

**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 Ricky Michael Klatt, a member of the Ontario College of Teachers.

PANEL: Don Cattani, Chair  
Amin Saab  
Jacques Tremblay

BETWEEN:	)	
	)	
	)	Brian Wasyliw,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	David Bloom,
	)	Cavalluzzo Hayes Shilton
RICKY MICHAEL KLATT	)	McIntyre & Cornish LLP,
(CERTIFICATE #191372)	)	for Ricky Michael Klatt
	)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: April 24, 2006

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 24, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated November 18, 2005 was served on Ricky Michael Klatt, requesting attendance before the Discipline Committee of the Ontario College of Teachers on December 7, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 24, 2006.

Ricky Michael Klatt was in attendance at the hearing.

### **The Allegations**

The allegations against Ricky Michael Klatt in the *Notice of Hearing*, (*Exhibit 1*) dated November 18, 2005, are as follows:

**IT IS ALLEGED** that Ricky Michael Klatt is guilty of professional misconduct as defined in section 30(2) 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 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
- (d) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1 (19).

### **Agreed Statement of Facts**

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, an Agreed Statement of Facts and 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. Ricky Michael Klatt (the “Member”) is a member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Registered Member Information in respect of the Member. (*ASF – Exhibit 2, Tab A*)
2. At all material times the Member was employed by the Renfrew County Catholic District School Board (the “Board”) as a teacher and was assigned to [REDACTED] School (“the School”) in Pembroke, Ontario.
3. At all material times [REDACTED] was a female colleague of the Member at the School. She is also a member of the Ontario College of Teachers.
4. Between the approximate dates of 27 October 2004 and 7 December 2004, the Member acted in an unprofessional and inappropriate manner towards [REDACTED], which included but was not limited to his:
  - (a) telling her he had feelings for her, and telling her not to tell her husband about the conversation;

- (b) telling her that pornography may serve to help some individuals and probably saves many marriages;
  - (c) sending numerous letters to her;
  - (d) sending apologetic e-mails after being told not to send any more e-mails and letters to her;
  - (e) leaving gifts including Hershey Chocolate Kisses, a Sweet Marie chocolate bar, a candle, a monthly planner, a key chain, and a magnet with her name inscribed, in her office at the School;
  - (f) booking a medical appointment for both [REDACTED] and himself to attend a vein clinic;
  - (g) writing to her stating that he has more than feelings for her and that he loved her;
  - (h) writing to her that he had observed her in a sexual manner for many years;
  - (i) writing to her that hugs are important and she missed two opportunities to hug him;
  - (j) writing to her that he would not have sex with her unless she and he were the last two persons on earth;
  - (k) describing in a letter, the parts of her body that he liked, including her breasts, buttocks and hair;
  - (l) writing that he believed that she had a few lovers prior to her husband; and
  - (m) telling her that a falling out with her might, “push him over the edge”.
5. By engaging in the conduct described in paragraph 4 above, the Member caused [REDACTED] discomfort and upset.
6. In the material period, the Member was suffering a clinical depression for which he sought medical care.

### **GUILTY PLEA**

- By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 6 above (the “Admitted Facts”). The Member hereby acknowledges that paragraphs 4 and 5 of the Admitted Facts, constitute conduct that is disgraceful, dishonourable and unprofessional and pleads guilty to the allegations of professional

misconduct against him, being more particularly breaches of Ontario Regulation 437/97 s.1(5)(14)(15)(18) and (19).

- The Member states that:
- he understands fully the nature of the allegations against him;
- 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;
- he voluntarily decided to plead guilty; and
- he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.
  
- In light of the Admitted Facts, 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**

- 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:
- direct the Member to immediately appear before the Committee to be reprimanded, and the fact of the reprimand to be recorded on the Register of the Ontario College of Teachers;
- direct the Registrar of the Ontario College of Teachers to suspend the Certificate of Qualification and Registration of the Member for a period of three months. However, the suspension of the Certificate of Qualification and Registration of the Member will be postponed and not imposed if, within 120 days of the date of the Decision of the Discipline Committee in this matter, the Member, at his expense, attends and successfully completes a course in professional boundaries with colleagues, pre-approved by the Registrar, and, following completion of the course, provides to the Registrar a report from the counsellor who conducted the course advising that the Member successfully completed the course; and

- direct that there be publication of the findings and Order of the Committee in summary form, without the name of the Member and without any facts which would tend to identify him or [■], in the official publication of the College.
- 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 guilty plea, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Ricky Michael Klatt committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsection 1(5), 1(14), 1(15), 1(18) and 1(19), as set out in the *Notice of Hearing*.

### **Penalty Decision**

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

The Member is required to appear before the Committee to be reprimand, and the fact of the reprimand will be recorded on the Register of the Ontario College of Teachers;

The Registrar of the Ontario College of Teachers is directed to suspend the Certificate of Qualification and Registration of the Member for a period of three months. However, the suspension of the Certificate of Qualification and

Registration of the Member will be postponed and not imposed if, within 120 days of the date of the Decision of the Discipline Committee in this matter, the Member, at his expense, attends and successfully completes a course in professional boundaries with colleagues, pre-approved by the Registrar, and, following completion of the course, provides to the Registrar a report from the counsellor who conducted the course advising that the Member successfully completed the course; and

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, without the name or the initials of the Member and without any facts which would tend to identify him or [■], in the official publication of the College, *Professionally Speaking/Pour parler profession*. The geographic designation to be used in the publication will be “Eastern Ontario”.

### **Reasons for Decision**

The Committee accepted the Member’s guilty plea, the *Agreed Statement of Facts and Guilty Plea* and *Joint Submission on Penalty*. The Committee concurred that the Member’s persistent harassment of [■] constituted professional misconduct.

The Committee accepted the joint submission on penalty as being appropriate in that it reflected the seriousness of the Member’s misconduct while balancing the mitigating circumstance that the Member was suffering from clinical depression at the time of his misconduct. The reprimand will serve as a specific deterrent to the Member. The

requirement that the Member undertake a course in professional boundaries with colleagues is appropriate and will provide, if successfully completed, remediation for the Member as an alternative to suspension.

The Committee directed that the findings and order be published without the name or the initials of the Member and without any facts which would tend to identify him or [■] in order to protect the identity of [■] and in consideration of the health of the Member at the time of his misconduct.

Publication of the findings and order of the Committee will serve to advise the profession and the public that such behaviour as exhibited by the Member will not be tolerated.

Date: April 24, 2006

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Don Cattani  
Chair, Discipline Panel

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Amin Saab  
Member, Discipline Panel

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Jacques Tremblay  
Member, Discipline Panel