

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF *the Ontario College of Teachers Act, 1996, S.O. 1996,
c. 12 and the Regulation (Ontario Regulation 437/97) thereunder;*

AND IN THE MATTER OF discipline proceedings against
Brian Francis, a member of the Ontario College of Teachers.

PANEL: Normand Fortin (Chair)
 Ted Coulson
 Jacques Tremblay

BETWEEN:)	
)	
	)	Eric Block,
ONTARIO COLLEGE OF TEACHERS	)	McCarthy Tétrault,
	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
)	
BRIAN FRANCIS	)	Howard Goldbatt,
(CERTIFICATE #113265)	)	Sack, Goldblatt, Mitchell
	)	for Brian Francis
)	
	)	Christopher Wirth,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: May 2, 2005

REASONS FOR DECISION AND DECISION ON MOTION

Counsel for the College and Counsel for the Member brought a motion to seek leave from the Committee to withdraw the allegations set out in the *Notice of Hearing* dated December 12, 2003.

Independent legal counsel advised the Committee that the Committee had jurisdiction to make the order requested, pursuant to section 4.1 of the *Statutory Powers Procedure Act*, which provides that if the parties consent, a proceeding may be disposed of by a decision of the Committee without a hearing.

The Committee considered the submissions of College counsel and counsel for the Member. Upon the consent of the parties, the Committee authorizes the College to accept the *Undertaking and Acknowledgement* of the Member and withdraw the allegations of professional misconduct and incompetence against Brian Francis set out in the Notice of Hearing, on the agreed upon terms outlined in the *Undertaking and Acknowledgement* as follows:

1. That the Member will, immediately following the withdrawal of the *Notice of Hearing*, resign his membership in the Ontario College of Teachers and will immediately surrender his original Certificate of Qualification and Registration to the Registrar of the Ontario College of Teachers, or alternatively immediately provide an affidavit to the Registrar outlining the efforts he has undertaken to locate it.
2. That the Member undertakes that he will never teach again in any public or private school in the province of Ontario or elsewhere.
3. That the Member undertakes that he will never seek reinstatement of his Certificate of Qualification and Registration.
4. The Member acknowledges that the withdrawal of the *Notice of Hearing* is in exchange for his resignation and undertaking, and understands that if he breaches any aspect of this *Undertaking and Acknowledgement*, the Ontario College of Teachers

will be at liberty to reinstitute these proceedings.

5. The Member acknowledges that the Public Register of the Ontario College of Teachers will reflect the fact that the Member resigned as a member while disciplinary proceedings were pending.
6. The Member acknowledges that he has received advice from legal counsel about the scope, purpose and effect of his execution of his *Undertaking and Acknowledgement*.

The Committee concludes that the resignation of the Member and thereby the cancellation of his certificate of qualification and registration, in these circumstances, is reasonable and protects the public interest.

Date: May 2, 2005

Normand Fortin
Chair, Discipline Panel

Ted Coulson
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel