



Commission. 24 P.S. §2070.5(a)(11).

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, filed an Answer on or about July 14, 2000. In his Answer, Respondent admits his conviction, but argues that the conviction currently is under appeal and thus does not reflect his guilt. As a general rule, the Commission does not stay its proceedings during the pendency of a respondent's appeal<sup>1</sup>. The Respondent in the instant case has failed to demonstrate any legal or factual grounds which would persuade the Commission to depart from this general rule.

In the instant case, there is no dispute that Respondent was convicted of the crime of Corruption of Minors. Therefore, the only question before the Commission is whether Corruption of Minors involves 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). By regulation, the Commission has already determined that Corruption of Minors is a crime involving moral turpitude. 24 P.S. §1-111(e)(1); 22 Pa. Code §237.9(c).

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<sup>1</sup> Should Respondent's conviction be reversed on appeal, the Commission shall reinstate Respondent's teaching certificate upon receipt of the pertinent certified court records reflecting the reversal.

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

**ORDER**

AND NOW, this 13th day of September, 2000, 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 Jeffrey L. Wagner shall be REVOKED by the Department pursuant to section 5(a)(11) of the Teacher Certification Law, *as amended*, 24 P.S. § 2070.5(a)(11).

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

BY:

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Richard D. Hupper  
Chairperson

ATTEST:

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Carolyn Angelo  
Executive Director

Date Mailed: