

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.

At the hearing held on November 13, 2000, the Department made an oral Motion to Withdraw its Motion for Summary Judgment based on the Commission's earlier decision that the crime of Harassment was not considered to constitute moral turpitude *per se*. In accordance with the Commission's decision and in consideration of the Department's Motion to Withdraw its Motion for Summary Judgment, we enter the following:

ORDER

AND NOW, this ___ day of November, 2000, upon consideration of the Department of Education's Motion to Withdraw its Motion for Summary Judgment, it is hereby ORDERED that the Motion for Summary Judgment is WITHDRAWN. The Notice of Charges filed against Respondent Ernest Michael is not affected by this order.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY:

Richard D. Hupper
Chairperson

ATTEST:

Carolyn Angelo
Executive Director

Date Mailed: