

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**RONALD LEE BENDER,
Respondent.**

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DOCKET NO. DI-03-24

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, which seeks the revocation of Respondent’s teaching certificates. Initially, the Department filed a Notice of Charges against Respondent on June 18, 2003, alleging that the Respondent had been convicted of the crime of Robbery.

In its Motion for Summary Judgment, filed simultaneously with the Notice of Charges, the Department requests the Commission to revoke Respondent’s Intern teaching certificate endorsed in the area of Vocational Education and his Occupational Competency Area Registration in Graphic Occupations and any and all other certificates issued to him by the Commonwealth of Pennsylvania pursuant to sections 5(a)(11.1) and 9.2 of the Professional Educator Discipline Act, 24 P.S. §2070.5(a)(11.1) and 2070.9b. Section 9.2(2) of the Professional Educator Discipline Act requires the Commission to direct the Department to revoke the certificate of a professional educator convicted of a crime involving moral turpitude, a crime listed in section 111(e) (1) through (3) of the Public School Code of 1949 (24 P.S. §1-111(e)), or a crime from

another jurisdiction that is equivalent to the crimes that fall under the two preceding categories whenever a certified copy of the verdict, judgment or sentence of court is filed with the Commission. 24 P.S. §2070.9b(2).

In support of its Motion, the Department attached certified copies of the pertinent court documents reflecting Respondent's conviction. Respondent, having been served by certified mail with the Notice of Charges and the Motion for Summary Judgment¹, 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.

In the instant case, there is no dispute that Respondent was convicted of Robbery. Thus, the only question before the Commission is whether this crime involves moral turpitude, is listed in section 111(e) (1) through (3) of the Public School Code of 1949, or is equivalent thereto. The determination of whether a crime involves moral turpitude is based solely upon the elements of the crime or misdemeanor. 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, 128 Pa. Commonwealth Ct. 110, 114, 652 A.2d 1005, 1007 (1989).

The crime of Robbery in Pennsylvania is set forth as follows:

- (a) A person is guilty of robbery if, in the course of committing a theft, he:
- (i) inflicts serious bodily injury on another;
 - (ii) threatens another with or intentionally puts another in fear of immediate serious bodily injury;
 - (iii) commits or threatens immediately to commit any felony of the first or second degree;
 - (iv) inflicts bodily injury upon another or threatens another with or intentionally puts another in fear of immediate bodily injury ; or

1. After several attempts, the Department successfully served the Respondent by hand delivery on or about January 23, 2006.

- (v) (v) (v) physically takes or removes property from the person of another by force however slight.

(b) An act shall be deemed “in the course of committing a theft” if it occurs in an attempt to commit theft or in flight after the attempt or commission.

18 Pa.C.S.A. §3701(a). In the instant case, Respondent was convicted under section 3701(a)(1)(iv) ---thus in the commission of a theft, Respondent did inflict bodily injury upon another or threatened another with or intentionally put another in fear of immediate bodily injury while threatening to commit a felony.

Comparing these specific elements of the crime of Robbery with the Commission’s definition of moral turpitude², the Commission concludes that the crime of Robbery as defined under 18 Pa.C.S.A. §3701(1)(iv) involves moral turpitude under the Commission’s definition of moral turpitude found in 22 Pa. Code §237.9(a). See Department of Education v. Lauer, PSPC Docket No. DI-04-14 (holding Robbery to be a crime involving moral turpitude).

As there is no genuine issue as to any material fact and revocation of Respondent’s teaching certificate will be ordered as a matter of law.

(i) (i) 2. The Commission has defined moral turpitude as follows:

(1) That element and 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.

22 Pa. Code §237.9(a).

ORDER

AND NOW, this 13th day of March, 2006, upon consideration of the Motion for Summary Judgment filed by the Department of Education, it is hereby ORDERED that the professional teaching certificates issued to Respondent Ronald Lee Bender shall be REVOKED by the Department pursuant to sections 5(a)(11.1) and 9.2 of the Professional Educator Discipline Act, *as amended*, 24 P.S. §§ 2070.5(a)(11.1) and 2070.9b.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
David J. Krauser
Chairperson

ATTEST: _____
Carolyn Angelo
Executive Director

Date Mailed: