

**ONTARIO COLLEGE OF TEACHERS
DISCIPLINE COMMITTEE**

REASONS FOR DECISIONS AND ORDERS

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

AND IN THE MATTER OF discipline proceedings against Peter Rudolph Kuhn,

The Discipline Committee held a hearing on April 8, 1998,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**PETER RUDOLPH KUHN
Certificate #286423**

PRESENT:

Members of the Panel
George Merrett (Chair)
Wayne Cornack
Karen Mitchell

L. Thomas Forbes, Q.C., Counsel for the Ontario College of Teachers

No one appeared for Peter Rudolph Kuhn.

The Investigation Committee of the Ontario College of Teachers, pursuant to Section 26(5) of the Ontario College of Teachers Act, Statutes of Ontario, 1996, chapter 12, directed that the matter regarding the conduct or actions of Peter Rudolph Kuhn be referred to the Discipline Committee of the Ontario College of Teachers.

The Discipline Committee of the Ontario College of Teachers met to consider this matter on April 8, 1998.

A Notice of Hearing on this matter, dated February 13, 1998, (Exhibit 1), was delivered to Peter Rudolph Kuhn, which indicated that he was entitled to be present on the hearing date and to be represented by legal counsel. It was noted that if he did not attend the hearing on the aforementioned date, the Discipline Committee may proceed in his absence.

Peter Rudolph Kuhn was not present on the date of the hearing.

EVIDENCE:

Thomas Forbes, Q.C., the College prosecutor, referred to the charges set out in Exhibit 1, alleging that Peter Kuhn is 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 Ontario Regulation 437/97 on December 4, 1997, in particular, Sections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).

Particulars of the misconduct alleged are set out in Exhibit 1. They are to the effect that Peter Kuhn, while under the employ of the Ministry of Education and Training – Independent Learning Centre, did, in 1996, offer a bribe to a Ministry officer.

Donna Lewis, Associate Teacher Liaison Officer for the Ministry of Education and Training – Independent Learning Centre, gave evidence that Peter Kuhn was initially hired as a contract teacher for the Independent Learning Centre in 1974, and was employed under an annual contract. In 1996, the Independent Learning Centre was involved in a downsizing which was to reduce the number of teachers from 700 to 300. All Independent Learning Centre contracts were eliminated and teachers could reapply. Testimony was given that Peter Kuhn completed an application form in 1996, but was not granted a new contract.

Bill Moffat, Education Officer and Project Manager of the Teacher Renewal Project, at the Independent Learning Centre, testified that, as part of his responsibilities, he was to determine whether to award a particular teacher a contract. He testified that he received a letter from Peter Kuhn (Exhibit 4), requesting that he (Moffatt), in effect, reconsider the decision not to renew Mr. Kuhn's annual contract as an associate teacher, and stating that, if awarded a contract, he would pay Mr. Moffat, "up front", the sum of \$400.00, to be mailed to an address of Mr. Moffat's choice, or deposited into his account; that he would pay Mr. Moffat "the sum of \$10.00 monthly for every student that completes the course"; and that "the above amounts could be increased". The letter also noted that "No laws would be broken, no students would be transferred, only new students will be assigned, and that the cost of marking would not go up", et cetera. The letter closed

with, "Should you be interested in my proposal and want to discuss more details, please call me direct in the evening."

Bill Moffatt did not respond. He sent the letter to the police. Peter Kuhn later pleaded guilty to and was convicted of corruptly offering a bribe, contrary to Section 426(1)(a)(i) of the Criminal Code of Canada. On October 15, 1997, Peter Kuhn was sentenced to a conditional discharge and probation of one year (See Certificate of Conviction, Exhibit 5).

Thomas Forbes, prosecutor for the College, requested an order finding Peter Rudolph Kuhn guilty of professional misconduct as alleged, and requested revoking his Certificate of Qualification and Registration.

DECISIONS AND ORDERS:

After having considered all the evidence given by Donna Lewis and Bill Moffatt, and the Exhibits filed, the Committee found that the College had established, on a preponderance of clear and credible testimony, that Peter Rudolph Kuhn's conduct and action amount to professional misconduct, as alleged.

The orders requested were granted orally.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the finding and order of the Discipline Committee of the Ontario College of Teachers shall be published

in the official publication of the College, naming the member, and stating the decision in summary.

DATED AT TORONTO, THIS DAY OF , 1998
BY ORDER OF THE DISCIPLINE COMMITTEE

GEORGE MERRETT, Chair

KAREN MITCHELL

WAYNE CORNACK

