

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: Michael Silvestri : PSPC Docket No. DI-91-09  
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MEMORANDUM AND ORDER

On July 2, 1991, the Department of Education filed with the Commission a Notice of Charges, alleging that Michael Silvestri has been indicted by the Grand Jury of the State of New Jersey for the County of Camden on 65 criminal counts involving the following crimes:

- Possession of a Controlled Substance, in violation of New Jersey Revised Statutes §2C:35-10a(1) and (3);
- Possession with Intent to Distribute a Controlled Dangerous Substance, in violation of New Jersey Revised Statutes §§2C:35-5a(1), 2C:35-5b(9) and 2C:35-5b(11);
- Kidnapping - First Degree, in violation of New Jersey Revised Statutes §2C:13-1b(1);

- Sexual Assault - Second Degree, in violation of New Jersey Revised Statutes §2C:14-2b;
- Endangering the Welfare of a Child - Second and Third Degree, in violation of New Jersey Revised Statutes §§2C:24-4a and 2C:24-4a(4); and
- Aggravated Sexual Assault - First Degree, in violation of New Jersey Revised Statutes §2C:14-2a.

The Notice of Charges included a copy of Indictment No. 1646-05-90, certified by the Camden County Clerk's Office.

The Department avers that the crimes for which Mr. Silvestri has been indicted are crimes involving moral turpitude. Therefore, the Department avers, the professional teaching certificate issued to Mr. Silvestri must be suspended 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. Silvestri "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 and 22 Pa. Code §233.13(e)(1)(iii). The Department avers that Mr. Silvestri 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.

Mr. Silvestri has not responded to the Notice of Charges in the time prescribed by section 13(a) of the Teacher Certification Law, as amended, 24 P.S. §12-1263(a). Thus, under 1 Pa. Code §35.37 and 22 Pa. Code §233.13(e)(1)(iii), Mr. Silvestri is in default and is deemed to have admitted the factual allegations contained in the Notice of Charges.

By letter dated August 20, 1991, the Commission notified Mr. Silvestri, the Department and the Philadelphia City School District that the Commission would consider the matter at a closed meeting of the Commission on September 12, 1991. By letter dated September 4, 1991, the Department filed a letter brief in support of its Motion for Judgment on Default. Neither Mr. Silvestri nor the Philadelphia City School District filed any written materials or appeared before the Commission.

After due deliberation, the Commission at its meeting of September 12, 1991 determined, by roll call vote, that the professional teaching certificate of Michael Silvestri must be suspended pursuant to section 5(a)(11) of the Teacher Certification Law since he has been indicted for crimes involving moral turpitude.

Now, therefore, this 22<sup>nd</sup> day of September, 1991, it is hereby ORDERED, pursuant to section 5(a)(11) of the Teacher Certification Law, that the professional teaching certificate issued to Michael Silvestri shall be SUSPENDED. Further, because Mr. Silvestri is deemed to have admitted that he is a danger to the health, safety and welfare of the students in the schools of this Commonwealth, it is hereby further ORDERED that the certificate shall be suspended immediately and the appropriate agencies, officials and institutions notified of the suspension in accordance with 22 Pa. Code §49.64f.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By: Howard R. Selekman  
Howard R. Selekman  
Chairperson