

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

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In re: Certification Application of	)	DSE 2024-12
CLIVE BREMSER	)	ORDER DENYING
	)	EDUCATOR CERTIFICATE

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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:

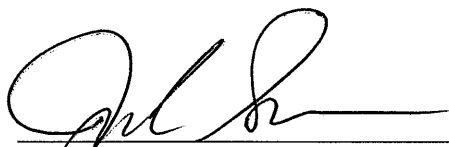
1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Independent Hearing Examiner, Robert B. Anderson. These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The application of Clive Bremser for an educator certificate is **DENIED**.
3. Although the Independent Hearing Examiner recommended Bremser's application be denied and he be precluded from reapplying for certification for a period of approximately eighteen (18) months, the Secretary determines the period of suspension shall begin upon execution of this order as Bremser had entered into and began performance under a teaching contract while he lacked an educator certificate in violation of the law. Thus the timeframe proposed by the Independent Hearing Examiner does not align with a period of suspension.
4. Clive Bremser is prohibited from reapplication for an educator certificate in the State of South Dakota for a period of eighteen (18) months.
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 9<sup>th</sup> of June, 2025.

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  
800 Governors Drive  
Pierre, SD 57501

STATE OF SOUTH DAKOTA

COUNTY OF HUGHES

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DIVISION OF THE SECRETARY

S.D. DEPT. OF EDUCATION

In Re:

Certification Application of  
CLIVE BREMSER

DSE 2024-12

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

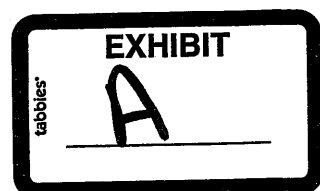
The South Dakota Department of Education issued a written "Notice of Intent to Deny Educator Certificate" in regard to Clive Bremser (Bremser) and an application filed by Bremser in July, 2024, for a Preliminary Alternative Educator Certificate, which notice was dated October 8, 2024.

A hearing on the Notice of Intent to Deny was held on Bremser's timely request before Robert B. Anderson, the duly appointed Independent Hearing Examiner, on March 25, 2025, commencing at 10:20 o'clock a.m. CDT in the MacKay Building Library Commons, 800 Governors Drive, in Pierre, South Dakota 57501. The hearing was a public hearing. The hearing was held pursuant to written Notice of Hearing which was amended by agreement of the parties.

The South Dakota Department of Education (Department) appeared through Kathryn Blaha, Director of the Accreditation and Certification Division of the South Dakota Department of Education, and Amanda LaCroix, Senior Staff Attorney for the South Dakota Department of Education. Bremser appeared personally and with his legal counsel Rose Ann Wendell, of Pierre, 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 March 25, 2025 hearing, as Independent Hearing Examiner, I now make and enter the following Findings of Fact and Conclusions of Law.

### **FINDINGS OF FACT**

1. On or about July 17, 2024, Bremser filed an initial Educator – Alternative Preliminary application.
2. Bremser's intent was to later apply for a regular Alternative Certificate if his Preliminary Certificate was granted.
3. Although Bremser has a bachelor's degree, he has not completed an educator preparation program.



4. One section of the application, which Bremser submitted in July, 2024, was related to "Conduct Review". This section related to character and fitness examination.

5. A number of Bremser's answers to the questions contained in the "Conduct Review" section of his application were false or inaccurate.

6. The criminal history questions in the application were straightforward and should have been clearly understood by Bremser.

7. Bremser stated that he did not disclose several arrests which took place in 2000 and 2001 because he had never disclosed them to anyone else in the past and because his lawyer told him that the charges had been expunged. There is no evidence that any of the charges were ever expunged.

8. Bremser stated that he was confused by the question: "Have you ever been arrested or charged with any criminal offense?"

9. The previous question was straightforward and should have been understood by anyone who has the intent of teaching in South Dakota public schools.

10. Bremser also failed to accurately respond to the question about previously leaving employment, being discharged, terminated, or resigning to avoid dismissal or disciplinary action.

