

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

DEPARTMENT OF EDUCATION,	:	
Petitioner,	:	
	:	
	:	
v.	:	DOCKET NO. DI-23-077
	:	
MEG GEISSER,	:	
Respondent.	:	

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

Meg Geisser (Respondent) holds an Instructional I certificate in the area of Elementary K-6. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on August 11, 2023. The Notice of Charges alleges that Respondent was convicted of the New Jersey crime of Theft by Unlawful Taking, which the Department asserts is a crime involving 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 a formal answer to either pleading. However, the Commission received a letter from Respondent, dated September 3, 2023. In the letter, Respondent details her struggles with addiction and her journey to recovery. She describes the events leading up to her criminal conviction as “one of [the] lowest points in [her] addiction.”¹

The Commission heard oral argument at its regularly scheduled meeting on January 22, 2024. Respondent did not appear.

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.² On August 12, 2015, Respondent was convicted in Buena Vista Township, New Jersey of Theft by Unlawful Taking, N.J.S.A. § 2C:20-3A. The conviction stems from allegations that Respondent stole money from her co-workers.

1. Because of the automatic revocation provision of section 9b(a)(2) of the Educator Discipline Act, 24 P.S. § 2070.9b(a)(2), the Commission is precluded from inquiring further, *i.e.*, into mitigating circumstances. However, the Commission applauds Respondent for maintaining her sobriety since 2018. While not pertinent to the disposition of the instant motion, Respondent’s recovery efforts will be a factor that weighs in her favor should she seek reinstatement of her certificate in the future.

2. Since Respondent did not file a responsive pleading, the only facts considered by the Commission are those alleged in the Department’s Notice of Charges, which are deemed admitted and incorporated herein by reference. 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).

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.³ Id. 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 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 involving moral turpitude. Moretti v. State Board of Pharmacy, 277 A.2d 516 (Pa. Cmwlth.1971); *citing*

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

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 the New Jersey crime of Theft by Unlawful Taking. 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 New Jersey crime of Theft by Unlawful Taking is defined in relevant part as follows:

- a. Moveable property. A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, moveable property of another with purpose to deprive him thereof.

N.J.S.A. § 2C:20-3A. 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 (Pa. Cmwlth. 2004). Fraud is also an essential ingredient of this crime. The Commonwealth Court has also recognized that crimes involving theft are crimes of moral turpitude. See Krystal Jeep Eagle, Inc. v. Bureau of Prof'l & Occupational Affairs, 725 A.2d 846 (Pa. Cmwlth. 1999) (theft by deception and theft by failure to make required disposition of funds received); Ancharski v. Bureau of Prof'l & Occupational Affairs, State Bd. of Nursing (Pa. Cmwlth. No. 1765 C.D. 2010, filed June 21, 2011) (theft by unlawful taking

or disposition); Spence v. Bureau of Prof'l & Occupational Affairs (Pa. Cmwlth. No. 1692 C.D. 2009, filed March 22, 2010) (theft by unlawful taking or disposition).⁴ Therefore, the Commission finds that Respondent has been convicted of a crime of moral turpitude. Therefore, the Commission finds that Respondent has been convicted of a crime of moral turpitude.

Because Respondent has been convicted of a crime involving 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 (Pa. Cmwlth. 2004) (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).⁵

Order

AND NOW, this 14th day of February 2024, upon consideration of the Department's Motion for Summary Judgment, it is hereby ORDERED:

1. The Motion 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

4. Ancharski and Spence are cited herein for their persuasive value pursuant to 210 Pa. Code § 69.414(a).

5. Pursuant to section 15 of the Act, an appeal shall not operate as a stay when the discipline is imposed under section 9b. 24 P.S. § 2070.15. Therefore, the revocation of Respondent's certificate and employment eligibility will be effective immediately.

requiring certification or as a charter or cyber charter school staff member or contracted educational provider staff member, or eligible for any certificate, until her certificate and employment eligibility are reinstated in accordance with the Act.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By: 

Myron Yoder
Chairperson Pro Tempore



Attest: _____
Shane F. Crosby
Executive Director

Date Mailed: February 14, 2024