

No. 1989-71

AN ACT

SB 253

Amending the act of December 12, 1973 (P.L.397, No.141), entitled "An act relating to certification of teachers in the public schools of the Commonwealth and creating a Professional Standards and Practices Commission," further providing for the commission; and providing for the reestablishment of the commission.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1, 3, 4, 5, 6, 7 and 8 of the act of December 12, 1973 (P.L.397, No.141), referred to as the Teacher Certification Law, are amended to read:

Section 1. Definitions.—When used in this act, the following words and phrases shall have the following meanings:

(1) "Teacher" shall mean any person who holds a valid Pennsylvania teaching certificate.

(2) "Teach" shall mean to engage in the practice of teaching in the public schools of the Commonwealth or to provide related educational specialist, administrative or supervisory services in such schools.

(3) "Commission" shall mean the Professional Standards and Practices Commission.

(4) "[Education] *Educational* specialist" shall mean a person employed by a public school as a certified guidance counselor, nurse, home and school visitor, psychologist, dental hygienist, instructional media specialist or nutrition specialist.

(5) "*Administrator*" shall mean any person who is a commissioned officer or holds a position requiring an administrative certificate.

(6) "*Discipline*" shall mean any one of the following actions:

(i) *Issue a private reprimand.*

(ii) *Issue a public reprimand.*

(iii) *Direct the department to suspend the certificate of a professional educator for a period to be determined by the commission.*

(iv) *Direct the department to revoke the certificate.*

(7) "*Professional educator*" shall mean a person who is certificated as a teacher, educational specialist or an administrator in the Commonwealth.

(8) "*Department*" shall mean the Department of Education.

(9) "*School entity*" shall mean a school district, intermediate unit or area vocational-technical school, Scotland School for Veterans' Children, Scranton State School for the Deaf and Thaddeus Stevens State School of Technology.

(10) "*Secretary*" shall mean the Secretary of Education.

(11) "*State Board*" shall mean the State Board of Education.

Section 3. Professional Standards and Practices Commission.—There is hereby created a Professional Standards and Practices Commission consisting of ~~[sixteen]~~ *thirteen* members appointed by the Governor *with the advice and consent of a majority of the members elected to the Senate*. The term of office of members of the commission~~[, except the student member whose term shall be one year,]~~ shall be three years commencing on January 1 of the year following their appointment~~[, except that original appointments shall be for staggered terms of one, two and three years in order that the terms of five members of the commission shall expire each year thereafter]~~. Vacancies shall be filled for an unexpired term in the same manner as original appointments. No person shall serve for more than two consecutive terms as a member of the commission. The Governor may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty. All members of the commission shall be residents of the Commonwealth of Pennsylvania.

Section 4. Membership and Qualifications.—(a) The membership of the Professional Standards and Practices Commission shall consist of:

(1) ~~[Eight]~~ *Seven* classroom teachers, including one educational specialist, broadly representative of the teaching profession from public schools.

(2) Three administrators from public schools, *at least one of whom shall be a commissioned officer and one a principal*.

~~[(3) Two faculty members from approved institutions of higher learning in the Commonwealth offering approved teacher education programs.~~

~~[(4) (3) One administrator from an approved institution of higher learning in the Commonwealth offering approved teacher education programs.~~

~~[(5) One college student currently enrolled in a program of teacher education in an approved institution of higher learning in the Commonwealth offering approved teacher education programs.~~

~~[(6) One member] (4) Two members~~ from the general public ~~[who shall be a parent of a pupil attending a public school], one of whom shall be an elected public school director.~~

(b) Except for the ~~[representative]~~ *representatives* of the general public, ~~[and the student representative,]~~ the Governor in making appointments shall consider recommendations from panels of nominees submitted by Statewide organizations of professional educators which certify that the panels include only representatives of the category of professional personnel for which the panel or panels of nominees are submitted. *However, the Governor shall not be limited to nominating members of Statewide organizations for appointments to the commission.*

(c) All members of the commission except the persons representing the ~~[college students and]~~ general public shall have been actively engaged in teaching or providing related educational, administrative or supervisory services in a public school or approved institution of higher education with approved teacher education programs for at least five of the eight years immediately preceding their appointment. A person appointed to the commission who leaves the Commonwealth to become domiciled in another state or whose employment status changes to a category different from that for

which he was appointed shall have his position on the commission deemed vacated.

(d) The chairman of the State Board of Education, or a member of the board designated by the chairman, shall be an ex officio member of the commission without voting privileges.

(e) The members of the commission, employes of the commission and agents of the commission shall in all of their deliberations consider the public interest.

Section 5. Power and Duties.—(a) The Professional Standards and Practices Commission shall have the power and its duty shall be:

(1) To recommend to the State Board of Education standards for certification of teachers to render professional services in the public schools of the Commonwealth and for accreditation of teacher education programs and to evaluate teacher education and certification program services and activities to determine the effectiveness in terms of the annual and long-range program plans and to recommend changes to the State Board of Education as indicated by such evaluations.

(2) To recommend to the State Board of Education standards of professional practice for teachers in public schools. Nothing contained herein is intended to confer upon the State Board of Education the authority to suspend, annul or revoke teaching certificates other than as is otherwise provided in law.

(3) To recommend to the State Board of Education procedures which assure that actions concerning suspension, annulment or revocation of teaching certificates shall comply with due process.

(4) In order to make the recommendations referred to in subsections (1), (2) and (3) above, the Department of Education shall furnish all information the commission deems necessary.

(5) To adopt rules and regulations as may be necessary to carry out the purposes of this act. The commission shall hold public hearings and take testimony concerning proposed recommendations which shall be presented to the State Board of Education.

(6) Nothing in this act shall be construed to prevent organizations of the teaching profession from adopting measures designed to improve the standards and practices of ethics and academic freedom among their members and in their relationships with other persons and groups.]

(1) To recommend to the State Board of Education rules and regulations defining positions for which certification should be required and criteria to determine qualifications, consistent with this act, necessary to hold such a certificate.

(2) To recommend to the State Board of Education rules and regulations providing for making a certificate permanent upon evidence of such teaching experience and additional preparation as may by rule be required.

(3) To recommend to the State Board of Education rules and regulations providing for the Department of Education investigation and determination of the acceptability of programs of professional education in colleges and universities of this Commonwealth issuing degrees to persons who may

desire to teach in the schools of this Commonwealth. The commission may recommend as its own, with or without modification, standards used by other organizations engaged in the evaluation of teacher preparation programs. In establishing standards pursuant to this clause, the commission shall consider, among other factors, the following:

- (i) Ongoing research and developing theories in education.*
- (ii) The knowledge and skills necessary to effectively perform professional education functions.*
- (iii) The liberal arts and general education requirements that are the foundation of a teacher preparation program.*
- (iv) The value of student teacher, laboratory work and other professional experience as preparation for certification.*
- (v) The cultural and demographic diversity of relevant student populations.*
- (vi) Other interests of the public.*

The commission shall assess the effectiveness of educator preparation programs and recommend changes to the State Board of Education as indicated by such evaluations.

(4) To recommend to the State Board of Education changes in teacher education programs based on commission conducted assessments of these programs.

(5) To recommend to the State Board of Education rules and regulations providing for acceptance or approval of certificates to teach issued by other states, countries and bodies.

(6) To recommend to the State Board of Education rules and regulations providing for the department to enter into agreements with agencies of other states for reciprocal approval of teacher preparation programs.

(7) To recommend to the State Board of Education rules and regulations governing examinations for the initial certification of teachers.

(8) To cooperate with a national board for professional education certification recognized by the commission to such degree as, in the commission's judgment, shall bring advantage to the Commonwealth.

(9) To establish procedures for conducting hearings pursuant to section 13 and for hearings regarding reinstatement of certificates.

(10) To adopt by July 1, 1991, a code for professional practice and conduct, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law. Nothing in the code for professional practice and conduct shall be an independent basis for the suspension or revocation of a certificate, nor shall it pertain to questions of membership or affiliation or nonaffiliation in an employe organization, or participation in the actions of an employe organization, or participation or nonparticipation in the actions of an employe organization related to the negotiation of a collective bargaining agreement, a strike or other work stoppage as defined under the act of July 23, 1970 (P.L. 563, No. 195), known as the "Public Employe Relations Act," provided that the code may specify those sections the violation of which may constitute a basis for reprimand.

(11) To discipline, as provided hereunder, any professional educator found guilty upon hearings of immorality, incompetency, intemperance, habitual use of drugs or narcotics, cruelty or negligence or for violation of any provision of the act of May 29, 1931 (P.L.210, No.126), entitled, as amended, "An act to regulate the certification and the registration of persons qualified to teach in accredited elementary and secondary schools in this State; imposing certain duties upon the Department of Public Instruction and the State Board of Education; defining violations; providing penalties, and for appeal to the court of common pleas of Dauphin County," and to direct the department to suspend the certificate of any professional educator indicted for a crime or misdemeanor involving moral turpitude or as a drug addict whenever a certified copy of such indictment shall have been filed with the commission and to revoke the same upon conviction thereof whenever a certified copy of the verdict or judgment or sentence of the court shall have been filed with the commission, and to direct reinstatement of such certificate by the department in any case where after hearing the commission shall deem the same just and proper. The commission shall establish definitions consistent with this clause.

(12) To establish procedures which assure that actions concerning discipline of professional educators shall comply with due process.

(13) To keep minutes of its meetings and report annually to the Governor, the General Assembly, the State Board of Education, the education profession and the public and to publish, from time to time, such other reports as it deems appropriate.

(14) To adopt, pursuant to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, operating and procedural rules and regulations necessary to carry out the purposes of this act. The commission shall hold public hearings and take testimony concerning proposed recommendations which shall be presented to the State Board of Education.

Nothing in this act shall be construed to prevent organizations of the education profession from adopting measures designed to improve the standards and practices of ethics and academic freedom among their members and in their relationships with other persons and groups.

(b) All teachers' certificates in force in this Commonwealth at the time this act goes into effect shall continue in full force and effect, subject to all the terms and conditions under which they were issued, until they expire by virtue of their own limitations, unless they are sooner annulled for the reasons and in the manner provided by law.

(c) Recommendations as outlined in subsection (a) shall be presented publicly at a scheduled State Board of Education meeting. This presentation shall be prior to any board action on regulations, standards or guidelines affecting teacher certification, professional practices, accreditation of teacher education programs and long range plans.

Section 6. Organization and Meetings of the Commission.—[The commission shall annually select a chairman and vice-chairman by ballot.]

(a) The Governor shall annually select a chairman from among the mem-

bership of the commission. The chairman, or a commission member designated by the chairman, shall be an ex officio member of the State Board of Education without voting privileges or assignment to either council.

(b) Meetings shall be held at least ~~[four]~~ five times per year at the call of the chairman or upon request in writing of a majority of the commission. A majority shall constitute a quorum and a majority of such quorum shall have authority to act upon any matter properly before the commission. The first meeting of the commission shall be held within six months of the effective date of this act. Meetings of the commission shall be open to the public and the ~~[Director of Professional Standards and Practices]~~ *executive director of the commission* shall be responsible for seeing that notices of meetings of the commission are properly circulated.

Section 7. Expenses.—Members of the commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of official commission business. A member of the commission who is an employe of an agency of the Commonwealth, or any of its political subdivisions including school districts, shall be permitted to attend commission meetings and perform other commission duties without loss of income or other benefits. *A State agency or any political subdivision of this Commonwealth, including a school entity, required to employ a substitute for a member of the commission who is absent from his employment while performing commission business shall be reimbursed by the Department of Education from funds appropriated for the general government operations of the Department of Education for the actual amount of any costs incurred upon presentation of a request for reimbursement and documentation of such cost.* A member of the commission who is employed by a private employer shall be reimbursed *by the Department of Education, from funds appropriated for the general government operations of the Department of Education, for any income lost, pursuant to guidelines established by the commission, as a result of attendance at commission meetings or performance of other official commission duties upon presentation of a request for reimbursement and documentation of such loss.*

Section 8. ~~[Director of Professional Standards and Practices]~~ *Commission Staff.*—(a) There shall be ~~[a Director of Professional Standards and Practices]~~ *an executive director of the commission* who shall serve as the executive officer and secretary of the commission. ~~[The director shall be appointed by the Secretary of Education after consultation with the commission.]~~ *The commission and the secretary shall jointly employ and fix the compensation of the executive director. The executive director, with approval of the commission and the secretary, may employ additional professional and clerical personnel as may be necessary to carry out the duties and responsibilities of the commission.* The Department of Education shall provide adequate space, equipment, staff, secretarial and administrative assistance] *and equipment* to facilitate the activities of the commission.

(b) ~~[The commission shall keep minutes of its meetings and report annually to the Governor, the General Assembly, the teaching profession and the public.]~~ *The Governor, through his General Counsel, shall provide such legal advice and assistance as the commission may require.*

Section 2. Section 9 of the act is repealed.

Section 3. The act is amended by adding sections to read:

Section 9. Complaints.—(a) *A proceeding to discipline a professional educator shall be initiated by the filing of a complaint with the department by any interested party within one year from the date of the occurrence of any alleged action specified under section 5(a)(11), or from the date of its discovery. If the alleged action is of a continuing nature, the date of its occurrence is the last date on which the practice occurred.*

(b) *Commissioned officers in school entities shall report promptly to the department each instance:*

(1) *where the school entity has dismissed a certified employee for cause; and/or*

(2) *where the commissioned officer is aware that one of his school entity's present certificated employees has been formally charged or convicted of a crime of moral turpitude or some other offense requiring mandatory suspension or revocation of certificate under this act.*

(c) *The department shall by regulation prescribe standards for the filing of complaints. The complaint shall:*

(1) *be in a form prescribed by the department;*

(2) *specify the nature and character of the charges; and*

(3) *be verified under oath by the complaining party or a duly authorized agent of the complaining party.*

(d) *The commission, and its individual members, may not file a complaint or initiate a disciplinary proceeding on their own motion, except that if, in the performance of commission business, the commission, or any of its individual members, uncovers evidence that would appear to require discipline, the commission may transmit such evidence to the department where such evidence will be treated as a complaint in accordance with the provisions of this act.*

(e) *The department shall assemble any information relevant to the complaint. The department shall then conduct a preliminary review of the allegations and record. If the department believes that disciplinary action may be appropriate, or that further investigation is called for, it shall forward the record and its recommendations to the chief counsel of the department.*

(f) *Upon receipt of a complaint by the chief counsel of the department, he shall promptly determine whether the complaint alleges facts which, if true, are sufficient to require discipline.*

(1) *If the facts alleged are not sufficient, the department shall dismiss the complaint and provide written notice of such dismissal to the complaining party and to the affected professional educator.*

(2) *If the facts alleged are deemed sufficient by the department, it shall notify the affected professional educator and the complaining party in writing of the sufficiency of the complaint. Except as provided below in the case of a complaint initiated by a governing board, the department shall then conduct a preliminary investigation to determine whether there is probable cause to believe that grounds for discipline exist. The department shall be provided, upon request, any documents it may reasonably require in pursuit*

of its investigation. Such request shall be made in writing to the professional educator and/or his employer, a copy of which shall be filed with the commission.

(3) If the department determines that probable cause does not exist, it shall issue a written notice to the affected professional educator, the complaining party and the employer if the employer was notified of the complaint. If a finding of probable cause is made, the department shall so notify the affected professional educator and the complaining party and shall transmit the complaint and its preliminary findings to the local school governing board of the school entity in which the affected professional educator is or was last serving, unless the local school board is the complaining party and has provided the report described in section 11. If the local school board is the complaining party and has already conducted hearings of record according to the procedures established by law or by collective bargaining agreement for adjudication of complaints against professional educators, and if the local board has provided a transcript of such hearing to the department together with the adjudication resulting from such hearing, and has also transmitted the report described in section 11, then no preliminary investigation shall be conducted, and the hearing procedures described in sections 12 and 13 shall be initiated within 30 days of the receipt of the complaint. Both parties shall be notified of the transmission of the complaint.

Section 10. Confidentiality.—All information relating to any complaints, or any proceedings relating to or resulting from such complaints, shall remain confidential, unless or until discipline, other than a private reprimand, is ordered, any provision of law to the contrary notwithstanding. Should proceedings, after all appeals, result in discipline, other than private reprimand, such discipline and all records pertaining thereto shall become public. There shall be no ex-parte communication on any pending matter regarding discipline. This section shall not prohibit any person from disclosing information previously made public as a result of action by a school entity to dismiss a certified employe for cause or as a result of a certified employe having been formally charged with or convicted of a crime of moral turpitude or another offense requiring mandatory suspension or revocation of a certificate.

Section 11. Proceedings Before Local School Board.—(a) Upon receipt of a complaint from the department in accordance with section 9, a local school board shall investigate and determine within 90 days whether said complaint will be submitted to the procedures established by law or by collective bargaining agreement for adjudication of complaints against professional educators and shall report such determination to the department.

(b) The school board, when its proceedings are completed, shall report to the department its findings and a summary of the evidence, and any action taken, and may make a definite recommendation concerning discipline. The school board shall notify the affected professional educator of any such recommendation.

Section 12. Department Action Upon School Board Recommendations.—Upon receipt of a copy of the findings, summary of evidence and

recommendations of the school board, the department may order the charges dismissed, determine that appropriate and sufficient punishment has been imposed by the local school board, or initiate hearing procedures.

Section 13. Hearing.—(a) Upon determination to initiate hearing procedures, the department shall, within 30 days, send a written notice to the affected professional educator advising of the charges and of his right to request a hearing within 30 days of receipt of such notice.

(b) Notwithstanding any other provision of this act, if the department in its discretion determines that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth, it shall request that the commission modify the procedure set forth in this section and schedule an expedited hearing in accordance with subsection (c).

(c) The hearing shall be held in accordance with the following procedures:

(1) The commission shall appoint a hearing officer from a list of impartial third parties qualified to conduct such hearings. The list shall have been previously agreed upon jointly by the Governor's General Counsel and at least two-thirds of the commission, and shall have at least ten names which shall be chosen on a rotating basis.

(2) The burden of proof shall be on the department, which shall act as prosecutor, to establish that grounds for discipline exist.

(3) The professional educator against whom the charge is made shall have the right to be represented by counsel and to present evidence and argument in accordance with rules of procedure promulgated by the commission.

(4) The governing board of the school entity in which the affected professional educator is or was last employed may intervene, for cause shown, in accordance with 1 Pa. Code § 35.28.

(5) The hearing shall be closed, unless the affected professional educator requests that it be open. If the hearing is open, the hearing officer, in his discretion, may close any portion of the hearing for good cause shown. If the hearing is closed, only the department, commission members and staff, the affected professional educator and his or her representatives, and any material witnesses shall be permitted to attend. Students attending school in the district which employs the professional educator shall not be permitted to attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made.

(6) The department may recommend to the hearing officer and commission appropriate discipline.

(7) The hearing officer shall, within 30 days after the conclusion of the hearing, issue a decision concerning whether discipline should be imposed. A decision shall include findings of fact and conclusions of law and specify the discipline.

Section 14. Decision by Hearing Officer.—(a) The decision of the hearing officer shall become final unless excepted to by either the professional educator or by the department within 30 days of the date of the recommended decision.

(b) The commission shall promptly consider exceptions to the hearing officer's decision. The commission by a majority vote of the full membership shall accept, modify or reject the hearing officer's decision, except that, in the case of discipline of an administrator, all exceptions shall be taken by a special panel of at least five members of the commission selected by the chairperson, which will not include teachers.

(c) Within 45 days after receiving the decision from the hearing officer and the exceptions thereto, the commission shall issue a written opinion and order affirming, reversing or modifying the hearing officer's decision and imposing discipline, if any.

Section 15. Appeal.—*(a) An order of the commission regarding discipline of a professional educator may be appealed only by the department or the professional educator as an adjudication by a State agency in the manner provided by law.*

(b) An appeal filed under subsection (a) shall operate as a stay of the discipline until the determination of the appeal, except where the commission's decision to discipline is accompanied by a finding that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth.

(c) Where the final decision is in favor of the professional educator, the charges pertaining to the matter shall be expunged from any personal or professional file of the professional educator maintained by the department and/or the local school entity.

Section 16. Reinstatement.—*Any professional educator whose certificate has been suspended or revoked may apply to the commission for an order lifting the suspension or reinstating the certificate. The commission shall seek and consider recommendations from the department prior to ordering the lifting of the suspension or reinstatement of the certificate and shall conduct hearings on the application at the request of the professional educator in accordance with procedures of this act.*

Section 17. Unauthorized Release of Information.—*(a) Any member, staff member or employee of the commission, the Department of Education, or any local school entity who releases or gives out information received at a commission meeting or hearing or through the investigation of a professional educator or through any disciplinary proceedings conducted pursuant to this act, without authorization of the commission, is guilty of a misdemeanor of the third degree.*

(b) Any material witness or his or her representative who releases or gives out information received at a commission meeting or hearing involving disciplinary proceedings, or who releases or gives out information obtained as a result of direct involvement in the investigation of a professional educator or in any disciplinary proceedings conducted pursuant to this act, without authorization of the commission, is guilty of a misdemeanor of the third degree unless this information was known to the material witness or his or her representative prior to that meeting, hearing or investigation.

Section 18. Commission Proceedings and Procedures.—*(a) The commission shall conduct its proceedings in accordance with the provisions of*

this act and Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure); if any inconsistency arises, the provisions of this act shall be controlling. Any person is entitled to be heard by the commission in person, in writing, or through his or her designated representative, in accordance with procedures adopted pursuant to this act. The commission shall enter as a matter of record the minutes of each meeting, every vote taken by the commission and every official act of the commission.

(b) In all disciplinary proceedings pending before it, the commission is authorized to issue subpoenas as provided for by law to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidentiary material.

(c) No commissioner shall vote in any case where:

(1) the professional educator who is the subject of the proceeding is employed by the same school entity; or

(2) the professional educator is a member of a Statewide professional educator organization of which the commissioner is an officer, director or employe.

Section 4. Section 10 of the act is amended to read:

Section [10] 19. Effective Date.—This act shall take effect immediately.

Section 5. This act, with respect to the Professional Standards and Practices Commission, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 6. The Professional Standards and Practices Commission shall continue together with its statutory functions and duties until December 31, 1994, when it shall terminate and go out of existence unless reestablished or continued by the General Assembly. Evaluation and review, termination, reestablishment and continuation of the agency shall be conducted pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 7. No members of the Professional Standards and Practices Commission, as it existed on June 30, 1989, shall continue to serve as members unless reappointed by the Governor and confirmed by the Senate.

Section 8. Each rule and regulation of the Professional Standards and Practices Commission in effect on December 31, 1988, shall remain in effect until repealed or amended by the commission.

Section 9. Notwithstanding the repeal of other laws by this act, the secretary shall retain all present authority to conduct investigations and to discipline professional educators, as if those laws had not been repealed, with regard to any complaint received by the department prior to March 1, 1990. This act shall apply to disciplinary proceedings based upon complaints filed after March 1, 1990.

Section 10. The following acts or parts of acts are repealed:

Section 2(i) and (j) of the act of May 29, 1931 (P.L.210, No.126), entitled, as amended, "An act to regulate the certification and the registration of persons qualified to teach in accredited elementary and secondary schools in this State; imposing certain duties upon the Department of Public Instruc-

tion and the State Board of Education; defining violations; providing penalties, and for appeal to the court of common pleas of Dauphin County.’’

Section 1211 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Section 11. Sections 5, 6 and 8 of this act shall be retroactive to December 31, 1988.

Section 12. This act shall take effect as follows:

(1) Section 1 (section 5(a)(9), (10), (11) and (12)), section 3 (sections 9 through 18) and section 4 (section 19) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 14th day of December, A. D. 1989.

ROBERT P. CASEY