

GAPSC PRE-SERVICE CERTIFICATE APPLICATION – PERSONAL AFFIRMATION QUESTIONS

What do I need to report when I apply for certification?

Applications for certification require that an educator answer personal affirmation questions with a "yes" or "no" response, including:

1. Have you ever had an adverse action (i.e. warning, reprimand, suspension, revocation, denial, voluntary surrender, disbarment) taken against a professional certificate, license or permit issued by an agency **OTHER THAN the Georgia Professional Standards Commission?**
2. Are you currently the subject of an investigation involving a violation of a profession's laws, rules, standards or Code of Ethics by an agency **OTHER THAN the Georgia Professional Standards Commission?**
3. Have you ever received a less than honorable discharge from any branch of the armed services? (If "yes", provide a copy of form DD214.)
4. While under investigation, have you ever left an employment position (retired, resigned, been dismissed, terminated, non-renewed or otherwise)?
5. Are you currently the subject of an investigation involving sexual misconduct or physical harm to a child?
6. Are you the subject of a pending investigation involving a criminal act?
7. For any **felony** or any **crime involving moral turpitude** (*see below for definition*), have you ever:
 - ◆ Pled guilty;
 - ◆ Entered a plea of nolo contendere;
 - ◆ Been found guilty;
 - ◆ Pled guilty to a lesser offense;
 - ◆ Participated in a pre-trial diversion program;
 - ◆ Been granted first offender treatment without adjudication of guilt;
 - ◆ Been found not guilty by reason of insanity; or
 - ◆ Been placed under a court order whereby an adjudication or sentence was withheld?
8. Have you ever been convicted, or pled to a lesser offense for any sexual offense?
9. Have you been convicted of a drug offense (felony or misdemeanor)?

Educators must answer these questions honestly. If an educator has previously reported criminal or unethical behavior and the Georgia Professional Standards Commission found "no probable cause" to take any action against the educator's certificate for that specific behavior, it does not need to be reported on subsequent applications for certification. Minor traffic violations (speeding, following too closely, improper lane change, etc.) and behavior occurring before age 17 for which you were charged as a juvenile does not need to be reported. Except for misdemeanor drug offenses, any misdemeanor offense that is not a crime of moral turpitude does not have to be reported.

When should I answer "yes" to the criminal history question on the GaPSC application for certification?

You must answer "yes" to the criminal history question(s) if you have ever pled guilty, been found guilty, entered a plea of nolo contendere, been granted first offender treatment without adjudication of guilt, participated in a pre-trial diversion program or been placed under a court order whereby an adjudication or sentence was withheld for any drug offense, for any felony, or for any misdemeanor offense involving moral turpitude. An educator that falsifies information on the application will be subject to an investigation and disciplinary action by the Georgia Professional Standards Commission.

If I answer “yes” to a criminal history question, what documents must I include for my investigation?

- Detailed written explanation
- Court documents or destruction letter (if documents have been destroyed by court)

(Upon receipt of your application, GaPSC will email requests for additional documentation such as an FBI (fingerprinting) criminal history report)

When should I begin collecting these documents?

If you know you will have to answer “yes” to a criminal history question, you should begin collecting court documents now. This allows time to gather documents, seek a pardon, or reduce probation by paying fines/taking classes, etc., prior to submitting the Pre-Service Certificate Application. Once submitted, it can take a minimum of 4 to 6 months from investigation to resolution. Please note that you cannot receive a Pre-Service Certificate if you are on probation.

Moral Turpitude

It has been stated that the term “moral turpitude” is so clear that there is no duty on the trial judge to define it in the absence of a request. The term has been defined in Georgia as follows:

“Turpitude in its ordinary sense involves the idea of inherent baseness or vileness, shameful wickedness, depravity with respect to a person’s duty to another or to society in general. In its legal sense it includes everything contrary to justice, honesty, modesty or good morals.” “All crimes of falsehood or crimes of deceit involve turpitude; but it is not safe to declare that such crimes are the only ones involving turpitude. In *Ramsey v. State*, the court said that a crime involving moral turpitude is one that is wrong in itself rather than wrong because it is prohibited by law. In Georgia, the test for whether a felony is one involving moral turpitude is “does the [crime], disregarding its felony punishment, meet the test as being contrary to justice, honesty, modesty, good morals or man’s duty to man?”

It has been held that the following offenses **are** crimes involving moral turpitude:

- Fraud or false pretenses in obtaining something of value
- Larceny or theft of any type (misdemeanor or felony)
- Larceny after trust
- Murder
- Soliciting for prostitutes
- Voluntary manslaughter
- Sale of narcotics or other illegal drugs
- Pattern of failure to file federal tax returns in years that taxes are due
- Criminal Issuance of a bad check
- Making a false report of a crime

The following have been held to be offenses that **are not** crimes involving moral turpitude:

- Public drunkenness
- Driving under the influence of alcohol
- Carrying a concealed weapon
- Unlawful sale of liquor
- Fighting
- Simple Battery
- Simple Assault
- Misdemeanor criminal trespass
- Child abandonment
- Misdemeanor offense of escape
- Misdemeanor offense of obstructing a law enforcement officer
- The federal misdemeanor offense of Conspiracy in Restraint of Interstate Trade and Commerce

[This is taken from *Handbook of Criminal Evidence* by Davis, 2000 edition].

For specific questions regarding Personal Affirmation questions, please contact:

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