

**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  
Brian Jagersky, a member of the Ontario College of Teachers.

PANEL:           Rosemary Fontaine, Chair  
                      Bernard J. Adam  
                      Normand Fortin

BETWEEN:	)	
	)	
	)	David Leonard
	)	McCarthy Tétrault,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
	)	
BRIAN JAGERSKY	)	Richard Macklin,
(CERTIFICATE #175544	)	Falconer, Charney, Macklin
	)	for Brian Jagersky
	)	
	)	Johanna Braden, Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: August 26, 2004

**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 February 27, 2004.

The parties consented that Rosemary Fontaine, who had conducted a pre-hearing in this matter, be part of the Committee hearing the motion.

Upon Counsel for the College advising the Committee that there is no evidence to support the allegations in this matter, and upon application of Counsel for the College to be permitted to withdraw the allegations set out in the Notice of Hearing, the Committee authorizes the College to withdraw the allegations of professional misconduct set out in the Notice of Hearing.

The Committee accepts that this resolution is in the public interest.

Dated: August 26, 2004

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Rosemary Fontaine, Chair, Discipline Panel

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Bernard J. Adam, Discipline Panel

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Normand Fortin, Discipline Panel