

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**CYNTHIA L. CORDEK,
Respondent.**

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DOCKET NO. DI-08-29

MEMORANDUM AND ORDER

On October 16, 2008, the Department of Education (“Department”) filed a Motion for Judgment on Default, seeking revocation of the professional teaching certification of Respondent. Initially, the Department filed a Notice of Charges on September 10, 2008, alleging that the Respondent had engaged in conduct constituting immorality and negligence and requesting revocation of her Instructional II teaching certificate in the area of Elementary K-6.

The Department served the Notice of Charges on Respondent on September 12, 2008, by certified and first class mail. The Notice of Charges served by certified mail was returned unclaimed, however, the Notice of Charges sent by first class mail was not returned as undeliverable. The Postmaster for Portage, Pennsylvania, confirmed that the Respondent was receiving mail at the address at which the Notice of Charges was served. The certified mail was returned as unclaimed; however, the first class mail was not returned to the Department. Under the “mailbox rule” applied in civil proceedings, there is a rebuttable presumption that an item properly addressed and mailed was received, Michael Breza V. Don Farr Moving & Storage Company, 828 A.2d. 1131,

1135 (Pa. Super. 2003). In the instant case, the Department has certified that the Notice of Charges was mailed by first class to the Respondent at an address that the Post Office confirms is accurate. This mail was not returned to the Department and thus the Commission concludes that service of the Notice of Charges was effected by the Department.

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 declined to file an answer or otherwise respond to the Notice of Charges. Accordingly, the Department has filed the instant Motion, requesting that the factual allegations in the Notice of Charges be deemed admitted and that revocation of Respondent's professional educator certificate be ordered.

In accordance with the Commission's bylaws, a professional educator who fails to respond to the Notice of Charges is in default as provided for in section 35.37 of the General Rules of Administrative Practice and Procedure. 22 Pa. Code §233.115(c)(1); 1 Pa. Code §35.37. Thus, all relevant facts stated in the Notice of Charges will be deemed admitted. Accordingly, the Commission finds that Respondent:

- was employed by the Portage Area School District as a third grade teacher during the 2005-06 school year;
- in August, 2005, the Respondent stole a PSEA Visa credit card issued to another teacher;
- on five occasions during September, 2005, Respondent used the stolen credit card to make unauthorized purchases;
- was suspended by the Portage Area School District on October 17, 2005; and
- subsequently resigned her teaching position on October 18, 2005.

By her intentional and fraudulent conduct, the Respondent betrayed the trust of her colleagues and the education community. Such dishonesty certainly sets a bad example to students and offends the morals of the Commonwealth. Accordingly, the Commission finds that Respondent's conduct constitutes immorality¹ and warrants revocation of her teaching certificate.

¹ Immorality has been defined by the Commission as conduct that offends the morals of the Commonwealth and is a bad example to the youth whose ideals a professional educator has a duty to foster and elevate. 22 Pa. Code §237.3.

ORDER

AND NOW, this _____ day of November, 2008, in consideration of the Motion for Judgment on Default filed by the Department of Education and the failure of Respondent to respond thereto, it is hereby ORDERED that the professional certificate issued to Respondent Cynthia L. Cordek shall be REVOKED.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
Gilbert R. Griffiths
Chairperson

ATTEST: _____
Carolyn Angelo
Executive Director

Date Mailed: