

**COMMONWEALTH OF PENNSYLVANIA  
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

**DEPARTMENT OF EDUCATION,  
Petitioner,**

v.

**BARBARA J. WRIGHT,  
Respondent.**

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**DOCKET NO. DI-19-192**

**MEMORANDUM AND ORDER**

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Department of Education’s (“Department”) Motion for Summary Judgment. For the reasons set forth below, the Motion is granted.

On October 18, 2019, the Department filed a Notice of Charges alleging that Respondent has been convicted of crimes set forth in section 111(e)(1) through (3) of the Public School of 1949 and/or crimes involving moral turpitude, namely Acquisition or Obtain Possession of a Controlled Substance by Misrepresentation (35 Pa.C.S. § 780-113(a)(12)) and Forgery (18 Pa.C.S. § 4101(a)(3)).<sup>1</sup> Simultaneous with the filing of the Notice of Charges, the Department filed a Motion for Summary Judgment requesting the Commission to immediately revoke Respondent’s Pennsylvania educator certification<sup>2</sup> and employment eligibility pursuant to section 9b(a)(2) of the Educator Discipline Act (“Act”). Section 9b(a)(2) of the Act requires the Commission to direct the Department to revoke the certification and employment eligibility of an educator convicted of a crime

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1. Respondent’s convictions arose out of allegations that on two separate occasions, she forged and filled prescriptions for Adderall.

2. Respondent was issued a Day-to-Day Substitute Emergency Permit in the area of All Subject Areas PK-12.

set forth in section 111(e)(1) through (3) of the Public School Code of 1949 or a crime involving moral turpitude upon the filing of a certified copy of the verdict, judgment or sentence of the court with the Commission. 24 P.S. § 2070.9b(a)(2). Section 111(e)(2) includes an offense designated as a felony under “The Controlled Substance, Drug, Device and Cosmetic Act.” (35 P.S. § 780-101 et seq.). 24 P.S. § 1-111(e)(2). Attached to the Department’s Notice of Charges are certified copies of the pertinent court documents reflecting Respondent’s convictions.

The Department served the Notice of Charges and Motion for Summary Judgment on Respondent by first class and certified mail. Notwithstanding the language in the Notice of Charges cautioning Respondent that failure to respond could result in the factual assertions being deemed admitted and the imposition of discipline without a hearing, Respondent failed to respond to either pleading. Accordingly, the facts alleged in the Notice of Charges are deemed admitted. 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37.

We can grant summary judgment only when, after examining the whole record in the light most favorable to the non-moving party, there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Snyder v. Department of Environmental Resources, 588 A.2d 1001 (Pa. Cmwlth. 1991). In the instant case, there is no dispute that Respondent has been convicted of Acquisition or Obtain Possession of a Controlled Substance by Misrepresentation and Forgery. Therefore, the only question before the Commission is whether either of these crimes involves moral turpitude or is among the crimes set forth in section 111(e)(1) through (3) of the Public School Code of 1949. The determination of whether a crime involves

moral turpitude turns on the elements of the crime juxtaposed against the Commission's definition of moral turpitude.<sup>3</sup> The facts underlying the charges are not relevant to the issue of moral turpitude. 22 Pa. Code § 237.9(b); Startzel v. Commonwealth, Department of Education, 562 A.2d 1005, 1007 (Pa. Cmwlth.1989). As a general rule, all crimes of which fraud is an element are looked on as involving moral turpitude. Moretti v. State Board of Pharmacy, 277 A.2d 516 (Pa. Cmwlth.1971); *citing* Jordan v. DeGeorge, 341 U.S. 223, 71 S.Ct. 703 (1951) (fraud is the touchstone of moral turpitude).

Acquisition or Obtain Possession of a Controlled Substance by Misrepresentation is a felony under "The Controlled Substance, Drug, Device and Cosmetic Act" and thus a crime set forth in section 111(e)(2) of the Public School Code of 1949 and a crime involving moral turpitude *per se*. See 24 P.S. § 1-111(e)(2); 22 Pa. Code § 237.9(c)(2). Moreover, the Commission has previously determined that Forgery is a crime involving moral turpitude. See Department of Education v. Hesselgesser, PSPC Docket No. DI-04-30; Dep't of Education v. Weindorfer, PSPC Docket No. DI-09-35. Thus, there is no genuine issue as to any material fact and the Department is entitled to judgment in its favor as a matter of law as the Act mandates revocation. 24 P.S. § 2070.9b(a)(2); See *also* Bowalick v. Dep't of Educ., 840 A.2d 519 (Pa. Cmwlth.

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3. Moral turpitude includes the following: (1) That element of personal misconduct in the private and social duties which a person owes to his fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to the accepted and customary rule of right and duty between two human beings; (2) Conduct done knowingly contrary to justice, honesty or good morals; (3) Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury. See 22 Pa. Code § 237.9(a).

2004)(revocation of a teaching certificate on summary judgment is appropriate upon proof of a conviction of a crime of moral turpitude).

Finally, our General Assembly has determined that in those cases where an educator is convicted of an offense compelling revocation under section 9b of the Act, an appeal from the Commission's adjudication will not delay the imposition of discipline. 24 P.S. § 2070.15. Therefore, the revocation of Respondent's certification and employment eligibility will be effective immediately.

Accordingly, we enter the following:

**ORDER**

AND NOW, this 31<sup>st</sup> day of January 2020, upon consideration of the Motion for Summary Judgment filed by the Department of Education and the lack of response thereto, it is hereby ORDERED that the educator certification and eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member of Respondent BARBARA J. WRIGHT shall be REVOKED by the Department pursuant to 24 P.S. § 2070.9b(a)(2). Pursuant to 24 P.S. § 2070.16(c), the Commission shall not reinstate Respondent's educator certification or employment eligibility for the time period set forth in 24 P.S. § 1-111(e). This Order is effective IMMEDIATELY.

PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION

By:



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Myron Yoder  
Chairperson Pro Tempore

Attest:



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Shane F. Crosby  
Executive Director

Date Mailed: January 31, 2020