

**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
Robert Wesley Judge, a member of the Ontario College of Teachers.

PANEL: Dean Favero, OCT, Chair
 Pauline Smart
 Jacques Tremblay, OCT

BETWEEN:)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Daniela De Bartolo,
- and -	)	Litigation Paraprofessional
)	
	)	Joshua Phillips,
ROBERT WESLEY JUDGE	)	Green & Chercover,
(CERTIFICATE #149038)	)	for Robert Wesley Judge
)	
)	
	)	Richard Steinecke,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: December 16, 2010

DECISION ON MOTION

Counsel for the College brought a motion to seek leave from the Committee to withdraw the allegations set out in the *Notice of Hearing* dated April 15, 2010.

Robert Wesley Judge was not in attendance.

College counsel advised and the Member's counsel concurred that it would be unlikely that there would be a finding of professional misconduct if the matter was to proceed to a hearing.

College Counsel advised the Committee that the Member had voluntarily submitted his resignation and undertaken not to teach in any position which requires membership in the Ontario College of Teachers or to seek reinstatement of his Certificate. Upon the consent of the parties, the Committee authorizes the College to withdraw the allegations of professional misconduct and incompetence against Robert Wesley Judge set out in the *Notice of Hearing* dated April 15, 2010 in exchange for the *Undertaking and Acknowledgement* of the Member as follows:

1. The Member will, immediately following the withdrawal of the *Notice of Hearing*, resign his membership in the Ontario College of Teachers and the Registrar will cancel his Certificate of Qualification and Registration.
2. The member undertakes that he will never teach again in any position which requires membership in the Ontario College of Teachers.
3. 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 the Undertaking and Acknowledgment, the College will be at liberty to re-institute these proceedings.

5. The Member acknowledges that the Public Register of the College will reflect the fact the Member resigned while disciplinary proceedings were in progress and his certificate has been cancelled; and that he has undertaken never to teach again or to seek reinstatement of his Certificate.

Independent legal counsel advised the Committee that it had jurisdiction to make the order requested pursuant to Rule 13(16) of the *Rules of Procedure of the Discipline Committee*.

The Committee concludes that the withdrawal of the *Notice of Hearing* in exchange for the Member's *Undertaking and Acknowledgment* in these circumstances is reasonable. Publication of the terms of the Member's *Undertaking* on the Public Register serves and protects the public interest.

Date: December 16, 2010

Dean Favero, OCT
Chair, Discipline Panel

Pauline Smart
Member, Discipline Panel

Jacques Tremblay, OCT
Member, Discipline Panel