

**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
Nicholas W. Kotsos, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson (Chair)
 Janet Cornwall
 Ted Coulson

| | | |
|-----------------------------|---|-------------------------------------|
| BETWEEN: |) | |
| |) | |
| |) | Eric Block, |
| ONTARIO COLLEGE OF TEACHERS |) | McCarthy Tétrault, |
| |) | for Ontario College of Teachers, |
| |) | assisted by Trevor Evans, |
| - and - |) | Senior Law Clerk |
| |) | |
| |) | Nicholas W. Kotsos was not present, |
| NICHOLAS W. KOTSOS |) | nor represented |
| (CERTIFICATE #102816) |) | |
| |) | |
| |) | Christopher Wirth, |
| |) | Stockwoods, |
| |) | Independent Legal Counsel |
| |) | |
| |) | Heard: March 21, 2005 |

REASONS FOR DECISION AND 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 January 11, 2005.

Independent legal counsel advised the Committee that it had jurisdiction to make the order requested, pursuant to section 4.1 of the *Statutory Powers Procedure Act*, which provides that if the parties consent, a proceeding may be disposed of by a decision of the Committee without a hearing.

Upon the consent of the parties, the Committee authorizes the College to accept the *Acknowledgement and Consent* of the Member and to withdraw the allegations of professional misconduct against Nicholas W. Kotsos set out in the *Notice of Hearing*, on the agreed upon terms outlined in the *Acknowledgement and Consent* of the Member as follows:

NICHOLAS W. KOTSOS resigned his membership in the Ontario College of Teachers on 6 January 2005 and as a result, his certificate of qualification and registration was cancelled as of that date. By this document, the Member hereby:

- (a) acknowledges that the Public Register of the Ontario College of Teachers will reflect the fact that he resigned as a member while disciplinary proceedings were in progress;
- (b) consents to the withdrawal by the Ontario College of Teachers of the allegations of professional misconduct against him as set out in the *Notice of Hearing* dated 11 January 2005, on 21 March 2005, or as soon thereafter as the matter can be heard; and

- (c) The Member acknowledges that he has had the opportunity to seek advice from legal counsel about the scope, purpose and effect of the execution of this *Acknowledgement and Consent*, but has declined to do so.

The Committee concludes that the resignation of the Member and thereby the cancellation of his certificate of qualification and registration, in these circumstances, is reasonable and protects the public interest.

Date: March 21, 2005

Nancy Hutcheson
Chair, Discipline Panel

Janet Cornwall
Member, Discipline Panel

Ted Coulson
Member, Discipline Panel