

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation	)	
	)	
of the Educator Certificate of	)	ORDER OF PERMANENT
	)	REVOCATION
Richard O. Gardner, III	)	
	)	
Certificate 178799	)	
_____	)	

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on September 11, 2013. On September 27, 2012, Mr. Gardner was arrested in Pageland, South Carolina and charged with eleven counts of Criminal Sexual Conduct with a Minor, second degree, and thirteen counts of Committing or Attempting Lewd Act Upon a Child Under Sixteen in Oconee County. On October 30, 2012, the Chair of the State Board summarily suspended Mr. Gardner's educator certificate. On October 30, 2012, the South Carolina Department of Education (SCDE) sent the summary suspension order and a notice letter to Mr. Gardner regarding the possible suspension or revocation of his South Carolina Educator Certificate. On June 4, 2013, the Lancaster County Sheriff's Office personally served Mr. Gardner with the summary suspension order and notice letter. Mr. Gardner did not request a hearing and is in default.

On June 27, 2013, Mr. Gardner plead guilty to four counts of Criminal Sexual Conduct with a Minor, ages 11-14, second degree; seven counts of Criminal Sexual Conduct with a Minor under the age of sixteen years, second degree; and thirteen counts of Lewd Act Upon a Child Under Sixteen. The Court sentenced Mr. Gardner to twenty years in prison. Mr. Gardner is required to undergo and successfully complete mental health and sexual offender evaluation and treatment programs. He must also register as a sex offender.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Gardner's educator certificate 178799, effective September 11, 2013.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004).

Mr. Gardner holds a suspended professional South Carolina educator certificate and has over sixteen years of teaching experience. Mr. Gardner had been employed by the Chesterfield County School District (District) since 2005. During the 2012-2013 school year, the District employed Mr. Gardner as the wrestling coach and physical education teacher at Central High School (School) in Pageland, South Carolina. On September 27, 2012, the District placed Mr. Gardner on administrative leave when he was arrested by Oconee County detectives at the School. The District terminated Mr. Gardner's employment on February 11, 2013. Mr. Gardner was previously employed by the School District of Oconee County as a teacher at Walhalla Middle School and wrestling coach at Walhalla High School from 1995-2005.

On September 27, 2012, Mr. Gardner was arrested and charged with eleven counts of Criminal Sexual Conduct with a Minor, second degree, S.C. Code Ann. § 16-3-655 (B)(1) (Supp. 2011) and thirteen counts of Committing or Attempting Lewd Act Upon a Child Under Sixteen, S.C. Code Ann. § 16-15-140 (Supp. 2011). The charges allege that Mr. Gardner engaged in this misconduct with minor students between 1998 and 2003 when he was employed by the School District of Oconee County. In accordance with S.C. Code Ann. § 1-23-370(C) (2004) and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Mr. Gardner's educator certificate as a result of his arrest and his alleged unprofessional conduct with minor students. On October 30, 2012, the Chair of the State Board summarily suspended Mr. Gardner's educator certificate. On October 30, 2012, the SCDE sent the summary suspension order and a notice letter to Mr. Gardner via certified mail, restricted delivery, regarding the possible suspension or revocation of his South Carolina educator certificate. The US Postal Service returned the certified mail unclaimed to SCDE. On June 4, 2013, the Lancaster County Sheriff's Office personally served Mr. Gardner with the summary suspension order and notice letter. Mr. Gardner did not request a hearing and is in default.

On June 27, 2013, Mr. Gardner plead guilty to four counts of Criminal Sexual Conduct with a Minor, ages 11-14, second degree, in violation of § 16-3-655(B)(1) (Supp. 2012); seven counts of Criminal Sexual Conduct with a Minor under the age of sixteen years, second degree, in violation of § 16-3-655(B)(2) (Supp. 2012); and thirteen counts of Lewd Act Upon a Child Under Sixteen in violation of § 16-15-140 (2003). The crimes of Criminal Sexual Conduct with a Minor, ages 11-14, second degree and Criminal Sexual Conduct with a Minor under the age of

sixteen years, second degree are classified as violent, most serious crimes and are felonies. The crime of Lewd Act Upon a Child is also classified as a violent crime and a felony. The Court sentenced Mr. Gardner to twenty years in prison at the State Department of Corrections. Mr. Gardner is required to undergo and successfully complete mental health and sexual offender evaluation and treatment programs. He must also register as a sex offender.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Gardner's educator certificate 178799, effective September 11, 2013.

CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes "unprofessional conduct, conduct involving moral turpitude, crime against the law of this State, immorality, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2011). The State Board finds that Mr. Gardner engaged in unprofessional conduct, conducted involving moral turpitude, immorality, committed crimes against the law of this state, and demonstrated evident unfitness for position for which employed, as a result of his conduct with minor students and his guilty plea on June 27, 2013, to four counts of Criminal Sexual Conduct with a Minor, ages 11-14, second degree, in violation of § 16-3-655(B)(1) (Supp. 2012); seven counts of Criminal Sexual Conduct with a Minor under the age of sixteen years, second degree, in violation of § 16-3-655(B)(2) (Supp. 2012); and thirteen counts of Lewd Act Upon a Child Under Sixteen in violation of § 16-15-140 (2003).

Pursuant to S.C. Code Ann. § 59-25-280 (A)(1) (Supp. 2012), the State Board shall permanently revoke a certificate without a hearing if the holder of the certificate pleads guilty to a violent crime as defined in S.C. Code Ann. § 16-1-60 (Supp. 2012). Mr. Gardner plead guilty to multiple charges of Criminal Sexual Conduct with a Minor, ages 11-15, second degree, Criminal Sexual Conduct with a Minor under the age of sixteen years, second degree and Lewd Act Upon a Child which are all classified as violent crimes. Pursuant to S.C. Code Ann. § 59-25-280 (B) (Supp. 2012), a school district may not employ an educator in any capacity whose South Carolina certificate is revoked pursuant to S. C. Code Ann § 59-25-280 (A) (Supp. 2012).

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke educator certificate 178799 issued in the name of

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Richard O. Gardner, III. The permanent revocation of Mr. Gardner's educator certificate 178799 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: David W. Blackmon
David W. Blackmon, Chair

Columbia, South Carolina
September 11, 2013