

**COMMONWEALTH OF PENNSYLVANIA  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

<b>DEPARTMENT OF EDUCATION,</b>	:	
<b>Petitioner,</b>	:	
	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. DI-15-48</b>
	:	
<b>KEITH A. SEROKA,</b>	:	
<b>Respondent.</b>	:	

**MEMORANDUM AND ORDER**

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Department of Education’s (“Department”) Motion for Summary Judgment. Initially, the Department filed a Notice of Charges against Respondent on May 19, 2015, alleging that Respondent had been convicted of Theft by Deception (18 Pa. C.S. § 3922(a)(1)). In its Motion for Summary Judgment, filed simultaneously with the Notice of Charges, the Department requests that the Commission revoke Respondent’s Pennsylvania educator certification<sup>1</sup> and employment eligibility pursuant to section 9b(a)(2) of the Educator Discipline Act.

Section 9b(a)(2) of the Educator Discipline Act requires the Commission to direct the Department to revoke the certification and employment eligibility of an educator convicted of a crime involving moral turpitude or a crime enumerated in sections 111(e)(1) through (3) of the Public School Code of 1949 upon the filing of a certified copy of the verdict, judgment or sentence of the court with the Commission. 24 P.S. § 2070.9b(a)(2); 24 P.S. § 1-111(e)(1)-(3).

In support of its Motion, the Department attached certified copies of the pertinent

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<sup>1</sup> Respondent holds an Instructional I Pennsylvania teaching certificate in the area of Social Studies 7-12.

court documents reflecting Respondent's conviction. Respondent, having been served 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 § 233.115(c)(1); 1 Pa. Code § 35.37.

We can grant summary judgment where there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Snyder v. Department of Environmental Resources, 588 A.2d 1001 (Pa. Cmwlth. 1991). In the instant case, there is no dispute that Respondent was convicted of the Pennsylvania crime of Theft by Deception. Thus, the only question before the Commission is whether this crime involves moral turpitude or is enumerated in sections 111(e)(1) through (3) of the Public School Code of 1949. 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, 652 A.2d 1005, 1007 (Pa.Cmwlth.1989). As a general rule, all crimes of which fraud is an element are looked on as involving moral turpitude. See Moretti v. State Board of Pharmacy, 277 A.2d 516 (Pa.Cmwlth.1971); *citing* Jordan v. DeGeorge, 341 U.S. 223, 71 S.Ct. 703 (1951) (fraud is the touchstone of moral turpitude).

As the Commission has already determined that the crime of Theft by Deception involves moral turpitude, there is no genuine issue as to any material fact and the Department is entitled to judgment in its favor as a matter of law as the Educator Discipline Act mandates revocation. Department of Education v. Coleman-Brown, PSPC Docket No. DI-99-06; 24 P.S. § 2070.9b(a)(2); See also Krystal Jeep Eagle, Inc.

v. Bureau of Prof'l & Occupational Affairs, 725 A.2d 846 (Pa. Cmwlth. 1999) (theft by deception and theft by failure to make required disposition of funds constitute crimes involving moral turpitude for purposes of statute allowing Board of Vehicle Manufacturers, Dealers, and Salespersons to revoke vehicle dealer license).

Accordingly, we enter the following:

**ORDER**

AND NOW, this 20th day of July, 2015, upon consideration of the Motion for Summary Judgment filed by the Department of Education, it is hereby ORDERED that the educator certification and eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member of Respondent KEITH A. SEROKA shall be REVOKED by the Department.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

BY: \_\_\_\_\_  
Gilbert R. Griffiths  
Chairperson

ATTEST: \_\_\_\_\_  
Shane F. Crosby  
Executive Director

Date Mailed: July 20, 2015