

DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS

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

AND IN THE MATTER OF a discipline proceeding against Stephen Robert Guerin, also known as Stephen Christopher Hart, a member of the Ontario College of Teachers.

PANEL: Bernard J. Adam, Chair
 Rosemary Fontaine
 Diane Leblovic

BETWEEN:)	
)	
)	David Leonard, McCarthy
)	Tétrault, for Ontario College of
ONTARIO COLLEGE OF TEACHERS)	Teachers, assisted by Trevor
)	Evans, Senior Law Clerk
- and -)	
)	
STEPHEN ROBERT GUERIN)	Stephen Robert Guerin was not
(also known as STEPHEN)	present, nor was he represented.
CHRISTOPHER HART))	
(CERTIFICATE #162134))	Nancy J. Spies, Stockwoods,
)	Independent Legal Counsel
)	
)	Heard: October 20, 2003

REASONS FOR DECISION, DECISION AND ORDER(S)

This matter came on for hearing before a panel of the Discipline Committee on October 20, 2003 at the Ontario College of Teachers at Toronto.

A *Notice of Hearing*, dated July 4, 2003 was served on Stephen Robert Guerin, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 17, 2003 to set a date for a hearing, and specifying the charges.

Stephen Robert Guerin was not in attendance at the hearing. Proof of service of the *Notice of Hearing* was presented and accepted by the Panel. (Exhibit 1)

The Allegations

The allegations against Stephen Robert Guerin, also known as Stephen Christopher Hart, as stated in the *Notice of Hearing* dated July 4, 2003 involved three main areas, namely:

1. He falsified his documents and never had the underlying qualifications to obtain his credentials as a member of the Ontario College of Teachers. In addition, contrary to section 368(1) of the Criminal Code of Canada, he caused a director of education to act upon a document as if it were valid, knowing the document was forged.
2. He was charged and convicted of weapons offences in contravention of the Criminal Code of Canada, contrary to sections 86(2), 90(1), 91(2) and 105(a).
3. He was charged and pleaded guilty to having in his possession child pornography, contrary to section 163.1(4) of the Criminal Code of Canada. He had in his possession child pornography, which included some 4000

photographic images stored on computer, compact disks, diskettes and approximately twenty movies.

The allegations in the Notice of Hearing include allegations of both professional misconduct and incompetence against the Member.

IT IS ALLEGED that Stephen Robert Guerin, also known as Stephen Christopher Hart, is guilty of professional misconduct as defined in sections 30(2) of the Act, and/or is incompetent as defined in section 30 (3) of the Act, in that:

- (a) he provided false information or documents to the College and/or other persons with respect to his professional qualifications, contrary to Ontario Regulation 437/97, subsection 1(1);
- (b) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (c) he signed or issued, in his professional capacity, a document that he knew or ought to have known contained a false, improper, or misleading statement, contrary to Ontario Regulation 437/97, subsection 1(12);
- (d) he failed to comply with the Act and the Education Act, Revised Statutes of Ontario, 1990, Chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (e) he contravened laws, and that contravention is relevant to his suitability to hold a certificate of qualification and registration contrary to Ontario Regulation 437/97, subsection 1(16);

- (f) he contravened a law, the contravention of which caused or may cause a student or students who were under the Member's professional supervision to be put at or to remain at risk contrary to Ontario Regulation 437/97, subsection 1(17);
- (g) he committed acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (h) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (i) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

College Counsel withdrew section 30(3) of the Act in that the Member displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

Member's Plea

The Member admitted the allegations of professional misconduct as set out in paragraphs (a) through (i) in the *Notice of Hearing* by way of a guilty plea in the *Agreed Statement of Facts, Guilty Plea and Undertaking*. (Exhibit 3).

Agreed Statement of Facts

Counsel for the College advised the panel that agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Undertaking*, dated September 17, 2003 which provides as follows:

1. Stephen Robert Guerin, also known as Stephen Christopher Hart, (the "Member"), was at all material times a member of the Ontario College of Teachers. A copy of the Ontario College of Teachers Registry Status Information re the Member is attached at Tab "A".
2. On or about 27 November 1984, on the Application of Stephen Robert Guerin, in the County Court of the Judicial District of Ottawa-Carleton, pursuant to the *Change of Name Act*, it was ordered that the name of Stephen Robert Guerin be changed to Stephen Christopher Hart.
3. On or about 25 July, 1995 the Registrar-General of Ontario, pursuant to an Order of the County Court of the Judicial District of Ottawa-Carleton, following an application in the matter of the *Change of Name Act*, recorded that on the application of Stephen Christopher Hart, the name of Stephen Christopher Hart, be changed to Stephen Robert Guerin.
4. The Member, using the name, Stephen R. Guerin, attended Carleton University in Ottawa at the following times when he took the courses listed for each session:
 - a) Summer Session 1975, St. Patrick's College, Bachelor of Arts first year Psychology, for which he received 1.0 credits
 - b) Fall/Winter Session 1975-1976, St. Patrick's College, Bachelor of Arts first year Psychology. He completely withdrew from the course on 13 February 1976.
 - c) Fall/Winter Session 1976-1977, St. Patrick's College, Bachelor of Arts first year Philosophy Sociology, for which he received 0.5 credits.

5. The Member, whose date of birth was recorded as 21 July 1955, was given student number 088027 at Carleton University. Attached hereto at Tab "B" is a copy of the transcript of Carleton University re Stephen R. Guerin, student no. 088027 in respect of his attendance at Carleton University as referred to in paragraph 4 above.
6. The Member subsequently produced a transcript of his purported academic record at Carleton University, in the name of Stephen C. Hart, date of birth 21 July 1955, with student number 088318, which number had been assigned to another student. That transcript shows that Stephen C. Hart was granted a Bachelor of Arts Pass-Philosophy on 1 June 1977, after having attended that university from 1974 to 1977. Attached hereto at Tab "C" is a copy of the transcript produced by the Member bearing student no. 088318 showing that Stephen C. Hart was granted a Bachelor of Arts Pass-Philosophy on 1 June 1977.
7. No degree was ever conferred on either Stephen R. Guerin or Stephen C. Hart by Carleton University.
8. In or about September, 1978, the Member gained admission to the Bachelor of Education Program of the University of Ottawa when he knew or ought to have known that he lacked the necessary academic qualifications for admission, specifically a Bachelor degree, which the Member falsely stated was obtained by him at Carleton University in 1977.
9. The Member was awarded a Bachelor of Education degree by the University of Ottawa on 24 May 1979.
10. In or about September 1980, the Member gained admission to the Master of Education Program of the University of Ottawa when he knew or ought to have known that he lacked the necessary academic qualifications for admission, specifically a Bachelor degree which he falsely stated was obtained by him at Carleton University in 1977.

11. The Member was awarded the Master in Education degree, Psychopedagogy by the University of Ottawa, on 4 October 1982.
12. Further, the Member obtained several qualifications in respect of the teaching profession based upon academic qualifications that he does not hold, that is, a Bachelor of Arts degree, which he falsely stated was obtained by him at Carleton University in 1977, particularly:
 - (i) Primary, Junior & Intermediate Divisions in June 1979;
 - (ii) Senior Division, English in August 1986;
 - (iii) Special Education Part I in June 1979;
 - (iv) Special Education Part 2 in August 1980;
 - (v) Special Education-Specialist in August 1983;
 - (vi) Program Development and Implementation (Prin D&I) in August 1984;
 - (vii) Program Supervision and Assessment (Prin S&A) in August 1985;
 - (viii) Religious Education Part 1 in March 1990;
 - (ix) Religious Education Part 2 in March 1990;
 - (x) Religious Education-Specialist in August 1990; and,
 - (xi) Guidance Part I in February 1997.
13. On the basis of the fraudulently obtained and stated qualifications, the Member was granted an Ontario Teaching Certificate, in the name of Stephen Christopher Hart, by the Ministry of Education on or about 20 July 1979. Attached at Tab "D" is a copy of the Ontario Teaching Certificate granted to the Member on or about 20 July 1979.
14. In or around July 1988, the Member was conferred the degree of Doctor of Philosophy by Columbia Pacific University of San Rafael, California. That degree was not recognized by the Ministry of Education of Ontario, and in or

- around December 1999, the Superior Court of California ordered that Columbia Pacific University cease operating in the State of California.
15. The Member has been employed by the following school boards between the following dates:
 - a) Carleton Roman Catholic School Board from 1 September 1979 to 31 August 1986;
 - b) Stormont, Dundas & Glengarry County Roman Catholic Separate School Board from 1 September 1986 to 30 June 1988;
 - c) Peterborough Victoria Northumberland and Clarington Catholic District School Board (“the PV Board”), from 1 September 1989 to 27 August 2002.
 16. Between January 1989 and July 1989, the Member, using the name of “Dr. Stephen C. Hart”, caused the Peterborough-Victoria-Northumberland & Newcastle Roman Catholic Separate School Board, the predecessor of the PV Board, particularly Peter L. Roach, Director of Education of that Board, to act upon the Member’s résumé, as if it were genuine, in that the Member knew that his résumé contained information with respect to the alleged conferring of a Bachelor of Arts degree referred to in paragraph 6 above. Further, the Member presented credentials to the PV Board, which he knew were false, in that they stated that he held a Bachelor of Arts degree. Attached at Tab “E” is a copy of the résumé, which the Member delivered to the PV Board.
 17. The Member produced to the PV Board the transcript of his purported academic record, which is referred to at paragraph 6 above.
 18. While employed by the PV Board, the Member was a teacher at St. Mary’s Elementary School in Grafton from September 1989 to 10 June 1991, for the 1997-1998 school year and from September 2000 until May 2002.
 19. In or around July 2002, the Member had in his possession a Nova Freedom Taser, which is a prohibited weapon.

20. On or about 4 July 2002, the Member was suspended by the PV Board, which dismissed the Member on 27 August 2002.
21. The Member, on or about 10 July 2002, failed to report to a peace officer, firearms officer or chief firearms officer, the losses of two firearms, specifically an I.G.A. Backpacker 410 calibre shotgun and a Rossi 12 gauge side-by-side overland shotgun, within a reasonable period of time.
22. On or about 18 November 2002, the Member pleaded guilty to a charge that on or about 10 July 2002, at the Town of Cobourg, or elsewhere in the Province of Ontario, he had in his possession child pornography, to wit: photographs of children performing sex acts, contrary to section 163.1(4) of the *Criminal Code of Canada*.
23. The child pornography referred to in paragraph 22 above, consisted of approximately 4,000 photographic images stored on his computer and in computer compact discs and diskettes, including approximately 20 movies depicting, *inter alia*
 - a) a pre pubescent female masturbating on camera;
 - b) six movies of young teenagers engaged in sexual relations; and
 - c) images of scantily clad children aged 10 to 13 posing for the camera.

In addition the photographic images included:

- d) pictures of young pre pubescent children clad only in underwear or tight bathing suits striking sexually suggestive poses;
- e) pictures of the genital region of children, some of whom were wearing underwear;
- f) a compact disk including a folder containing 86 pictures of a male youth who would appear to be between the ages of 12 to 14 years who was nude in most of the pictures and clad in his underwear for the remainder with many of the photographs focussed on the youth's genital region;
- g) a second compact disk depicting boys posing in bathing suits or shorts as well as naked children apparently under the age of 16 years;

- h) a third compact disk containing a significant amount of child nudity, photos of children and youths clad in underwear and bathing suits, some in sexually provocative poses;
 - i) a fourth compact disk showing females, under the age of 16, nude, posing in bathing suits, or tight, scant outfits as well as some engaging in sexual acts;
 - j) pictures of gay adult men posing nude or engaging in sexual acts; and
 - k) pictures of young boys, appearing to be as young as 5 to 6 years of age photographed in poses where they appear to be removing their underwear in a provocative or erotic fashion.
24. On or about 3 March 2003, the Member pleaded guilty to charges that he:
- a) between January 1989 and July 1989 at the Town of Cobourg or elsewhere in the Province of Ontario did knowingly cause Mr. Peter Roach to act upon a document, to wit: a résumé, as if it were genuine, knowing the document was forged, contrary to section 368(1) of the Criminal Code of Canada;
 - b) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did carry concealed weapon, to wit: credit card knife, contrary to section 90 of the Criminal Code of Canada;
 - c) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Winchester Model 94AE Rifle #5639337, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
 - d) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Winchester Model 94AE Rifle #5590884 in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
 - e) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Winchester Model 1300 Shotgun in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
 - f) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Sig-Sauer Model P226 Pistol, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
 - g) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Smith & Wesson Model 65 Revolver, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;

- h) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Colt Model 1991A1 Pistol, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
- i) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Smith & Wesson Model 13 Revolver #BHN4840, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
- j) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store firearm, to wit: Smith & Wesson Model 13 Revolver #BHL8356, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
- k) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did without lawful excuse store ammunition, to wit: shotgun shells and long rifle shells, in a careless manner, contrary to section 86(2) of the Criminal Code of Canada;
- l) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did have in his possession a prohibited device to wit, a Sig-Sauer P226 9MM handgun without being the holder of a licence under which he may possess it contrary to section 91(2) of Criminal Code of Canada;
- m) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did have in his possession a prohibited device, to wit, magazines for a Sauer P226 9MM handgun, without being the holder of a licence under which he may possess it contrary to section 91(2) of Criminal Code of Canada;
- n) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario did have in his possession a prohibited weapon, to wit, a Nova Freedom Taser, contrary to section 90(1) of Criminal Code of Canada;
- o) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario, having lost a firearm to wit: an I.G.A. Backpacker 410 calibre shotgun, failed to report the loss to a peace officer, firearms officer or chief firearms officer with reasonable dispatch, contrary to section 105(a) of the Criminal Code of Canada; and
- p) on or about the 10th day of July 2002 at the Town of Cobourg or elsewhere in the Province of Ontario, having lost a firearm to wit: an I.G.A. Backpacker 410 calibre shotgun, failed to report the loss to a peace officer, firearms officer or chief firearms officer with reasonable dispatch, contrary to section 105(a) of the Criminal Code of Canada.

25. A certified copy of Information No. 02-20745, which shows the details of the above charges as well as the sentence imposed on the Member is found at Tab "F".
26. Attached hereto at Tabs "G" and "H" respectively are copies of the transcripts of excerpt of proceedings on 18 November 2002, and transcript of proceedings on 3 March 2003 before Mr. Justice J.R. Morgan at Cobourg, Ontario.
27. On or about 17 March 2003, the Member having spent eight and a half months in jail in pre-trial custody, which was counted as seventeen months, was sentenced to an additional five months and one day in jail, to be followed by three years probation which included, but was not limited to, the following conditions:
- a) that he not operate a computer that has Internet access;
 - b) that he not seek, obtain or continue any employment, whether or not he is remunerated, involving a position of trust or authority in respect of anyone under fourteen years of age;
 - c) that he abstain from owning, possessing or carrying any weapon as defined in the *Criminal Code*;
 - d) that he attend and actively participate in such rehabilitative programs for assessment, counselling and treatment recommended by his probation officer;
 - e) that he not be employed as a teacher, school bus driver or day care worker;
 - f) that he not volunteer to any organization that offers services to children under fourteen years of age;
 - g) that he refrain from attending any park, swim area, playground, daycare centre or school ground and not volunteer in a capacity that involves being in a position of trust or authority towards a person under fourteen years of age;
 - h) that he sign the necessary documents and provide medical, psychological and psychiatric information to the probation officer as requested by the probation office.

Attached hereto at Tab "I" is a copy of the probation order dated 17 March 2003.

28. In addition to the jail sentence and probation, the Member was prohibited by the court from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance for a period of ten years. Further, the Member was ordered to [XXX].
29. A copy of the transcript of the sentencing of the Member which took place on 17 March 2003 at Port Hope, Ontario is attached hereto at Tab "J".
30. The Member has not appealed the conviction or the sentence imposed on him.
31. The aforesaid activities of the Member and the publicity resulting from extensive media coverage and communication within the general public has resulted in a reputation, image and lifestyle inconsistent with that expected of a member, to enable the Member to discharge a duty of the Member to the public, the students and to his employer.
32. On or about 9 April 2003, the Member resigned from the Ontario College of Teachers.

By this document, the Member, Stephen Robert Guerin, also known as Stephen Christopher Hart, accepts that the matters referred to in paragraphs 6, 8, 10, 12, 13, 16, 17, 19 to 24, 27 and 28 above constitute professional misconduct, and pleads guilty to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 subsections 1(1), 1(5), 1(12), 1(14), 1(15), 1(16), 1(17), 1(18), and 1(19). Further, the Member accepts that by engaging in the matters referred to in paragraphs 6, 8, 10, 12, 13, 16, 17, 19 to 24, 27 and 28 above, he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of a nature or extent that demonstrates that he is unfit to carry out his professional responsibilities.

In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member ask that the Discipline Committee find the Member guilty of professional misconduct.

The Member acknowledges that his Certificate of Qualification and Registration, which was cancelled when he retired from the College, would have been revoked by the Discipline Committee as a result of his plea of guilt of professional misconduct.

Stephen Robert Guerin, also known as Stephen Christopher Hart hereby undertakes:

- (a) that he will immediately surrender his certificate of qualification and registration to the Registrar of the Ontario College of Teachers;
- (b) that he will never teach again in any public or private school in the province of Ontario or elsewhere;
- (c) that he will never seek reinstatement of his certificate of qualification and registration in the province of Ontario; and
- (d) that the said undertaking be recorded on the Register of the Ontario College of Teachers.

Further, the Ontario College of Teachers and the Member, ask that the decision of the Discipline Committee, and its findings, be published in the official publication of the Ontario College of Teachers.

Decision

Having examined the Exhibits filed, and based on the guilty plea, the *Agreed Statement of Facts, Guilty Plea and Undertaking*, and the submissions made by counsel, the Committee accepts the guilty plea and finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Stephen Robert Guerin, also known as Stephen Christopher Hart, committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(1), 1 (5), 1 (12), 1 (14), 1 (15), 1 (16), 1 (17), 1 (18) and 1 (19).

The Committee also accepts the withdrawal of section 30(3) of the Ontario College of Teachers Act by College Counsel.

Penalty Decision

The Committee accepts the *Undertaking* of Stephen Robert Guerin, also known as Stephen Christopher Hart, that:

- (a) he will immediately surrender his certificate of qualification and registration to the Registrar of the Ontario College of Teachers;
- (b) he will never teach again in any public or private school in the province of Ontario or elsewhere; and
- (c) he will never seek reinstatement of his certificate of qualification and registration in the province of Ontario.

The Committee orders that the said undertaking be recorded on the Register of the Ontario College of Teachers.

The Panel accepts the joint submission on penalty as it serves to protect the public interest.

While the Member has resigned his certificate of qualification and registration, the Panel finds that the Member never held a legitimate certificate of qualification and registration in that he obtained it fraudulently. In this case, the Panel also emphasizes for the record,

that had the member held a certificate of qualification and registration as of October 20, 2003, the Panel would have directed the Registrar to revoke his certificate immediately.

The Panel is of the view that it is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its regulations, bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's Discipline Committee, and is, in the opinion of the Panel, a practice that has significant general deterrent value.

Pursuant to Section 30 (5) (iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the names of the Member, be published in summary in the official publication of the Ontario College of Teachers, *Professionally Speaking /Pour parler profession*.

Date: November 7, 2003

Bernard J. Adam
Chair, Discipline Panel

Rosemary Fontaine
Member, Discipline Panel

Diane Leblovic
Member, Discipline Panel