

**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
Daniel Marcellini, a member of the Ontario College of Teachers.

PANEL: Anne Vinet-Roy, Chair
 Ernie Checkeris
 Doug Carter

BETWEEN:)	
)	
	)	Carole Jenkins,
	)	McCarthy Tétrault,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Jennifer Robinson,
- and -	)	Law Clerk
)	
)	
DANIEL MARCELLINI	)	Daniel Marcellini was not
(CERTIFICATE # 272724)	)	present, nor was he represented
)	
	)	Christopher Wirth,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: September 15 & 16, 2004

REASONS FOR DECISION, DECISION AND ORDER (S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 15, 2004 at the Ontario College of Teachers (“the College”) at Toronto.

The Allegations

The allegations against Daniel Marcellini (“the Member”) in the *Notice of Hearing (Exhibit 2)* are as follows:

IT IS ALLEGED that Daniel Marcellini is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act* (the “Act”) and/or is incompetent as defined in section 30(3) 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 abused a student or students physically, sexually, verbally, psychologically, and/or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, Chapter E. 2 and specifically sections 264 (1) (c) and (d) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1 (14) and (15);
- (d) 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);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the Act; and

- (g) he displayed a lack of knowledge, skill or judgment 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.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Daniel Marcellini (the "Member") is a member of the Ontario College of Teachers.
2. At all times material hereto, the Member was employed by the Hamilton-Wentworth District School Board ("the Board") as a homeroom teacher at the [REDACTED] at Mountainview Public School ("the School").
3. During the 2001/2002 academic year, until early May 2002, the following children were students in the Member's class:
 - (a) [REDACTED], a female;
 - (b) [REDACTED], a male;
 - (c) [REDACTED], a female;
 - (d) [REDACTED], a male;
 - (e) [REDACTED], a female
 - (f) [REDACTED], a male
 - (g) [REDACTED], a male;
 - (h) [REDACTED], a female; and
 - (i) [REDACTED], a female.

4. During the 2001/2002 academic year, namely from in or about early September 2001 until early May 2002, the Member acted inappropriately in his conduct and dealings with the above-named students. More specifically, the Member:
- (a) rubbed the stomachs of [REDACTED], [REDACTED] and [REDACTED], making these students and other members of their class who witnessed this activity, uncomfortable;
 - (b) hit students on the head, back or buttocks with either a ruler, a book, or a rolled-up piece of paper, including but not limited to [REDACTED] and [REDACTED]. On one occasion, the Member told those students who had wrong answers to math questions, to hit themselves in the head with their math books;
 - (c) made [REDACTED] sit on his lap, which embarrassed [REDACTED] and resulted in the other students in the class laughing at [REDACTED];
 - (d) told inappropriate jokes of a sexual nature to the students in his class, including, but not limited to, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED];
 - (e) threatened to shoot students if they got incorrect answers;
 - (f) made frightening remarks to students, including, but not limited to, that he would microwave and eat his cat when it died; and that they would end up like a skeleton he had in the classroom if they failed to listen to him;
 - (g) on more than one occasion humiliated his students by calling them 'stupid' or 'moron', and embarrassed [REDACTED] in the presence of her classmates when she asked for help, by pointing out that she was asking for help again;

- (h) spoke to his students including, but not limited to, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], about his personal life, including sharing with these students that his son was gay, and encouraged his students to tell him about their own;
- (i) tickled two of his male students around the ribs, namely [REDACTED] and [REDACTED], and
- (j) displayed favouritism towards [REDACTED], including having [REDACTED] sit on his lap; allowing [REDACTED] to run around the classroom and hide under the Member's desk, and referring to [REDACTED] as his son, which obvious preferential treatment of one of his students caused discomfort and unhappiness to the other students who witnessed same.

Publication Ban

On September 15, 2004 the Discipline Committee made an order that there be no publication of any information that may disclose the identity of the students involved in this matter.

Member's Plea

As the Member was not present, the Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

College Counsel advised the Committee that the Member would not be attending the hearing and that he had requested that the matter not proceed on September 15, 2004. (*Exhibit 1, Affidavit of Jennifer Robinson ("Robinson")*)

The Affidavit of Robinson confirmed at TAB A that the *Notice of Hearing* had been served on the Member. The *Notice of Hearing* required the Member to attend before the Discipline Committee on February 16, 2004 to set a date for hearing. The Member did not appear on February 16, 2004, or on a rescheduled date of March 24, 2004 when the hearing date was set for September 15, 2004. The Member was advised in writing how to apply for an adjournment of the matter. No formal application was presented to the Committee for an adjournment. The Member was aware that the matter would proceed on this date and so acknowledged in his communication with College Counsel. The Member also confirmed receipt of all material related to the matter from College Counsel. Accordingly, the Committee was satisfied that the Member knew that the hearing would proceed on this date.

