

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against Louis Kakoutis.

The Discipline Committee held a hearing on October 30, 2001 and April 8 and 9, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**LOUIS KAKOUTIS
CERTIFICATE #391305**

PRESENT:

Members of the Panel
Larry Capstick (Chair)
Mark Lefebvre
Solette N. Gelberg

The Honourable Robert Montgomery, Independent Counsel to the Panel

Carolyn Zayid, McCarthy Tétrault, Counsel for the Ontario College of Teachers,
assisted by Trevor Evans, Senior Law Clerk

Louis Kakoutis, attended on October 30, 2001 and April 8, 2002 until approximately 10:17 a.m.

A Notice of Hearing, dated July 10, 2001 was served on Louis Kakoutis, requesting attendance before the Discipline Committee of the Ontario College of Teachers on July 30, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for October 30, 2001.

It is alleged that Louis Kakoutis is guilty of professional misconduct as defined in section 30(2) of 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 performed an act or 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);
- (c) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (d) he displayed a lack of knowledge, skill or judgement 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.

The Notice of Hearing states that Louis Kakoutis is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On October 30, 2001 and April 8 and 9, 2002 the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Louis Kakoutis was guilty of professional misconduct.

Louis Kakoutis was in attendance at the hearings on October 30, 2001 and on April 8, 2002 until about 10:17 a.m. The member represented himself during these proceedings.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Louis Kakoutis was guilty of professional misconduct in that his acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1 (5), (18) and (19).

Counsel presented evidence that Louis Kakoutis is a member of the Ontario College of Teachers (Exhibits #1 and #2).

Witness [■], former [■], Human Resources with the [■] District School Board, testified that in 1999, he was informed by clerical staff that Louis Kakoutis, an applicant for an occasional teaching position, was concerned and upset since he had submitted an application to the Board and had not received an interview as expected. [■] reviewed his letter, dated June 30, 1999, to Mr. Kakoutis offering him an interview (Exhibit #3).

[REDACTED] detailed the interview, which took place September 2, 1999 with Mr. Kakoutis, himself and [REDACTED]. In a letter dated September 13, 1999, [REDACTED] informed Mr. Kakoutis that the Board was unable to offer him a position as an occasional teacher. [REDACTED] wrote that both he and [REDACTED] agreed that Mr. Kakoutis did not demonstrate an understanding of current expectations for teachers in terms of instructional practices, professional knowledge and recent trends. [REDACTED]'s letter also suggested two approaches that Mr. Kakoutis could take to update his view of teaching and wrote that when those had occurred they would welcome his interest in their Board.

College Counsel introduced a five-page letter to [REDACTED] from Mr. Kakoutis (Exhibit #5), with a copy to [REDACTED]. In the letter, Mr. Kakoutis indicated his dissatisfaction with the Board and its hiring processes. He wrote that the Board had acted improperly in all of its dealings with him and claimed that he was interviewed for an occasional teacher position although the purpose of the interview was to be considered for permanent employment. The member accused [REDACTED] of being exceedingly deceptive and of being an impostor high school principal who exaggerated his qualifications to justify deception. Mr. Kakoutis also wrote:

“...As you know [REDACTED], I carefully explored the prospect of taking an additional qualifications course to qualify to teach mathematics as well as history. But after meeting with an academic adviser at York University, it was determined that I did not have the required mathematics credits, and that the idea was consequently abandoned. The fact that you demonstrate the audacity to hijack my own initiative for the purpose of creating the impression that you have been

accommodating, suggests that there is not a single manipulation that you would not entertain, to destroy a promising teaching career. Let me make it absolutely clear to you that my interest in an additional qualifications course had absolutely nothing to do with qualifying to be a supply teacher, and it takes an exceedingly ignorant committee to suggest otherwise.”

By letter dated January 5, 2000 (Exhibit #6), [REDACTED] affirmed the Board’s decision not to offer Mr. Kakoutis employment.

Exhibit #7 provides a transcript of a telephone conversation between Mr. Kakoutis and [REDACTED] in August or September, 2001, in which Mr. Kakoutis repeated his unhappiness with the interview process and the fact that he was not hired. He questioned the reasons given for not hiring him and did not accept [REDACTED]’s offers to meet him to review the notes on which the decision not to hire him was based.

Exhibit #8 is a Memo to File from the College’s investigator about her March, 2001 interview with [REDACTED]. In the memo, the investigator reports [REDACTED] stating that the member did not appear to have strong understanding of the current provincial curriculum and planning issues. One of the areas the member focussed on during the interview was the history of duelling. [REDACTED] reportedly indicated to the investigator, that he and [REDACTED] had some concerns about how the member had acted about not getting an interview. He told the investigator that the clerical staff and [REDACTED] felt threatened by the member and

additional security measures had been taken at the Board office in response to the member's continued attempts to contact [REDACTED] and other staff.

[REDACTED], District School Board, testified on October 30, 2001 about her involvement in this matter. During his cross-examination of the witness, Mr. Kakoutis introduced Exhibit #14, a second report from the investigator. In response to Mr. Kakoutis' questioning, [REDACTED] agreed that a file about the member had been lost. [REDACTED] explained that there had been a mix up with a principal in a school where Mr. Kakoutis was supposed to have an interview, and that was why he was subsequently interviewed by [REDACTED] and herself. The member stated in his cross-examination that, "Every fucking hard drive is erased, isn't it?" Mr. Kakoutis questioned [REDACTED] repeatedly about Exhibit #14, which indicates that in January, 2000, Mr. Kakoutis telephoned the Board repeatedly and among other things, accused them of breaking into his home during the Christmas break and stealing documents.

Exhibit #10 was a copy of an e-mail from Mr. Kakoutis dated, February 10, 2000, to several individuals and organizations. The e-mail from Mr. Kakoutis states:

"Where does [REDACTED] get the idea that she has the right to ignore my complaints? A frank response to my letter dated December 21, 1999 will begin to expose the mindset of the sleazy tacticians who are responsible for breaking into my home. If [REDACTED] and [REDACTED] had ever demonstrated a single concern beyond the absolute obsession to evade legal liability, this charge WOULD NOT BE APPROPRIATE, but given the fact that THIS BOARD routinely operates under the assumption

that everything is legal as long as it can get away with it, the SLEAZE is absolutely predictable. In particular, I am holding the [REDACTED] of Education DIRECTLY RESPONSIBLE FOR THE SECURITY OF MY ENTIRE FAMILY to make it absolutely clear that they DO NOT have the right to INVADE OUR HOME for the purpose of creating the FALSE IMPRESSION that I have been treated fairly. If they are deluded to the point where they think they can get away with THIS FRAUD, they should all:

SEEK PSYCHIATRIC TREATMENT IMMEDIATELY.

P.S. I did not complain about my stolen documents in my letter to the Board on December 21, 1999 because I repeatedly denied the possibility. However, in preparation for Christmas dinner, I had to temporarily moved my "office" from the dining room to our bedroom, and having searched every single piece of paper in my possession many times over, there was no point to any further denial. The fact that people dare to break into your home for the purpose of evading legal liability is something that was not in my sphere of experience. BUT IT IS NOW."

One of the recipients of Exhibit #10, identified as [REDACTED], forwarded the e-mail to [REDACTED] and [REDACTED] at the Board expressing his concerns regarding it:

"What follows is a copy of an e-mail I received...I am very troubled by the agitated state of mind of the author...as your Board seems to be the author's target, I would recommend you investigate this matter further as to potential risk."

On February 18, 2000, the Board wrote to Mr. Kakoutis (Exhibit #11), advising him that he was not to enter any property of the [REDACTED] District School Board and that he was to cease and desist from contacting, directly or indirectly, any person who is an employee of the [REDACTED] District School Board. On February 21, 2000, Mr. Kakoutis sent an e-mail to Councillor Disero of the City of Toronto about his dissatisfaction with the [REDACTED] School Board and stated that when he walked into the offices of the Law firm McCarthy Tétrault and attempted to hire them, he was told they could not represent him because "...they represented the Ontario College of Teachers and there was a conflict."

Exhibit #13, an e-mail from Helen Coltrinari to Madeleine Thibault-Smith, indicates that Ms Coltrinari received an e-mail from Mr. Kakoutis, which included the contents of Exhibit #12 with additional information from Mr. Kakoutis. The e-mail indicates that he made further contact with the [REDACTED] School Board. He wrote:

"Guess what? I was told that the [REDACTED] Board had called the Police on me, that they had issued a "CEASE AND DESIST ORDER" WHATEVER THAT MEANS, that I cannot call anybody at the Board, and I was breaking the law at that very moment, for talking to [REDACTED]. Moreover, if I set foot on Board premises, I will be charged with trespassing. These are very sick people. As late as June 30, 1999, the [REDACTED] Board of Education encouraged me to pursue a teaching career, and now I am a criminal. Why aren't the Police knocking on my door IF I AM A CRIMINAL? I understand their fantasy to barge into their offices so that they can justify their paranoia. Most people who are abused as I have been, would

indeed react with violence. I am really dumbfounded. They break into my home, they jeopardize our security and now, I am a criminal. DO SOMETHING.”

In a letter dated March 9, 2000 (Exhibit #16), Robert G. Keel, counsel to the Board, wrote to Mr. Kakoutis advising him that his correspondence and its distribution were slanderous and constituted libel. Mr. Kakoutis was advised that if there was any further correspondence which contained any similar statements, the Board and any individuals involved would take such legal steps as they considered necessary to protect their interests. On March 10 and 20, 2000, Mr. Kakoutis sent e-mails to the legal firm of Keel Cottrelle (Exhibit #17 a) and #17 b)) regarding their “offensive letter” and complaining that he was not provided with specifics of the allegations against him and that he was being harassed by the law firm.

On March 21, 2000, a letter from Robert Keel (Exhibit #18) was delivered to Mr. Kakoutis stating that any future correspondence would have to be made through the offices of Keel Cottrelle. In the letter, Mr. Keel cited examples from Mr. Kakoutis’ communications, which were considered to be slanderous. Mr. Kakoutis responded on March 22, 2000, at 10:49 a.m., by e-mail as follows (Exhibit #20):

“RE-Sleaze dated March 21, 2000 Just received. I am in receipt of the bullshit you sent to me, and I get the clear distinction that sleazeballs like you must get a real kick out of the opportunity to harass people.

I repeat, every single word in my correspondence is the truth, as I know it and as the [REDACTED] BOARD OF EDUCATION has represented it, and it is only sleaze of your ilke that takes great satisfaction in twisting my words.

You make the stupid allegation that I accuse representatives of the [REDACTED] School Board of breaking into my home and take great solace in the suggestion that is something that I cannot possibly prove.

What I have made very clear is that it is the lies that the [REDACTED] Board of Education has repeatedly promoted, that are directly responsible for the evidence that has disappeared from my home.

Be vety specific sleazball, and if you doubt a single word I have ever written, SUE ME or STOP HARASSING US.”

Mr. Kakoutis sent further e-mails to Mr. Keel on March 22, 2000 at 12:12 p.m., 12:32 p.m., and 3:12 p.m. (Exhibits #21, #22, and #23). These were of the same ilk as Exhibit #20.

When Robert G. Keel, counsel for the [REDACTED] District School Board, was identified as the next witness, Mr. Kakoutis took exception to the fact that an “advocate” was appearing as a witness. He stated that if Mr. Keel were called to the stand, he (Mr. Kakoutis) would leave. He challenged the authority of the Chair to allow Mr. Keel to testify. In response to direction from independent counsel, who explained to Mr. Kakoutis that it was proper to call the witness, Mr. Kakoutis said that he was not a member of the Ontario College of Teachers and told independent counsel, “You have no authority over me. Mr. Capstick has no authority over me. If you want to abuse the system, I’m

walking. So if Ms Zayid can present any evidence to suggest that I'm a member of the Ontario College of Teachers, then I'll stay. But if she can't, bye-bye."

When the Chair directed College counsel to call Mr. Keel as its next witness, Mr. Kakoutis said "Good bye Judge" and left the Hearing. It was approximately 10:17 a.m. on April 8, 2002.

Mr. Keel's testimony covered contacts between Mr. Kakoutis and himself, his staff in two offices, and the Board. He reviewed the content of several communications with Mr. Kakoutis and said that Mr. Kakoutis had made many telephone calls to his offices. He testified that these phone calls were very upsetting to the staff receiving them because of their abusive and profane content that the staff found frightening.

Mr. Keel reviewed Exhibits #24, #25, and #26 and confirmed that they reflect his recollection of communication from Mr. Kakoutis reported to him by various individuals in his law firm. Mr. Keel explained that the York Region Police were contacted at his direction, by another lawyer in his firm (Exhibits #30 and #31). He testified that he had referred the matter to his colleague, at that time, because he realized that as a result of his complaint to the Ontario College of Teachers (Exhibit #29), he may be called as a witness in this case. He reviewed Exhibits #27, #28, #32 and #33 and confirmed that they reflected e-mails and telephone calls to and from Mr. Kakoutis, that were already referred to above.

Joanna Milonas, a former receptionist at the Keel Cottrelle Toronto office, testified that she received abusive and profane telephone calls from Mr. Kakoutis on March 22, 2000 (Exhibit #24). She said that in both calls he was yelling and was very rude. She further testified that Mr. Kakoutis called the office at 1:08 p.m. and 1:10 p.m. and that a partner, Jeff McEown, spoke to Mr. Kakoutis and advised him to stop calling. She stated that between that call and 4:10 p.m., Mr. Kakoutis called an additional four times. She further testified that she was afraid he might decide to come to the office; although he had told her that he was at home and could not leave his home ... "because someone was watching him, and he had a break-in in his house and things like that."

Cheri Reyce, (née Boland), a legal secretary at Keel Cottrelle, testified about a telephone call from Mr. Kakoutis during the morning of March 22, 2000. She stated that he swore a number of times and was quite rude (Exhibit #26).

Jeffrey M. McEown, a Keel Cottrelle partner responsible for staff, testified that Mr. Kakoutis repeatedly called both the Toronto and Mississauga offices of his law firm, harassing the staff who answered the telephone (Exhibit #25). He told Mr. Kakoutis to cease and desist calling the office. When Mr. Kakoutis called again, shortly afterward, Mr. McEown said that he took the telephone from the receptionist and told Mr. Kakoutis that his conduct constituted harassment which was a violation of the Criminal Code and "he'd better stop it."

Anna DiRezze, Manager of Membership Records in the Membership Services

Department of the College, testified that in spite of his suspension of fees, Mr. Kakoutis has been and continues to be a member of this College (Exhibits #1 and #2).

FINDINGS OF FACT:

Based on the information presented during the hearing, the panel finds the following facts:

1. Louis Kakoutis is a member of the Ontario College of Teachers.
2. Mr. Kakoutis applied for a teaching position with the [] District School Board. When he was not contacted to come for an interview, he contacted the School Board. He was subsequently interviewed by a [] and a [], both of whom had concerns about his ability to teach. He was informed that he would not be offered employment at that time and was advised about what steps he could take to qualify himself to apply for a teaching position with that Board.
3. Mr. Kakoutis took issue repeatedly with the Board's decision and process. He made repeated contacts, by e-mail and telephone, with the Board office and the Board's legal counsel. These communications were, at times, abusive and profane. His telephone calls upset and frightened the Board and the legal firm's receptionists.

5. The Board wrote Mr. Kakoutis ordering him to cease and desist any further communication with employees of the [] School Board. He was directed not to trespass on any property of the [] School Board.
6. The Board responded to Mr. Kakoutis in a letter dated June 30, 1999, in an attempt to address his concerns. In addition, [] telephoned Mr. Kakoutis in August or September 2001, offering to meet with him to review the interview notes in order to help him understand why he was not hired.
7. Mr. Kakoutis continued to communicate, in writing and e-mail and telephone, with the Board and the Board's legal counsel despite the fact that he was directed, in writing to cease doing so.
8. Mr. Kakoutis copied some of his letters and e-mails to individuals and organizations in the broader community.
9. Some of the individuals who received copies of Mr. Kakoutis' e-mails were concerned enough about the tone and content of these communications to forward them to the School Board.
10. The Board's legal firm was so concerned about Mr. Kakoutis' behaviour and communications that they issued a cease and desist letter, warning him that his correspondence and some of his comments were slanderous and constituted libel. Following further e-mail from Mr. Kakoutis, the Board's legal counsel sent Mr. Kakoutis a letter setting out several examples that were considered to be slanderous from his various communications to them.
11. The Board contacted the York Region Police about Mr. Kakoutis in February, 2000. In March of 2000, the Board's counsel was so concerned about Mr.

- Kakoutis' behaviour that he directed another lawyer in his firm to write to the York Region Police requesting a meeting to discuss their file on Mr. Kakoutis.
12. Mr. Kakoutis continued to communicate, by telephone and e-mail, to the Board's counsel, some of which were copied to "newsworld" and to organizations identified as "enoreo, osstf, otffeo, zzzmail@yahoo" and "discovery channel."
 13. While acting as his own counsel, Mr. Kakoutis showed an inability to control his own behaviour in that, at various times, he insulted the panel, the Chair, College legal counsel and independent counsel. At times, Mr. Kakoutis became agitated when questioning the witnesses. Despite repeated explanations about the process and repeated admonitions from both the Chair and independent counsel, Mr. Kakoutis made repeated attempts to question the panel, prosecution counsel, and independent counsel, sometimes using inappropriate and profane language.

Although there was sufficient time left on April 8, 2002 to hear closing arguments, the panel decided to adjourn the Hearing to the next day, April 9, 2002, in case Mr. Kakoutis returned, then, to resume his participation in the Hearing. Mr. Kakoutis did not return nor was any communication received from him.

DECISIONS AND ORDERS:

Based on the evidence presented and the exhibits filed, the Committee finds Louis Kakoutis guilty of professional misconduct under subsections 1(18) and (19) of the Professional Misconduct Regulation, as alleged. The Committee directs the Registrar to suspend immediately, with conditions, Louis Kakoutis' Certificates of Qualification and Registration for a period of six months.

The conditions to be attached to the member's Certificates are as follows:

1. That Louis Kakoutis may not teach or engage in any other employment related to the teaching profession until he has undergone a full psychiatric assessment which addresses his fitness to teach;
2. That the psychiatric assessment includes, but is not limited to, the areas of anger management and impulse control and any other behavioural or psychiatric issues which may affect Mr. Kakoutis' ability as a teacher;
3. That this assessment will be completed at the member's expense;
4. That the assessment will be completed by a psychiatrist agreeable to the Registrar; and
5. That any required treatment that takes place as a result of this assessment will be completed to the satisfaction of the Registrar.

Notice

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 bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, 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 name of the member, be published in the official publication of the Ontario College of Teachers.

DATED AT TORONTO, THIS 30th DAY OF APRIL, 2002

BY ORDER OF THE DISCIPLINE COMMITTEE

Larry Capstick (Chair)

Mark Lefebvre

Solette N. Gelberg