

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: Alan Henry Volkman

PSPC Docket No. DI-91-12

MEMORANDUM AND ORDER

On July 30, 1991, the Department of Education, through its Office of Chief Counsel, filed with the Professional Standards and Practices Commission a Notice of Charges, alleging that the Respondent, Alan Henry Volkman, had pled guilty to the following crimes: Conspiracy to Distribute Narcotics and Distribution and Possession with Intent to Distribute Narcotics. Attached to the Notice of Charges are copies of court documents certified by the Clerk of the United States District Court for the Western District of Pennsylvania.

In the Notice of Charges, the Department avers that the Judgment and Probation/Commitment Order entered by the court on December 10, 1984, as revised by the Amended Order of May 18, 1987, constitutes a conviction involving moral turpitude. Therefore, the Department avers, the teaching certificates issued by the Department to the respondent must be revoked pursuant to

section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11). In addition, the Department avers that the respondent "is a danger to the health, safety and welfare of students in the schools of this Commonwealth."

Although the respondent did file a response to the Notice of Charges within the time limitation prescribed by section 13(a) of the Teacher Certification Law, as amended, 24 P.S. §12-1263(a), he has since withdrawn his response and request for hearing. On April 13, 1992, the hearing officer assigned to the case issued an order granting the respondent's request to withdraw his request for a hearing and ordered that further proceedings be conducted as though no request for a hearing had been filed. Following that order, the Department on April 15, 1992 filed a Motion for Judgment on Default pursuant to 1 Pa. Code §35.37.

Since there is now no formal response to the Notice of Charges filed by the respondent, he is deemed in default under 1 Pa. Code §35.37. Therefore, the Commission will deem as admitted the factual averments made by the Department of Education, to wit, that the respondent pled guilty to the crimes of conspiracy to distribute narcotics and distribution and possession with intent to distribute narcotics. Therefore, the following order shall be entered.

ORDER

AND NOW, this 14th day of May, 1992, upon consideration of the Department of Education's Motion for Judgment on Default, and upon majority vote of the Commission on May 14, 1992, it is hereby ORDERED that the Department's motion is GRANTED. It is therefore ORDERED, pursuant to section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11), that the Department of Education shall REVOKE all professional teaching certificates issued by the Department to the respondent, Alan Henry Volkman.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By:

Howard R. Selekman
Howard R. Selekman
Chairperson

Attest:

Warren D. Evans
Warren D. Evans
Executive Director