

is filed with the 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, 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 crime of Second Degree Sexual Abuse. Thus, the only question before the Commission is whether this crime 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).

When out-of-state crimes are similar in nature to Pennsylvania crimes that the Commission has determined to involve moral turpitude, such crimes are considered to fall within the definition of moral turpitude. 22 Pa. Code §237.9(c). A person is guilty of the crime of Second Degree Sexual Assault in New York:

when he subjects another person to sexual contact and when such other person is ... less than fourteen years old.

NY Penal Law §130.60(2). The crime of Second Degree Sexual Assault, as defined by New York, is comparable to the Pennsylvania crime of Indecent Assault. See 18 Pa.C.S. §3126(a)(7). By regulation, the Commission has already determined that Indecent Assault is a crime involving moral turpitude. 22 Pa. Code §237.9(c); 24 P.S. §1-111(e)(1). 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 20th day of November, 2000, upon consideration of the Motion for Summary Judgment filed by the Department of Education, it is hereby ORDERED that the professional teaching certificates issued to Respondent Raymond A. Grygo 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). In addition, the Commission finds that Respondent is deemed to have admitted that he is a danger to the health, safety and welfare of the students of this Commonwealth. Thus, the revocation shall be effective IMMEDIATELY.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY:

Richard D. Hupper
Chairperson

ATTEST:

Carolyn Angelo
Executive Director

Date Mailed: