

**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 Leslie Hoogland, a member of the Ontario College of Teachers.

PANEL:           Lynne Mastin, Chair  
                      Jacques Tremblay  
                      John Wells

BETWEEN:	)	
	)	David E. Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	Leslie Hoogland was not
	)	present or represented by counsel
LESLIE HOOGLAND	)	
(CERTIFICATE #236111)	)	
	)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: January 16, 2007

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on January 16, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 5, 2005, was served on Leslie Hoogland, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on February 1, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for January 16, 2007. Leslie Hoogland was not in attendance at the hearing.

## THE ALLEGATIONS

The allegations against Leslie Hoogland in the *Notice of Hearing*, (*Exhibit 1*) dated January 5, 2005, are as follows:

**IT IS ALLEGED** that Leslie Hoogland is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1 (5);
- (b) 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);
- (c) he contravened a law, a contravention of which is relevant to the Member’s suitability to hold a Certificate of Qualification and Registration contrary to Ontario Regulation 437/97, subsection 1(16);
- (d) he contravened a law, a contravention of which has caused or may cause a student under the Member’s professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);

- (e) 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); and
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1 (19).

On January 16, 2007, the Committee ordered a publication ban of any information that may disclose the identities of the victims involved in this matter.

#### AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*.

The Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty provides as follows:

1. Leslie Hoogland (the “Member”) is a member of the Ontario College of Teachers. His Certificate is currently suspended for non-payment of fees. Attached hereto and marked as Exhibit “A” is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. From approximately September 1, 1973 to June 30, 2001, the Member was employed by the Halton District School Board as a teacher. The Member retired on June 30, 2001.

3. In or around October 2003, the Member commenced employment with the Toronto District School Board and was assigned to teach at [XXX].
  
4. On or about May 26, 2006, the Member pleaded guilty to the following charges which were contained in an Indictment issued in the Superior Court of Justice on April 19, 2006, as follows:
  - (a) that he during the period from and including the 1<sup>st</sup> day of January 1997 to and including the 31<sup>st</sup> of December 1998, at the City of Toronto, did make, publish, or have in his possession for the purpose of publication child pornography, to wit: an image of a person who is, or is depicted as being under the age of 18 years, and is engaged in or is depicted as being engaged in explicit sexual activity, contrary to the *Criminal Code* (Canada);
  - (b) that he, during the period from and including the 1<sup>st</sup> day of January 1997 to and including the 31<sup>st</sup> day of December 1998, at the City of Toronto, did obtain for consideration the sexual services of [XXX], who is under the age of 18 years, contrary to the *Criminal Code* (Canada);
  - (c) that he, during the period from and including the 1<sup>st</sup> day of January 1992, to and including the 31<sup>st</sup> day of December 1998, in the Municipality of Metropolitan Toronto, did obtain for consideration, the sexual services of [XXX], who is under the age of 18 years, contrary to the *Criminal Code* (Canada); and
  - (d) that he, during the period from and including 1<sup>st</sup> day of January 1992, to and including the 31<sup>st</sup> day of December 1998, at the City of Toronto knowingly without lawful justification or excuse did have in his possession child pornography, to wit: images of a person who is, or is depicted as being under the age of 18 years, and is engaged in or is depicted as being engaged in explicit sexual activity, contrary to the *Criminal Code* (Canada).

5. Attached and marked as Exhibit “B” is a certified copy of Indictment Number 0180/06 in the matter of Her Majesty the Queen against Leslie Hoogland.
6. The Member’s guilty plea was accepted by the Honourable Madam Justice McWatt on May 26, 2006 in the Ontario Superior Court of Justice.
7. Following the plea of guilty which was entered by the Member on May 26, 2006, Madam Justice McWatt imposed a sentence on him of two years less a day to be served conditionally. Further, the Member was ordered to [XXX] and he was ordered, pursuant to the *Criminal Code* (Canada), to [XXX].
8. Attached and marked as Exhibits “C”, “D” respectively, are certified copies of the Conditional Sentence Order dated May 26, 2006, and Order to [XXX] dated May 26, 2006.
9. A copy of the Transcript of the Guilty Plea and Sentencing Proceedings before the Honourable Madam Justice McWatt on May 26, 2006, is attached as Exhibit “E”.
10. An Order, pursuant to Section 486.3 of the *Criminal Code* (Canada) was made by the Court with respect to any information that would tend to reveal the identity of the complainants referred to in the matter before the Court.
11. The Member has not appealed the sentence that was imposed on him.

12. The Member has been dismissed by the Toronto District School Board.
13. The Member has been the subject of several media reports, both at the time of his arrest and his plea of guilt. Examples of those reports are attached as Exhibit “F”.

## GUILTY PLEA

14. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 14 above (the “admitted facts”). The Member hereby acknowledges that the admitted facts and exhibits referred to in paragraphs 4 and 8 above, constitute conduct which is unprofessional and pleads guilty to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 1(5), (14), (15), (16), (17), (18) and (19).
15. By this document, the Member states that:
  - (a) he understands fully the nature of the allegations against him;
  - (b) he understands that by pleading guilty to the allegations, he is waiving the right to require the College to prove the case against him, and the right to have a hearing;
  - (c) he voluntarily decided to plead guilty; and
  - (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and without the benefit of legal counsel.

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

#### JOINT SUBMISSION ON PENALTY

17. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:
  - (a) direct the Registrar of the Ontario College of Teachers to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar of the Ontario College of Teachers; and
  - (b) direct that there be publication of the findings and order of the Committee, in summary form, including the full name of the Member, in the official publication of the College.
18. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

#### DECISION AS TO FINDING

Having examined the Exhibits filed, and based on the plea of guilt, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*, and the submissions made by counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Leslie Hoogland committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) 1(14) 1(15) 1(16) 1(17) 1(18) and 1(19), as set out in the *Notice of Hearing*.

## REASONS FOR FINDING

The Committee accepted the Member's guilty plea and the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty*. The Member pleaded guilty to and was convicted of four charges under the *Criminal Code* (Canada). These were:

- (a) did make, publish, or have in his possession for the purpose of publication child pornography,
- (b) did obtain for consideration the sexual services of [XXX], who is under the age of 18 years, contrary to the *Criminal Code* (Canada);
- (c) did obtain for consideration, the sexual services of [XXX], who is under the age of 18 years, contrary to the *Criminal Code* (Canada); and
- (d) did have in his possession child pornography, to wit: images of a person who is, or is depicted as being under the age of 18 years, and is engaged in or is depicted as being engaged in explicit sexual activity, contrary to the *Criminal Code* (Canada).

The Member was sentenced to two years less a day to be served conditionally. He was ordered to [XXX] and to [XXX]. He has not appealed the conviction or sentence.

The Member admitted the truth of the facts referred to in paragraphs 1 to 13 of the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* (ASF - Exhibit 2) and that these facts constitute professional misconduct.

Given the guilty plea by the Member in the criminal proceedings and the conviction and sentence imposed, the Committee determines this conduct to be professional misconduct under Ontario Regulation 437/97 subsections 1(5), 1(14), 1(15), 1(16), 1(17), 1(18) and 1(19).

## PENALTY DECISION

The Committee accepts the joint submission on penalty and makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar;
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the findings and order of the Committee shall be published in summary, with the Member's full

name, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

## REASONS FOR PENALTY DECISION

The Committee finds that a member making and possessing child pornography and obtaining sexual services of persons under the age of 18 years is not suitable to be in a position of trust and authority over children and should not be permitted to teach in Ontario or elsewhere. Therefore, his Certificate of Qualification and Registration must be revoked.

The Member sought out underage persons and paid for their services for his own sexual gratification. Also, the Member paid these young persons to pose naked for him so he could take photographs of them. This behaviour takes advantage of young people without any consideration for the victims' well-being. By this behaviour, the Member has lost the privilege to be a member of the teaching profession.

The Committee orders publication of the finding and order with the name of the Member for the following reasons:

1. The Member has pleaded guilty in criminal proceedings to the making and possession of child pornography and to obtaining sexual services of persons under the age of 18 years. This is a serious crime in our society and the public must be informed that a member of the teaching profession who engages in

this type of activity will suffer the most serious of consequences.

2. The Committee notes that, although there was a publication ban with respect to the identity of the victims in the criminal proceedings, the proceedings were public and the Member's name widely reported in the press (Exhibit 2, Tab F).
3. The Member is [XXX]. It is essential that the public be made aware of this condition placed upon the Member.
4. Publication acts as a specific deterrent to the Member and as a general deterrent to members of the profession.

The Committee is satisfied that the penalty is appropriate in the circumstances and it serves and protects the public interest.

Date: January 16, 2007

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Lynne Mastin  
Chair, Discipline Panel

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Jacques Tremblay  
Member, Discipline Panel

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John Wells  
Member, Discipline Panel