

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: John W. Hovington : PSPC Docket No. DI-91-05
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MEMORANDUM AND ORDER

On June 28, 1991, the Department of Education filed with the Commission a Notice of Charges, alleging that a Judgment of Conviction and Order for Commitment had been entered against John W. Hovington by the New Jersey Superior Court, Camden County, for the crime of Aggravated Sexual Assault, in violation of New Jersey Revised Statutes §2C:14-2a(2)(b). Attached to the Notice of Charges were documents represented by the Department as documents of record certified by the County Clerk in Camden, New Jersey. Among the documents attached to the Notice of Charges is the Judgment of Conviction and Order for Commitment indicating that on March 28, 1991, the New Jersey Superior Court in Camden County convicted Mr. Hovington of two counts of aggravated sexual assault and sentenced him to seven years in prison.

The Department avers that the Judgment of Sentence constitutes conviction of a crime involving moral turpitude and that, therefore, the teaching certificate issued to Mr. Hovington

must be revoked pursuant to section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11). The Department also avers that Mr. Hovington "is a danger to the health, safety and welfare of students in the schools of this Commonwealth."

On August 8, 1991, the Department filed with the Commission a Motion for Judgment on Default pursuant to 1 Pa. Code §35.37. The Department avers that Mr. Hovington received a copy of the Notice of Charges, by certified mail, on July 5, 1991, and that he was expressly informed that he must respond to the Notice of Charges no later than thirty days after receipt of the Notice of Charges. Because Mr. Hovington did not timely respond to the Notice of Charges, the Department has requested the Commission to revoke the professional certificate issued to Mr. Hovington, pursuant to section 5(a)(11) of the Teacher Certification Law.

Pursuant to 1 Pa. Code §35.37 and 22 Pa. Code §232.13(e)(1)(iii), Mr. Hovington is in default and is deemed to have admitted the facts stated in the Notice of Charges. Therefore, Mr. Hovington is deemed to have admitted that on March 28, 1991, he was convicted for and sentenced on two criminal counts of Aggravated Sexual Assault, in violation of section 2C:14-2a(2)(b) of the New Jersey Revised Statutes, that a certified copy of the convictions has been filed with the Commission and that Mr. Hovington is a danger to the health, safety and welfare of the children of this Commonwealth.

In accordance with the Teacher Certification Law, the Commission held a closed meeting on September 12, 1991 to adjudicate the matter. Mr. Hovington, Department counsel and the Board of Directors of the Philadelphia City School District were notified of the meeting and invited to make written submissions or oral presentations. The Department filed a letter brief on August 19, 1991, but did not appear before the Commission. Neither Mr. Hovington nor the Philadelphia City School District addressed the Commission.

After due deliberation, the Commission on September 12, 1991, by roll call vote, decided to revoke the professional teaching certificate issued to Mr. Hovington on the grounds that Mr. Hovington has been convicted of a crime involving moral turpitude.

Therefore, it is hereby ORDERED, pursuant to section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11), that the professional teaching certificate issued to John W. Hovington be REVOKED. It is further ORDERED that, because Mr. Hovington is deemed to have admitted that he is a danger to the health, safety and welfare of the children of this Commonwealth, the revocation shall be immediate and the appropriate agencies, officials and institutions notified of the revocation in accordance with 22 Pa. Code §49.64f.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: Howard R. Selekman 9/26/91
Howard R. Selekman
Chairperson