

of Charges was effected.

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 as a Training and Consultation Staff Person at the Northeastern Educational Intermediate Unit 19 from June 26, 2002, until his resignation on May 27, 2008. On several occasions between 2005 and his resignation the Respondent engaged in unprofessional conduct including providing alcohol to minors, making inappropriate comments and inquiries of a suggestive and/or sexual nature to teenagers and giving inappropriate gifts to teenagers¹. Specifically, the Respondent hosted a party at his home on May 9, 2008, and May 10, 2008, at which he allowed underage drinking and provided beer and

¹ The specific allegations contained in paragraph 3 of the Notice of Charges are incorporated herein by reference.

alcohol to underage individuals. Subsequently, the Respondent pled guilty to a violation of 18 P. S. §6310.1(a)(Selling or Furnishing of Liquor or Malt Brew Beverages to Minors).

The Commission finds that Respondent's conduct constitutes immorality and warrants revocation of his professional educator certification. Immorality has been defined by the Commission as “conduct which offends the morals of a 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. Respondent’s decision to provide alcohol and beer to underage teenagers, to allow underage consumption of alcohol in his home, to offer teenagers gifts of underwear, to comment to, and question students on, issues related to sexual activity and their physical attributes, and to request teenagers to pose provocatively for photographs clearly offends the morals of this Commonwealth and sets a bad example to students. Accordingly, we enter the following:

ORDER

AND NOW, this __27th__ day of October, 2009, upon consideration of the Motion for Judgment on Default filed by the Department of Education and the failure of the Respondent to respond thereto, it is hereby ORDERED that the professional educator certification issued to Respondent Mark W. Kandel shall be REVOKED.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
Gilbert R. Griffiths
Chairperson

ATTEST: _____
Carolyn Angelo
Executive Director

Date Mailed: