

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: Robert A. Merker, Jr. : PSPC Docket No. DI-91-14  
:  
:  
:  
:  
:

MEMORANDUM AND ORDER

On August 2, 1991, the Department of Education filed with the Commission a Notice of Charges, alleging that Robert A. Merker, Jr., a certificated professional educator, has been charged by the Commonwealth of Pennsylvania, through the District Attorney of Delaware County, with the following crimes:

- Eight counts of Indecent Assault, in violation of 18 Pa.C.S. §3126;
- Eight counts of Corrupting the Morals of a Minor, in violation of 18 Pa.C.S. §6301; and
- 48 counts of Sexual Abuse of Children, in violation of 18 Pa.C.S. §6312.

The Notice of Charges included copies of Criminal Information Numbers 2851A of 1991, 2851B of 1991 and 2853A of 1991, certified by the Director of the Office of Judicial Support for Delaware County, reflecting the criminal charges against Mr. Merker.

The Department avers that the crimes with which Mr. Merker has been charged are crimes involving moral turpitude. Therefore, the Department avers, the professional teaching certificate issued to Mr. Merker must be suspended pursuant to section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11).

On September 3, 1991, the Commission received and docketed an Answer to Notice of Charges filed by Mr. Merker, through his counsel. Therein, Mr. Merker admits to the existence of the charges and the authenticity of the criminal indictments and concedes that the crimes with which he has been charged are crimes involving moral turpitude. Mr. Merker has expressly waived the opportunity for hearing on the Department's request for an order of suspension of his teaching certificate, though he has reserved the right to seek such a hearing should the Department pursue further action after the criminal charges have been resolved. Mr. Merker expressly has agreed to the suspension of his certificate under section 5(a)(11) of the Teacher Certification Law.

By letter dated September 3, 1991, the Commission notified counsel for Mr. Merker, the Department's counsel and the Board of Directors of the Southeast Delco School District that the Commission would consider the matter at a closed meeting on September 12, 1991. No representative of Mr. Merker, the

Department or the Board appeared before the Commission.

After due deliberation, the Commission at its meeting on September 12, 1991, determined, by roll call vote, that the professional teaching certificate of Robert A. Merker must be suspended pursuant to section 5(a)(11) of the Teacher Certification Law, since Mr. Merker stands charged, by criminal information, of 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 Robert A. Merker, Jr., shall be SUSPENDED. Further, because Mr. Merker has agreed expressly to the suspension, 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