The Committee finds that the College took adequate steps to ensure that the Member was aware of the hearing date. The Member did not respond with a specified date or time when he would be available, nor did he provide a reason for not being able to attend the hearing as scheduled. As well, the Member did not follow procedure in requesting an adjournment, although he had been advised of the appropriate

procedures. The last communication from the Member indicated that he had left his address in Korea. His present whereabouts are unknown.

Therefore, in the interest of public safety and given the seriousness of the allegations, the Committee denied the Member's request for an adjournment and proceeded to hear the matter as scheduled in the Member's absence.

The Evidence

The College called four witnesses, Melody McLoughlin ("McLoughlin"), of The Children's Aid Society of Hamilton, Kenneth Bains ("Bains"), Superintendent of Education, Hamilton-Wentworth District School Board (the "Board"), Maxine Lane ("Lane"), Social Worker, Hamilton-Wentworth District School Board and Janis Blimkie ("Blimkie"), Principal, Hamilton-Wentworth District School Board.

Evidence of McLoughlin

McLoughlin is and was the Intake Supervisor of The Children's Aid Society of Hamilton ("CAS") when the matter of (the "Member") came to the attention of CAS. CAS was contacted by Blimkie), Principal of Mountaiview Public School (the "School") where the Member was employed. Blimkie had informed CAS that a parent had raised concerns of inappropriate activities occurring in the Member's classroom.

CAS first did a record check and found that in a parallel agency, The Catholic Children's Aid Society of Hamilton ("CCAS"), there was a record of a previous incident regarding the Member. [REDACTED] It was reported and verified by CCAS from other sources that the Member and the child were naked in a single sleeping bag and that there was inappropriate touching.

Given the CCAS report, and given the nature of concern for the students at the School, CAS interviewed the students at the school, and then contacted the police where the students were interviewed and videotaped by the police. The Member was invited to be interviewed by CAS but declined.

CAS then convened a meeting of the Child Abuse Support Team ("CAST") to determine whether the allegations could be confirmed. The three concerns were identified as:

1. sexualized activity and inappropriate touching;
2. physical force with risk of harm to the students; and
3. risk of emotional abuse.

As a result of CAS' investigation, CAST verified the allegations and concerns. As well, CAS placed the Member's name on the Child Abuse Registry. CAS also became aware that the Member had been involved with Big Brothers and contacted this organization to advise them of their investigation with respect to the Member.

On July 5, 2002, McLoughlin and the Child Protection Worker and the Director at CAS wrote a letter to the Ontario College of Teachers detailing their concerns and findings with respect to the Member. (*Exhibit 4, Tab 1 - Documents of The Children's Aid Society of Hamilton ("CAS Documents")*).

McLoughlin reported that the police informed her that, although they were not going to lay any criminal charges, they were concerned about grooming behaviour on the part of the Member.

Once CAS concluded its investigation, findings and report, McLoughlin testified that CAS determined that the Member should not be in contact with children and since the Member was no longer in the classroom, having been assigned to home with pay by the Board, children were no longer at risk and therefore CAS' role in the matter was at an end.

Evidence of Lane

Lane, Registered Social Worker for the Board, testified that Mountainview School (the "School") was part of her caseload. The father of one of the School's female students had referred his daughter ("█") to Lane for counselling. The student had recently lost her mother; she was having difficulty with peer relationships and was having difficulty functioning in the classroom. During the course of counselling sessions, over a period of time, █ began to disclose her discomfort and unhappiness related to the Member

regarding several matters alleging inappropriate conduct of the Member in his classroom. For example, the child stated that the Member was making inappropriate jokes and comments.

Lane directed the Committee to *Exhibit 5, Case Notes of Interviews, The Children's Aid Society of Hamilton ("Case Notes - CAS")*, pages 3, 4 & 5, where [REDACTED] detailed some of the happenings in the Member's classroom, which caused her concern. [REDACTED] expressed her concerns in journal writing. Some examples follow:

"I'll beat you to death with a wet linguine with extra hot sauce so it'll leave a mark".

"To pee or not to pee, that's the question!"

"He talks about Niagara Falls when we have to go the bathroom".

"He slaps [REDACTED]'s bottom with a ruler".

"He doesn't treat us all fairly. He favours [REDACTED]. He treats [REDACTED] a lot better".

"He tells bad jokes about Teletubbies - Dipsy get your Tinky Winky out of La La's Po."

"He told the class "I killed my cat; after the funeral I will microwave it and eat it".

"He put duck (sic) tape on my mouth."

"He hit me in the back with his pointer".

"He also makes the class miss recess."

Lane gave further evidence regarding interaction she had with the Member. The Member asked to speak with her about personal issues. During the discussion, the Member expressed concern about his sexual orientation. Lane indicated she was

uncomfortable with the discussion and referred the Member to the Employee Assistance Program (EAP). The Member further spoke of Big Brothers and commented on a young man with whom he was trying to reconnect with, years after the mother had terminated the Big Brother relationship.

Evidence of Bain

Bain is the Superintendent of Education for the Hamilton-Wentworth District School Board and has held this position since 1998. Prior to that he had been an Assistant Superintendent. In all, he has 30 years experience as an educator.

Bain testified that in May 2002 Blimkie, the Principal of the School, contacted him with concerns about the Member. He testified that these concerns were raised by a parent and involved inappropriate touching, sexual comments and physical threats by the Member. He was informed that CAS had been contacted. He advised Blimkie to speak with the Member and to reassign the Member to home with pay. This was done and the Member was also advised in writing by a letter from Bain on May 22, 2002. (Exhibit 6 – *Documents of the Hamilton-Wentworth District School Board (“Board Documents”)*).

When school resumed in the fall of 2002, Bain directed Blimkie to interview students from the Member’s class.

In May 2003, Bain met with the Member and the Member's federation representatives. The Member denied any culpable behaviour, although he admitted that some things did occur and that some things occurred but were not understood because they were taken out of context.

In October 2003, Bain recommended termination of the Member's employment to the Director of Education and advised the Member of his recommendation. Following a meeting on November 5, 2003, with both the Member and his federation representative present, the Director terminated the Member's employment. The Member was subsequently notified of his termination by letter dated November 10, 2003. (Exhibit 6 - *Board Documents, TAB 6*). Specifically, the member was advised:

"You are being terminated for just cause for the following:

- (a) inappropriate conduct and unprofessional interactions with students inconsistent with your statutory and/or employment duties;
- (b) failing to maintain standards expected of the profession;
- (c) breach of trust; and
- (d) my determination that you have engaged in conduct unbecoming of a teacher and inimical to your continuing as a teacher."

At the conclusion of his testimony, Bain stated that based on his 30 years of experience as an educator, it was his belief that the Member was unfit to be a teacher. He further

stated that the Member's actions were inappropriate, not only for the grade [] level, that the Member taught, but for any age group.

Evidence of Blimkie

Blimkie was principal of Mountainview School when the Member was teaching grade [] classes. She advised the Committee that she had concerns about the Member as a teacher. He had been placed in a vacancy in her school and came with a performance appraisal, which required an improvement plan. At *Exhibit 6, Tab 16, Board Documents*, is a summary of her recommendations for improvement as a result of her subsequent classroom visits with the Member. She indicated that during his tenure at the School, the Member remained on this improvement plan.

Blimkie also indicated that from time to time she had other classroom management concerns about the Member. She testified that she had a call from a parent regarding concerns expressed by his daughter, [], about various activities in the Member's classroom. As a result of these allegations, she contacted CAS who reported and verified various concerns as outlined in McLouglin's evidence.

In September 2002 Blimkie was directed by Bain to interview various former students of the Member, and she subsequently undertook such interviews. She testified that she interviewed 9 students and produced her contemporaneous notes and a summary of her

notes of the interviews, which she submitted to her superintendent. The summary was admitted as *Exhibit 7* and is as follows:

"Student Interview Summary Report prepared for Tues. Oct. 1, 2002 @ 4:00 p.m.

For: Chuck Reid, Superintendent

Ken Bain, Superintendent

Interviewed 9 students - Sept. 12 - 20, 2002

8 students came with one or both parents

1 student came with the school Social Worker with parent permission

A number of students reported the same things.

They all expressed concerns categorized as physical and emotional.

Physical

6 students reported Mr. Marcellini tickling students and/or rubbing their tummy, patting them on the head.

Some noted students - [] as recipients of this behaviour.

6 students reported that [] hid in the closet. 1 also said he was allowed to hide under Mr. Marcellini's desk.

5 students reported that [] sat on Mr. Marcellini's knee.

