

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: JOSEPH C. GATTO : PSPC Docket No. DI-92-01  
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MEMORANDUM AND ORDER

On January 6, 1992, the Department of Education filed with the Commission a Notice of Charges, alleging that Joseph C. Gatto, who holds a permanent teaching certificate, has pled guilty to the charged crimes of corruption of minors, the distribution of obscene sexual material and indecent assault. Attached to the Notice of Charges is a copy of a Certificate of Disposition, certified on December 2, 1991 by the Clerk of Judicial Records of the Court of Common Pleas of Lackawanna County -- Criminal Division, indicating that the respondent pled guilty to the specified charges on November 25, 1991.

The Department alleges that the crimes to which the respondent has pled guilty are crimes involving moral turpitude and, therefore, the Commission is required by section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11), to revoke the respondent's professional teaching

certificate. In the alternative, the Department alleges that the actions underlying the crimes charged constitute immorality for which revocation is appropriate. The Department has also alleged that the respondent "is a danger to the health, safety and welfare of students in the schools of the Commonwealth."

The Notice of Charges contained a notice that an answer to the Notice of Charges and request for hearing was required to be filed with the Commission no later than 30 days after receipt of the notice.

On February 13, 1992, the Department filed a Motion for Judgment on Default, alleging that the respondent received the Notice of Charges on January 10, 1992 by certified mail and that his response under section 13(a) of the Teacher Certification Law, as amended, 24 P.S. §12-1263(a), was due by February 9, 1992.

The respondent filed no response to either the Notice of Charges or the Motion for Judgment on Default. Therefore, the respondent is deemed in default and to have admitted all facts averred in the Notice of Charges and the Motion for Judgment on Default. See 22 Pa. Code §233.13(e)(1)(iii).

By letter dated February 21, 1992, the Commission informed the participants, including the respondent, that the Commission would consider the Notice of Charges and Motion for Judgment on

Default at a closed meeting on March 13, 1992. All participants were invited to attend and address the Commission. No participant appeared at the meeting.

After due consideration of all matters of record, the Commission, by majority vote, determined to grant the Department's motion. Therefore, pursuant to section 5(a)(11) of the Teacher Certification Law, as amended, 24 P.S. §12-1255(a)(11), it is hereby ORDERED, this 13th day of March, 1992, that the Department shall immediately REVOKE all teaching certificates issued to or held by the respondent, Joseph C. Gatto. Because the respondent is deemed to have admitted that he is a danger to the health, safety and welfare of the students of the Commonwealth, the Department shall implement the revocation immediately.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By: Howard R. Selekman  
Howard R. Selekman  
Chairperson

ATTEST: Warren D. Evans  
Warren D. Evans  
Executive Director

DATED: 3-13-92