

of a professional educator convicted of a crime involving moral turpitude or listed in 24 P.S. §1-111(e)(1) through (3) whenever a certified copy of the verdict, judgment or sentence of court is filed with the Commission. 24 P.S. §2070.9b(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 Amended Notice of Charges and the Motion for Summary Judgment, failed to respond to either pleading. Accordingly, the facts alleged in the Amended Notice of Charges are deemed admitted. 22 Pa. Code §233.115(c)(1); 1 Pa. Code §35.28.

In the instant case, there is no dispute that Respondent was convicted of the crimes of Criminal Attempt, Indecent Assault and Corruption of Minors. Thus, the only question before the Commission is whether these crimes, or any of these crimes, involve moral turpitude or are listed in section 111(e)(1) through (3). This determination 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).

By regulation, the Commission has already determined that the crimes of Corruption of Minors and Indecent Assault involve moral turpitude. 24 P.S. §1-111(e)(1); 22 Pa. Code §237.9(c). Further, both of these crimes can be found in 24 P.S. §1-111(e)(1). Accordingly, there is no genuine issue as to any material fact and revocation of Respondent's teaching certificate will be ordered as a matter of law.

ORDER

AND NOW, this 12th day of February, 2003, 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 Ernest A. Michael shall be REVOKED by the Department pursuant to sections 5(a)(11) and 9.2 of the Professional Educator Discipline Act, as *amended*, 24 P.S. §§ 2070.5(a)(11) and 2070.9b.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
David J. Krauser
Chairperson

ATTEST: _____
Carolyn Angelo
Executive Director

Date Mailed: