

COMMONWEALTH OF PENNSYLVANIA  
Professional Standards and Practices Committee

In Re: Richard S. Spallone :  
: PSPC Docket No. DI-91-03  
:  
:

MEMORANDUM AND ORDER

On April 15, 1991, the Department of Education, Office of Higher Education, filed with the Commission and served upon Richard S. Spallone a "Notice of Charges" pursuant to section 13 of the Teacher Certification Law, as amended, 24 P.S. §12-1263. In the Notice, the Department has averred that Mr. Spallone was convicted of the felony crime of Possession of a Controlled Substance with Intent to Deliver in violation of section 13(a)(30) of The Controlled Substances, Drug, Device and Cosmetic Act (the "Controlled Substances Act"), Act of April 14, 1972 (P.L. 233, No. 64), as amended, 35 P.S. §780-113(a)(30). Attached to the Notice of Charges, the Department has averred, is a certified copy of a judgment of sentence, dated October 30, 1990, and entered in the Court of Common Pleas of Delaware County. The Department contends that a felony violation of section 13(a)(30) of the Controlled Substances Act is a crime involving moral turpitude for which the Commission must, under section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11), revoke the Instructional II certificate issued to Mr. Spallone.

Mr. Spallone did not respond to the charges within 30 days after his receipt of the Notice of Charges on April 18, 1991, as provided by section 13(a) of the Teacher Certification Law, as amended, 24 P.S. §12-1263(a). Thus, the factual averments made by the Department are deemed to be true pursuant to 1 Pa. Code §35.37. Therefore, upon receipt of the Department's Motion for Judgment on Default, and after notice to the parties, the Commission on June 13, 1991 held a closed meeting. After due deliberation, and upon roll call vote, the Commission has determined that Mr. Spallone's felony conviction of section 13(a)(30) of the Controlled Substances Act is a crime involving moral turpitude. See Foose v. State Board of Vehicle Manufacturers, Dealers and Salespersons, 135 Pa. Commw. 62, 578 A.2d 1355 (1990); John's Vending Corp. v. Secretary of Revenue, 3 Pa. Commw. 658, 284 A.2d 834 (1971), rev'd on other grounds, 453 Pa. 488, 309 A.2d 358 (1973).

Therefore, pursuant to section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11), the Commission hereby ORDERS the Department of Education to revoke all professional certificates held by Richard S. Spallone upon the finality of all appeals from this order or the expiration of the applicable time for appeal if no appeal is filed.

Given under my hand this 13<sup>th</sup> day  
of June, 1991

By: Howard R. Selekman  
Howard R. Selekman  
Chairman  
Professional Standards and  
Practices Commission

Attest: Warren D. Evans  
Warren D. Evans  
Executive Director  
Professional Standards and  
Practices Commission

