

COMMONWEALTH OF PENNSYLVANIA  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

In Re: Andrew J. Kelly

PSPC Docket No. DI-92-17

MEMORANDUM AND ORDER

On June 25, 1992, the Department of Education (Department), through its Office of Postsecondary and Higher Education, filed a Notice of Charges with the Professional Standards and Practices Commission (Commission) pursuant to section 13(a) of the Teacher Certification Law, as amended, 24 P.S. §12-1263(a). In its notice of charges, the Department avers that the respondent, Andrew J. Kelly, holds an Instructional I teaching certificate endorsed in the area of health and physical education issued to the respondent by the Department in April 1987. The Department further avers that its Bureau of Teacher Preparation and Certification (Bureau) received an "alert" from the NASDEC-ACC Clearinghouse indicating that the State of New Jersey had revoked the professional certificate issued to the respondent on that date. Then, by letter dated April 16, 1992, the Bureau requested that the New Jersey Office of Certification and Academic Credentials forward all information pertaining to the certificate revocation. In response thereto, the Bureau on May 4, 1992 received from the New Jersey Department of Education

a copy of an Order to Show Cause and court documents indicating that the respondent had been convicted of a crime and that the respondent's New Jersey teaching certificate had been revoked based upon this conviction.

Attached to the notice of charges are court documents certified by the County Clerk of the County of Ocean, New Jersey, reflecting a Judgment of Conviction entered on June 17, 1991 by the New Jersey Superior Court, Ocean County, against the respondent. The judgment of conviction reflects that the respondent on April 17, 1991 pled guilty to the offense of Criminal Sexual Conduct, admitting to a violation of New Jersey Statutes 2C:14-3b. Further, on June 7, 1991, the New Jersey Superior Court sentenced the respondent to three years probation and imposed a fine of \$2,500.

The Department has alleged in its notice of charges that the crime of criminal sexual conduct -- of which the respondent has been convicted in New Jersey -- is a crime involving moral turpitude and, consequently, the Commission must order the revocation of the respondent's teaching certificate pursuant to section 5(a)(11) of the Teacher Certification Law. In addition, the Department has alleged that the respondent "is a danger to the health, safety and welfare of the students in the schools of this Commonwealth."

On August 4, 1992, the Department filed a Motion for Judgment on Default. The Department avers that it issued the notice of charges to the respondent on June 25, 1992 and that the respondent received a copy of the notice of charges, by certified mail, on June 30, 1992. Further, the Department avers that the respondent had not filed an answer to the notice of charges within the thirty days prescribed by section 13(a) of the Teacher Certification Law and the instructions set forth in the notice of charges. Consequently, the Department has requested that the Commission find the respondent in default and deem admitted the averments set forth in the notice of charges.

By letter dated August 12, 1992, the Commission notified the respondent and the Department that the Commission would hold a closed meeting to consider whether, under section 5(a)(11) of the Teacher Certification Law, it must revoke the respondent's teaching certificate. The Commission announced that the meeting would occur at 2:30 P.M. on September 10, 1992 in Heritage Room B at 333 Market Street, Harrisburg, PA. The respondent did not file an answer to the Department's motion for judgment on default and did not appear before the Commission.

After due consideration of the Department's motion for judgment on default, and upon a majority vote of its members, the Commission has determined that the professional teaching certificate issued to the respondent, Andrew J. Kelly, must be revoked and that the respondent, based upon his admission, is a

danger to the health, safety and welfare of the students of this Commonwealth. Therefore, the following order shall be entered:

ORDER

AND NOW, this 10th day of September, 1992, upon consideration of the Department's Motion for Judgment on Default filed in the above-captioned matter, and having received no answer thereto, it is hereby ORDERED that the Department's motion is GRANTED. It is further ORDERED that the professional teaching certificate issued by the Department to the respondent, Andrew J. Kelly, shall be REVOKED immediately and the appropriate school officials and entities notified in accordance with 22 Pa. Code §49.64f.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By: Howard R. Selekman  
Howard R. Selekman  
Chairperson

Attest: Warren D. Evans  
Warren D. Evans  
Executive Director