

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**ANGELA M. SINGER,
Respondent.**

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DOCKET NO. DI-20-012

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

This matter is before the Professional Standards and Practices Commission (“Commission”) on a Notice of Charges and Motion for Summary Judgment filed by the Department of Education (“Department”). After consideration of the record in this matter and the applicable law, the Commission finds that summary judgment in favor of the Department is appropriate and enters this Order as follows:

BACKGROUND AND PROCEDURAL HISTORY

Angela M. Singer (“Respondent”) currently holds an Educational Specialist II certificate in the areas of Secondary School Counselor 7-12 and Elementary School Counselor K-6. At all relevant times, Respondent was employed as a high school guidance counselor by South Park School District. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on January 31, 2020. The Notice of Charges alleges that Respondent was convicted of the crime of Tampering with or Fabricating Physical Evidence, which the Department alleges is a crime of moral turpitude. Certified copies of the pertinent court documents are attached to the Notice of Charges. Simultaneous with the filing of the Notice of Charges, the Department filed a Motion for Summary Judgment requesting that the Commission

enter summary judgment in its favor and revoke Respondent's certificate and employment eligibility based upon her conviction.

As required, the Department mailed copies of the Notice of Charges and Motion for Summary Judgment to Respondent at her last-known address. Respondent did not file an answer to either pleading within the time-period prescribed. However, on March 6, 2020, the Commission received a letter from Respondent in which she states, in part, "I understand what I was charged with while I was on a medical leave from work, and I did not really see the point in wasting anyone's time requesting to be heard." Respondent also expressed remorse for her actions.

The Commission heard oral argument at its regularly scheduled meeting on May 11, 2020. Respondent was not present.

SUMMARY JUDGMENT STANDARD

Summary Judgment is appropriate 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).

MATERIAL FACTS

The material facts are not in dispute.¹ On January 8, 2020, Respondent was convicted in the Court of Common Pleas of Allegheny County, Pennsylvania of, *inter alia*, Tampering with or Fabricating Physical Evidence, 18 Pa.C.S. § 4910(1). The facts underlying the conviction are that Respondent attempted to conceal two bundles of

1. Since Respondent did not file a responsive pleading, the only facts considered by the Commission are those alleged in the Notice of Charges, which the Commission deems admitted. See 22 Pa. Code § 233.115(c)(1); 1 Pa. Code § 35.37; See also Kinniry v. Professional Standards and Practices Commission, 678 A.2d 1230 (Pa. Cmwlth. 1996).

heroin and a bag of fentanyl during a traffic stop.

DISCUSSION

The Department seeks the revocation of Respondent's certificate and employment eligibility pursuant to section 9b(a)(2) of the Educator Discipline Act ("Act"). 24 P.S. § 2070.9b(a)(2). That section mandates, in relevant part, that the Commission shall direct the Department to revoke the certificate and employment eligibility of an educator convicted of a crime involving moral turpitude upon the filing of a certified copy of the verdict, judgment or sentence of the court with the Commission. *Id.*² The Commission's regulations define moral turpitude, in relevant part, as follows:

(a) *Definition.* 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.

...

22 Pa. Code § 237.9. Similarly, the Commonwealth Court has defined moral turpitude as "anything done knowingly contrary to justice, honesty, or good morals." Gombach v. Department of State, Bureau of Comm'ns, Elections & Legislation, 692 A.2d 1127, 1130 (Pa. Cmwlth. 1997). A crime of moral turpitude requires a requires a reprehensible state of mind or *mens rea*. Bowalick v. Commonwealth, 840 A.2d 519, 523-24 (Pa. Cmwlth. 2004). Crimes in which fraud is an ingredient have always been regarded as

2. The term conviction includes a plea of guilty or nolo contendere. 24 P.S. § 2070.9b(a)(2).

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).

Here, the Department has presented the Commission with certified court records of Respondent's conviction for Tampering with or Fabricating Physical Evidence. The Department seeks a determination that this crime involves moral turpitude. The Commission is required to make its assessment "based solely upon the elements of the crime." 22 Pa. Code § 237.9(b); *See also* Startzel v. Commonwealth, Department of Education, 562 A.2d 1005, 1007 (Pa. Cmwlth.1989). The underlying facts or details of a conviction are not relevant to the issue of moral turpitude.

The crime of Tampering with or Fabricating Physical Evidence is defined, in relevant part, as follows:

A person commits a misdemeanor of the second degree if, believing that an official proceeding or investigation is pending or about to be instituted, he:

- (1) alters, destroys, conceals or removes any record, document or thing with intent to impair its verity or availability in such proceeding or investigation;

....

18 Pa.C.S. § 4910(1). Certainly, this crime requires conduct "contrary to the accepted and customary rule of right and duty," 22 Pa. Code § 237.9(a)(1), and conduct "done knowingly contrary to justice, honesty or good morals," 22 Pa. Code § 237.9(a)(2), and thus a "reprehensible state of mind or *mens rea*." Bowalick, 840 A.2d at 524. Fraud is also an essential ingredient of this crime. Therefore, the Commission concludes that

the crime of Tampering with or Fabricating Physical Evidence is a crime of moral turpitude.

Because Respondent has been convicted of a crime of moral turpitude, the Commission must direct the Department to revoke Respondent's certificate and employment eligibility. 24 P.S. § 2070.9b(a)(2); See also Bowalick, 840 A.2d at 522 (revocation of a teaching certificate on summary judgment is appropriate upon proof of a conviction of a crime of moral turpitude); citing Kinniry v. Professional Stds. & Practices Comm'n, 678 A.2d 1230, 1234 (Pa. Cmwlth. 1996).³

ORDER

AND NOW, this 24th day of June 2020, upon consideration of the Department of Education's Motion for Summary Judgment and the lack of response thereto, it is hereby ORDERED:

1. The Motion for Summary Judgment is Granted.
2. Pursuant to 24 P.S. § 2070.9b(a)(2), the Department is directed to revoke Respondent's certificate and eligibility to be employed as a charter or cyber charter school staff member or a contracted educational provider staff member effective on the date of this Order.
3. Respondent is not eligible to be employed in a school entity in a position requiring certification or as a charter or cyber charter school staff member or contracted educational provider staff member, or eligible for any certificate

3. 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 certificates and employment eligibility will be effective immediately.

until her certificate or employment eligibility is reinstated in accordance with the Act.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

By: 

Myron Yoder
Chairperson Pro Tempore

Date Mailed: June 24, 2020


Attest: _____
Shane F. Crosby
Executive Director