11. The question noted above is question 7 in the Conduct Review section of Bremser's application. It is not as straightforward as the criminal history questions, but it should have been understood by Bremser, and he should have answered accurately concerning his leaving employment with the Unified Judicial System and Department of Education.

12. In part, due to information discovered by the Department of Education, a telephone interview was held with Bremser in the Fall of 2024.

13. As part of his application, Bremser agreed to furnish documents that had any relevance or bearing on any of his answers. He did not do so, and it does not appear he made any effort to obtain such documents.

14. Apparently as a result of the telephonic interview, Bremser filed an amended answer to the conduct review portion of the application on approximately September 24, 2024. In that amended response, he answered truthfully in regard to the question about prior arrests or criminal charges as well as prior employment termination and discipline.

15. Bremser also followed up with an email communication with the Department of Education in regard to providing the documents mentioned in the conduct review section.

16. At the time of the hearing in this proceeding, Bremser was employed at Georgia Morse Middle School in Pierre, South Dakota, as a special ed tutor and paraprofessional. He had worked there as a substitute teacher since approximately October, 2022.

17. In the beginning of the 2024/25 school year, he was hired as a full-time art teacher at the same school. Since his initial hire, Bremser resigned the art teacher position because he learned that teacher certification was required for that employment.

18. The Pierre School District was aware of Mr. Bremser's lack of certification and the requirements for the positions for which he was hired.

19. Bremser commenced his teaching position at Georgia Morse Middle School approximately August 16, 2024, and school started August 21, 2024. On those dates, Bremser was not certified. Certification as an educator was required for him to teach in that position.

20. Although the questions relating to criminal history are very direct and straightforward, the question relating to prior employment discipline history could be confusing to some people.

21. It mitigates in favor of Bremser that there is no record of any criminal arrests or convictions since sometime in January, 2001.

22. It mitigates in favor of Bremser that the criminal charges in 2000 and 2001, which he failed to report on the conduct review portion of his application were either not serious offenses or did not result in prosecution. That does not mitigate against his failure to identify these arrests, however.

23. From the undisputed testimony, it appears that Bremser began teaching under contract with the Georgia Morse Middle School based in part on advice received from school personnel and thinking that he would be required to have a contract in place in order to obtain an alternative certification.

24. If Bremser had searched for the documents which were requested in the application in order to furnish them to the DOE, he would have become aware of whether the old charges had been expunged or not.

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

### 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 Bremser'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 Bremser'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 Bremser'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 Bremser's application for an Initial Educator-Alternative Preliminary Certificate based on their determination that Bremser failed to fully and truthfully answer the questions contained in the conduct review portion of his application, failed to provide court documents as requested, and taught without certification contrary to statute and regulation.

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 Bremser's application. Further, Bremser's actions as set forth in the findings of fact above constitute moral turpitude as that term is defined by SDCL § 22-1-2.

8. The South Dakota Department of Education has a legitimate concern relating to Bremser'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 Bremser the right to later re-apply for an Educator Certificate of the appropriate type.

9. Because the offenses which Bremser failed to report as required by the questions posed in his application should have been recognized by him as criminal offenses (*e.g.*, he hired an attorney to represent him and appeared in court), there is no excuse for his failure to fully and completely respond to the questions.

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

11. It is both the finding and conclusion of this Hearing Officer that the Department of Education's decision to deny Bremser's application for an Initial Educator-Alternative Preliminary Certificate should be upheld for the reasons set forth in these findings and

conclusions as amplified in the Memorandum Opinion filed simultaneously herewith. However, Bremser shall be precluded from reapplying for any educator certification in the State of South Dakota only for a time up through and including December 31, 2025 – approximately 18 months following his initial application which lead to this hearing. Thereafter, Bremser shall be permitted to reapply for whatever certification may be appropriate and for which he is qualified after this suspension period expired. 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 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 Educator Certificate, which was the subject of this hearing.

12. 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 19 <sup>may</sup> day of ~~April~~, 2025.



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Robert B. Anderson  
Independent Hearing Examiner