



whenever a certified copy of the verdict, judgment or sentence of court is filed with the Commission. 24 P.S. §2070.9.2(2).

In support of its Motion, the Department attached certified copies of the pertinent court documents reflecting Respondent's conviction. Respondent, having been served by certified mail with the Notice of Charges and the Motion for Summary Judgment, failed to respond to either pleading. Accordingly, the facts alleged in the Notice of Charges are deemed admitted. 22 Pa. Code §233.13(e)(1)(iii); 1 Pa. Code §35.28.

In the instant case, there is no dispute that Respondent was convicted of the crimes of Grand Larceny , Official Misconduct, Offering a False instrument for Filing, Falsifying Business Records, and Defrauding the Government. Thus, the only question before the Commission is whether these crimes, or any of these crimes, involve moral turpitude. The determination of whether a crime involves moral turpitude is based solely upon the elements of the crime or misdemeanor. The facts underlying the charges are not relevant to the issue of moral turpitude. 22 Pa. Code §237.9(b); Startzel v. Commonwealth, Department of Education, 128 Pa. Commonwealth Ct. 110, 114, 652 A.2d 1005, 1007 (1989).

The term "moral turpitude" has been defined by the Commission to include the following:

- (1) That element and personal misconduct in the private and social duties which a person owes to his fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to the accepted and customary rule of right and duty between two human beings.
- (2) Conduct done knowingly contrary to justice, honesty or good morals.

- (3) Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.

22 Pa. Code §237.9(a). The crimes of which Respondent has been convicted, as defined by the New York Penal Code, involve the intentional deprivation of property by wrongful taking and elements of fraud. Such conduct is contrary to justice, honesty and good morals and thus involves moral turpitude. See *Moretti v. State Board of Pharmacy*, 2 Pa. Commonwealth Ct. 121, 277 A.2d 516 (1971).

Accordingly, there is no genuine issue as to any material fact and immediate revocation of Respondent's teaching certificate will be ordered as a matter of law.

**ORDER**

AND NOW, this 4th day of April, 2001, upon consideration of the Motion for Summary Judgment filed by the Department of Education, it is hereby ORDERED that the professional teaching certificate issued to Respondent Alfred P. Duffy shall be REVOKED.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

BY:

\_\_\_\_\_  
Richard D. Hupper  
Chairperson

ATTEST:

\_\_\_\_\_  
Carolyn Angelo  
Executive Director

Date Mailed: