

STATE OF SOUTH DAKOTA )  
 ) ss.  
COUNTY OF HUGHES )

OFFICE OF THE SECRETARY  
SOUTH DAKOTA DEPT. OF EDUCATION

PROFESSIONAL TEACHERS )  
PRACTICES AND STANDARDS )  
COMMISSION, )  
800 Governors Drive )  
Pierre, SD 57501, )  
 )  
Complainant, )  
 )  
v. )  
 )  
GEORGE SAZAMA, )  
 )  
 )  
 )  
Respondent. )

Case No. OSE 2012-02

ORDER REVOKING  
GEORGE SAZAMA'S  
SOUTH DAKOTA TEACHER  
CERTIFICATE  
(NO. 35227)

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-43-28.1 and 13-42-9, following receipt of a Complaint for the Revocation of a Teaching Certificate dated March 16, 2012, from the Professional Teachers Practices and Standards Commission, and after review of the entire record of the hearing before the Commission, the Secretary of Education hereby issues the following:

IT IS HEREBY ORDERED that after review of the entire record of the hearing before the Professional Teachers Practices and Standards Commission, the attached Findings of Fact and Conclusions of Law of the Commission dated March 16, 2012, are hereby affirmed and adopted by the Secretary and incorporated into this Order by this reference as if set forth in full.

IT IS FURTHER ORDERED that based upon a review of the entire record of the hearing before the Professional Teachers Practices and Standards Commission, there is clear and convincing evidence that George Sazama violated the South Dakota Code of Ethics for Teachers established under SDCL 13-43-25, namely ARSD 24:08:03:01(4),(5), (7) and (10), and ARSD 24:08:03:02(8).

IT IS FURTHER ORDERED that pursuant to SDCL 13-42-9 and 13-42-10, the Teacher Certificate No. 35227 issued to George Sazama on August 27, 2007, is hereby immediately, permanently revoked.

IT IS FURTHER ORDERED that notification of George Sazama's permanent revocation be placed on the NASDTEC registry and be placed in his permanent certification file within the South Dakota Department of Education. This Order does

not restrict the Secretary of Education from forwarding this file to anyone that has the authority to receive the file, if requested in writing.

This constitutes final agency action.

Dated this 18 day of APRIL, 2012



Melody Schopp, PhD  
Secretary of Education  
South Dakota Department of Education  
800 Governors Drive  
Pierre, SD 57501

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )


SOUTH DAKOTA PROFESSIONAL  
TEACHERS PRACTICES AND  
STANDARDS COMMISSION

Mary Stadick Smith, Deputy Secretary )  
South Dakota Department of Education )  
800 Governors Drive )  
Pierre, SD 57501 )

Case No. PTPSC 2011-04

Complainant, )

vs. )

George Brent Sazama )  
 )  
 )  
 )  
 )

Respondent. )

**FINDINGS OF FACT  
CONCLUSIONS OF LAW AND  
ORDER**

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 on March 7, 2012, at 9 a.m. in Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota as previously scheduled and duly and formally noticed for hearing.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present: Patricia Benson, Nancy Decker, Thomas Keck, Bev Kopren, Rebecca Lamb, Janet Metzger, and Aaron Weaver. Paul E. Bachand, counsel for the Commission, and Ferne Haddock, Executive Secretary of the Commission, were also present. Deputy Attorney General Robert Mayer appeared on behalf of the Complainant. George Brent Sazama was not present having previously entered into an agreement with Complainant and having requested a private hearing.

Based upon the evidence presented and the record on file, the Commission makes the following Findings of Fact and Conclusions of Law.

**FINDINGS of FACT**

1. Sazama is the holder of a valid South Dakota Certificate No. 35227, issued on August 27, 2007 and expiring on July 1, 2012.
2. On or about December 14, 2011 Mary Stadick Smith, Deputy Secretary of the South Dakota Department of Education filed a complaint with the Commission against Sazama.

3. The complaint alleged that Sazama violated the following sections of the South Dakota Code of Professional Ethics for Teachers:

**24:08:03:01. Obligations to students.** In fulfilling their obligations to the students, educators shall act as follows:

(4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety;

(5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;

(7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage;

(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.

**24:08:03:02. Obligations to the public.** In fulfilling their obligations to the public, educators shall act as follows:

(8) Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements; and

**24:08:03:03. Obligations to the profession.** In fulfilling their obligations to the profession, educators shall act as follows:

(12) Cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission;

4. The complaint was served on Sazama on or about December 16, 2011.
5. Since 1981, Sazama has been employed as a teacher in with the Lennox School District.
6. Sazama previously taught Student when Student was a 6<sup>th</sup> grader. Student is currently a high school student.
7. During Student's junior year in high school, Sazama and Student began exchanging text messages.
8. Some of the text messages were flirtatious.
9. One of the text messages Sazama received from Student discussed "showering together."

10. Between on or about late summer or early fall, 2011 to on or about October 25, 2011, Sazama engaged in sexual activity with Student.
11. The sexual activity took place at Sazama's residence on three different occasions.
12. On November 2, 2011 law enforcement interviewed Sazama regarding alleged incidences of sexual contact with Student.
13. During the interview with law enforcement on November 2, 2011 Sazama admitted to engaging in sexual activity with Student on three separate occasions at his residence.
14. Sazama admitted to law enforcement that Student stayed overnight at his residence and stayed in the spare bedroom. He further described that the spare bedroom had animal print pillows.
15. Sazama described the sex as being consensual.
16. Sazama described how he loved student as a girlfriend.
17. Sazma initially denied that Student was aware that Sazama had a vasectomy. Sazama admitted that he informed victim that he had a vasectomy prior to engaging in sexual intercourse with Student after Student and Sazama discussed the need for Sazama to wear a condom.
18. Sazama's interview with law enforcement ended at 8:15 p.m. on November 2, 2011 and at 8:49 p.m. Sazama contacted law enforcement and recanted his statements regarding his actions with Student. Sazama indicated to law enforcement that he was shocked at what he was talked into saying.
19. On November 2, 2011 commencing at about 9:04 p.m. law enforcement interviewed Student.
20. Student described to law enforcement that she spent the night at Sazama's residence on three different occasions.
21. Student described that she stayed in the spare bedroom and the bed had an animal print, zebra bedding on it.
22. After initially denying that Student engaged in any sexual relations with Sazama, Student admitted to law enforcement that Student and Sazama engaged in sexual intercourse three times at Sazama's residence.
23. The sexual activity between Sazama and Student occurred during times in which Sazama's wife, Kathy Sazma, was out of town.
24. Student's interview with law enforcement ended at approximately 9:25 p.m. on November 2, 2011.

25. Between approximately 9:25 p.m. and 10 a.m. on November 3, 2011 Student received a phone call from Kathy Sazama.
26. At approximately 10 a.m. on November 3, 2011 Student recanted the previous statements made to law enforcement.
27. On or about October 25, 2011 Kathy Sazama obtained Students cell phone and discovered pictures and texts between Student and Sazama. The photos included pictures of the Sazama residence and of Sazama.
28. On December 27, 2011 Sazama executed a Voluntary Surrender of Certificate for Revocation. Attached as Exhibit A.
29. Pursuant to a stipulation between the parties, the Voluntary Surrender of Certificate for Revocation was orally amended to remove the waiver of confidentiality contained on page two of this document.
30. Sazama failed to make a reasonable effort to maintain discipline and order in the classroom and the school system in order to protect Student from conditions harmful to learning, physical and emotional well-being, health, and safety.
31. Sazama failed to conduct professional business in such a way that they do not expose Student to unnecessary intimidation, embarrassment, or disparagement.
32. Sazama failed to maintain a professional relationship with Students without exploitation of Student for personal gain or advantage.
33. Sazama engaged in or was a party to sexual activity with Students including sexual intercourse, sexual contact, or illicit sexual communication.
34. Sazama failed to exemplify high moral standards by engaging in or becoming a party to such activities as moral turpitude, gross immorality, sexual contact with Student and the use of misleading or false statements.
35. Sazama failed to cooperate with law enforcement authorities regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission.
36. Any finding of fact improperly denoted as a conclusion of law is hereby incorporated as a finding of fact.

Based upon the foregoing findings of fact, the Commission hereby issues the following conclusions of law:

## CONCLUSIONS of LAW

37. The Commission has jurisdiction over this matter pursuant to SDCL 13-43-28 and 13-43-28.1, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, Chapters 24:08:03 and 24:08:04.01.
38. The burden of proof in this matter is clear and convincing. In Re: Setliff, 202 SD 58, 645 N.W.2d 601, 605.
39. 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 act as follows:
  - (4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety;
  - (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
  - (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage;
  - (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.
40. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in fulfilling their obligations to the public, educators shall act as follows:
  - (8) Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements; and
41. The South Dakota Code of Professional Ethics for Teachers provides at 24:08:03:03 that in fulfilling their obligations to the profession, educators shall act as follows:
  - (12) Cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission;
42. Clear and convincing evidence exists that Sazama violated ARSD 24:08:03:01(4), (5), (7) and (10); ARSD 24:08:03:02 (8) and ARSD 24:08:03:03 (12).
43. 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 revoke the teaching certificate of Sazma as provided for in SDCL 13-43-28. It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law and Order be sent to 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 NASDTEC clearing house and that it remain with the Department's permanent certification file.

Dated this 16<sup>th</sup> day of March, 2012.

PROFESSIONAL ADMINISTRATORS  
PRACTICES and STANDARDS COMMISSION

By   
Aaron Weaver, Chair  
800 Governors Drive  
Pierre, SD 57501-2294