

moral turpitude whenever a certified copy of the verdict, judgment or sentence of court 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 Amended 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 Statutory Sexual Assault, Indecent Assault and Corruption of Minors. Thus, the only question before the Commission is whether these crimes, or any of these crimes, constitute crimes involving 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 each of these crimes involves moral turpitude. 24 P.S. §1-111(e)(1); 22 Pa. Code §237.9(c). 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 20th day of November, 2000, upon consideration of the Motion for Partial Summary Judgment filed by the Department of Education, it is hereby ORDERED that the professional teaching certificate issued to Respondent Amy J. Gable 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 she 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: