferne
Subject: Re: [EXT] South Dakota Educator certification

Hello Ferne,
Why are you sending this to me?... again? This has been sent to me via email and mail already.

> On Oct 18, 2024, at 9:22 AM, Haddock, Ferne <Ferne.Haddock@state.sd.us> wrote:
>
> <DSE 2024-01 Notice of Intent to Deny_Redacted 02-27-2024.pdf>

