

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

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**TIMOTHY J. SWEET,
Respondent.**

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DOCKET NO. DI-25-030

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

Timothy J. Sweet (“Respondent”) was issued an Emergency Permit: Day-to-Day Substitute in the area of All Instructional Areas PK-12. Most recently, Respondent was employed by the Laurel Highlands School District. The Department initiated disciplinary proceedings against Respondent with the filing of a Notice of Charges on March 11, 2025. The Notice of Charges alleges that Respondent was criminally convicted of Terroristic Threats, 18 Pa.C.S. § 2706(a)(1), 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 certificates and employment eligibility based upon his conviction.

As required, the Department mailed copies of the Notice of Charges and Motion for Summary Judgment to Respondent at his last-known address. Depositing in the post office of a properly addressed letter with prepaid postage raises a natural presumption that the letter reached its destination by due course of mail. In re Rural Route Neighbors, 960 A.2d 856, 861 (Pa. Cmwlth. 2008). Respondent did not file an answer to either pleading.

The Commission heard oral argument at its regularly scheduled meeting on May 12, 2025. 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.¹ On August 14, 2024, Respondent was convicted in Beaver County, Pennsylvania of Terroristic Threats, 18 Pa.C.S. § 2706(a)(1). The facts underlying Respondent's conviction are that he threatened the employees of Heritage Valley – Beaver Hospital and a responding officer.

Discussion

The Department seeks the revocation of Respondent's certificates 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

¹ 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).

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.² 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'n's, Elections & Legislation, 692 A.2d 1127, 1130 (Pa. Cmwlt. 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. Cmwlt. 2004).

Here, the Department has presented the Commission with certified court records of Respondent's conviction for Terroristic Threats. The Commission has previously determined that Terroristic Threats is a crime involving moral turpitude. *See Dep't of Educ. v. Wiernusz*, PSPC Docket No. DI-10-17. 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

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

state of mind or *mens rea*.” Bowalick, 840 A.2d at 524 (Pa. Cmwlt. 2004). 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 certificates and employment eligibility. 24 P.S. § 2070.9b(a)(2); *See also* Bowalick, 840 A.2d at 522 (Pa. Cmwlt. 2004) (revocation of a teaching certificate on summary judgment is appropriate upon proof of a conviction of a crime involving moral turpitude (citing Kinniry v. Professional Stds. & Practices Comm’n, 678 A.2d 1230, 1234 (Pa. Cmwlt. 1996))).³

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³ 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 certificates and employment eligibility will be effective immediately.

Order

AND NOW, this 6th day of June 2025, upon consideration of the Department's Motion for Summary Judgment and the lack of response thereto, 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 certificates 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 requiring certification or as a charter or cyber charter school staff member or contracted educational provider staff member, or eligible for any certificate until his certificates and employment eligibility are reinstated in accordance with the Act.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By:



Myron Yoder
Chairperson Pro Tempore

Attest:



Amber Lee Czerniakowski
Executive Director

Date Mailed: June 6, 2025