

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

In re: Certification Application of)
EMILIO DUBRAY) DSE 2024-13
) 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 Emilio DuBray for an educator certificate is DENIED.
3. Emilio DuBray is prohibited from reapplication for an educator certificate in the State of South Dakota for a period of five years and upon proof that he 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 6th of March, 2025.



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

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

In re: Certification Application of)	DSE 2024-13
EMILIO DUBRAY)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW

Emilio DuBray filed an application for an Initial Educator- Alternative Preliminary Application which was activated on March 7, 2024. After a review of the entire file, the Secretary enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

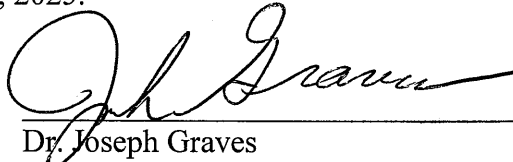
1. On or about October 29, 2024, the South Dakota Department of Education Office of Educator Certification (hereinafter "Department") served a Notice of Intent to Deny Educator Certificate on Emilio DuBray (hereinafter "DuBray") via certified mail, first-class mail, and email. The certified mail receipt was returned signed.
2. The Notice of Intent informed DuBray that if he 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 DuBray within the 30-day period.
4. DuBray failed to disclose his extensive criminal history.
5. DuBray did not provide court documents as required by the application.

CONCLUSIONS OF LAW

6. Grounds for the denial or non-renewal of an educator certificate are provided in SDCL § 13-42.
7. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate. SDCL § 13-42-9.
8. DuBray's criminal history and failure to disclose constitute acts of moral turpitude and disregard of the law support the Department's intent to deny in violation of SDCL § 13-42-9.

9. Any Conclusion of Law more properly designated as a Finding of Fact is hereby so designated.
10. DuBray's application should be denied pursuant to SDCL § 13-42-9.
11. DuBray should be prohibited from reapplication for an educator certificate in the State of South Dakota for a period of five years and upon proof that he is a law-abiding citizen.

Dated this the 6th of March, 2025.

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

Dr. Joseph Graves
Secretary, South Dakota Department of Education