

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**RONALD FLEMING,
Respondent.**

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DOCKET NO. DI-06-11

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 certificate. Initially, the Department filed a Notice of Charges against Respondent on August 24, 2006, alleging that the Respondent had been convicted of the crimes of Corruption of Minors, Statutory Sexual Assault, Involuntary Deviate Sexual Intercourse, Aggravated Indecent Assault, Indecent Assault, Endangering the Welfare of Children and Unlawful Contact or Communication with a Minor.

In its Motion for Summary Judgment, filed simultaneously with the Notice of Charges, the Department requests the Commission to revoke Respondent’s Instructional II teaching certificate endorsed in Social Studies 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 Judgment, 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 Corruption of Minors, Statutory Sexual Assault, Involuntary Deviate Sexual Intercourse, Aggravated Indecent Assault, Indecent Assault, Endangering the Welfare of Children and Unlawful Contact or Communication with a Minor. Thus, the only question before the Commission is whether these crimes, or any of these crimes, involve moral turpitude, are listed in section 111(e) (1) through (3) of the Public School Code of 1949, or are 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).

As all of the aforementioned crimes are either listed in section 111(e)(1) through (3) of the Public School Code of 1949 or have been determined to involve moral turpitude, there is no genuine issue as to any material fact. Under the Professional Educator Discipline Act, the Commission must revoke the certificates of an educator who is convicted of these crimes. See 24 P.S. §2070.9b(2); 24 P.S. §1-111(e). Accordingly, revocation of Respondent's teaching certificate will be ordered as a matter of law.

ORDER

AND NOW, this 15th day of November, 2006, upon consideration of the Motion for Summary Judgment filed by the Department of Education, it is hereby ORDERED that the professional teaching certificate issued to Respondent Ronald G. Fleming 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:

Gregory E. Dunlap

Date Mailed: