


STATE OF SOUTH DAKOTA      )  
  :SS      OFFICE OF THE SECRETARY  
COUNTY OF HUGHES            )      SOUTH DAKOTA DEPARTMENT OF EDUCATION

South Dakota Professional Teachers Practices )  
  and Standards Commission )  
South Dakota Department of Education )  
700 Governors Drive. )  
Pierre, SD 57501 )  
                  Complainant, )

v. )  
Daniel Schuknecht )  
 )  
                  Respondent. )

ORDER  
REVOKING RESPONDENT'S  
SOUTH DAKOTA TEACHING CERTIFICATE  
File No. TR 2010-1

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-43-28.1, 13-42-9 and 13-42-10, following receipt of a complaint and after review of the entire record of the hearing before the Professional Teachers Practices and Standards Commission, the Secretary of Education hereby issues the following:

THE SECRETARY of the South Dakota Department of Education, after review of the record of the hearing in the above referenced case, has on this date, entered this Final Decision in the matter.

IT IS HEREBY ORDERED that the Teacher Certificate No. 60505-01 issued to Daniel C. Schuknecht on July 27, 2004, be permanently revoked for violation of the South Dakota Code of Ethics for Teachers, namely ARSD 24:08:03:02 (7)and (8). The revocation is permanent.

IT IS FURTHER ORDERED that any conditions as set out in the Professional Teachers Practices and Standards Order dated July 24, 2009, shall also be incorporated into this Final Decision as entered by the Secretary of the South Dakota Department of Education.

IT IS FURTHER ORDERED that notification of Daniel C. Schuknecht's revocation information be placed on the NASDTEC registry and to be placed in his permanent certification file within the Department of Education. This Order will be sent to the Professional Teachers Practices and Standards Commission and its counsel, the complainant, and the respondent. This Order does not restrict the Secretary of Education from forwarding this file to anyone that has the authority to employ Respondent, if requested in writing.

IT IS FURTHER ORDERED that pursuant to SDCL 13-42-15, Daniel C. Schuknecht has ten (10) days after receipt of this notice to surrender his original South Dakota Teacher certificate No. 60505-01 to the Lisa Lomheim, Legal Assistant, South Dakota Department of Education, at 700 Governors Drive, Pierre, SD 57501.

As stated in SDCL 13-42-15.1, failure to surrender the certificate may be subject to a civil penalty.

If you are aggrieved by this Order, you have the right to appeal to the courts within thirty (30) days of receipt of this Order, pursuant to state law. This constitutes final administrative action.

Dated this 2nd day of September 2009.

A handwritten signature in cursive script that reads "Tom Oster". The signature is written in black ink and is positioned above a horizontal line.

---

Thomas J. Oster  
Secretary of Education  
South Dakota Department of Education  
700 Governors Drive  
Pierre, SD 57501

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

SOUTH DAKOTA PROFESSIONAL  
TEACHERS PRACTICES  
AND STANDARDS COMMISSION

DEBORAH BARNETT, Deputy )  
Secretary of Education, )  
700 Governors Drive )  
Pierre, SD 57501 )  
Complainant, )

vs. )

DANIEL C. SCHUKNECHT, )



Respondent. )

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
and ORDER**

Case PTPSC 2009-07

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 July 14, 2009 at the South Dakota State Penitentiary, Jameson Annex, 1600 North Drive, Sioux Falls, 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 (PTPSC) were present: Joseph Harrison, Nancy Decker, Patricia Benson, Bob Gill, Becky Lamb and Aaron Weaver. Paul E. Bachand, counsel for the PTPSC, and Lisa Lomheim, Executive Secretary for the PTPSC were also present. The complainant was represented by Deputy South Dakota Attorney General Robert Mayer, who appeared on behalf of Deborah Barnett, Deputy Secretary of the South Dakota Department of Education. Respondent Daniel C. Schuknecht personally appeared and requested a private hearing.

Respondent was advised of the counts against him as contained on the complaint on file, which complaint had previously been served on Respondent. Respondent admitted to the allegations contained in the complaint.

Based upon the admissions by Respondent, the evidence presented and the arguments of counsel, the South Dakota PTPSC hereby makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Respondent is the holder of a valid South Dakota Teacher's Certificate No. 60505 issued on July 27, 2004 and expiring on July 1, 2009.
2. On May 8, 2009 Deborah Barnett, Deputy Secretary of the South Dakota Department of Education, filed a complaint against Respondent with the PTPSC.

3. The complaint alleged that Respondent violated the South Dakota Code of Professional Ethics for Teachers.
4. The complaint was served on Respondent on or about May 14, 2009.
5. A notice of hearing was sent for service on Respondent advising him that a hearing had been set for Tuesday July 14, 2009 at 8:30 a.m. Central Daylight Time at the South Dakota State Penitentiary, Jameson Prison Annex Visitor's Room, in Sioux Falls, South Dakota.
6. On July 14, 2009, Respondent personally appeared at the hearing and after having been advised of the counts contained in the complaint on file against him, admitted to the allegations contained in the complaint.
7. On or about February 6, 2008, Respondent while wearing a black ski mask and gloves, entered Rockin Robin's Casino and obtained approximately \$8,000 from Theodore Genzler, an employee of the casino, through the use of force or fear of force against the will of Theodore Genzler.
8. On or about February 6, 2008, Respondent did intentionally take personal property, that being money, in the possession of Theodore Genzler, from the other person, or his immediate presence and against the other's will, accomplished by means of force or fear of force, which conduct constituted Robbery in the Second Degree, a felony, in violation of SDCL 22-30-1 and 22-30-6.
9. On or about November 17, 2008, Respondent was convicted of Robbery, Second Degree, a felony, in Circuit Court, Second Judicial Circuit, County of Minnehaha, State of South Dakota, Criminal File CR 08-0795 entitled State of South Dakota v. Daniel Charles Schuknecht, as set forth in Exhibit A2, attached hereto and incorporated herein.
10. After Respondent was arrested for the offense of Second Degree Robbery, he committed multiple acts of theft from other individuals including family members and close friends.
11. Respondent burglarized the residences of his family members and close friends in order to accomplish these thefts.
12. The acts committed by Respondent constitute acts of moral turpitude or gross immorality.
13. The act committed by respondent on or about February 6, 2008, resulted in a conviction.
14. Any finding of fact improperly denoted as a conclusion of law is hereby incorporated as a finding of fact.

## CONCLUSIONS OF LAW

15. The Professional Teachers Practices and Standards 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.
16. The burden of proof in this matter is clear and convincing evidence as provided by In Re: Setliff, 202 SD 58, 645 N.W.2d 601, 605.
17. 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:
  - (7) Commit no act that results in a conviction,
  - (8) Commit no act of moral turpitude or gross immorality.
18. Clear and convincing evidence exists that Respondent violated ARSD 24:08:03:02 (7) and (8).
19. 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 Respondent 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 24<sup>th</sup> day of July 2009.

PROFESSIONAL TEACHERS PRACTICES  
and STANDARDS COMMISSION

By

  
Joseph Harrison Ed.D. Chairman  
700 Governors Drive  
Pierre, SD 57501-2291