4 students reported that Mr. Marcellini picked up [] a number of times, by the arms and [] also reported being picked up by the ankles.

3 students reported that Mr. Marcellini hit some students on the head with a dictionary.

3 students reported that Mr. Marcellini hit [] and [] and [] on the head with a ruler and that [] was allowed to run around the room and hit other students on the head.

3 students reported "play fighting" & touching between [] and Mr. Marcellini.

Emotional

9 students reported that Mr. Marcellini made inappropriate comments, gross jokes (Teletubbies), rude remarks, referred to a "gay son" and called two kids "Hiroshima brothers" for having flatulence.

7 students reported that they felt [] was the teacher's pet and could do anything, received good grades and did not do any work.

5 students reported that Mr. Marcellini embarrassed kids if they didn't understand and cited examples of comments "threaten to shoot if wrong answer", "hit with a wet linguine and hot sauce to leave a mark" "name of student...needs help again...announced to the class" "threaten to use the skeleton in the closet as an example of a poor student" "made fun of large people" told students to deal with their own problems and that he had better things to do than deal with them", "said [] was slow" embarrassed [] especially.

2 reported that he got meaner.

2 reported that he gave all of the students lines, even if only a few misbehaved and then he ripped the lines up in front of the students.

2 reported that he had mood changes and that's when things changed good or bad."

Blimkie testified that she thought the Member's conduct was inappropriate, particularly when considering the ages of the students [REDACTED]. She also stated, that in her opinion, the Member was engaging in grooming behaviour, which she understood to be that of a person in a position of trust and authority using threats, tactics, rewards to set up inappropriate relationships. It was her opinion that one student, [REDACTED], was being groomed by the Member. Her opinion was that, although [REDACTED] wanted to please the Member, he was also very afraid of the Member and was nervous about sharing information about the Member, an indication in her opinion, of such grooming.

Blimkie stated that she had concerns about the Member as a teacher and she felt, in consideration of the allegations that had been corroborated, that he was not suitable to be a teacher.

Decision

(i) Onus and Standard of Proof

The College bears the onus of proving the allegations in accordance with the standard of proof with which the Committee is familiar as set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of

probabilities with the qualification that the proof must be clear and convincing and based upon cogent evidence accepted by the Committee. The Committee also recognized that the more serious the allegations to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be very serious.

(ii) Decision

Having considered the evidence and onus and standard of proof, and submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Daniel Marcellini committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7) 1(14), 1(15), 1(18) and 1(19) and is incompetent as defined in section 30 (3) of the Ontario College of Teachers Act (the “Act”).

The Committee also finds that the Member engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*; and he displayed a lack of knowledge, skill or judgment and a disregard for the welfare of students of a nature or extent that demonstrates that the Member is unfit to carry out his professional responsibilities.

Findings of Fact and Reasons for Decision

The Committee makes the following findings of fact:

1. Daniel Marcellini (the “Member”) is a member of the Ontario College of Teachers.
(Exhibit 2 - Registered Member Information).

2. At all times material hereto, the Member was employed by the Hamilton-Wentworth District School Board (“the Board”) as a homeroom teacher at the Grade [■] level at Mountainview Public School (“the School”). *(Exhibit 6 – Documents of the Hamilton-Wentworth District School Board).*

3. During the 2001/2002 academic year, until early May 2002, the following children were students in the Member’s class:
 - (a) [■], a female;
 - (b) [■], a male;
 - (c) [■], a female;
 - (d) [■], a male;
 - (e) [■], a female
 - (f) [■], a male
 - (g) [■], a male;
 - (h) [■], a female; and
 - (i) [■], a female.

(Exhibit 5 – Case Notes of Interviews, The Children’s Aid Society of Hamilton and Exhibit 6 – Documents of the Hamilton-Wentworth District School Board).

4. During the 2001/2002 academic year, namely from in or about early September 2001 until early May 2002, the Member acted inappropriately in his conduct and dealings with the above-named students. More specifically, the Member:

- (a) rubbed the stomachs of [REDACTED], [REDACTED] and [REDACTED], making these students and other members of their class who witnessed this activity, uncomfortable;
- (b) hit students on the head, back or buttocks with either a ruler, a book, or a rolled-up piece of paper, including but not limited to [REDACTED] and [REDACTED]. On one occasion, the Member told those students who had wrong answers to math questions, to hit themselves in the head with their math books;
- (c) made [REDACTED] sit on his lap, which embarrassed [REDACTED] and resulted in the other students in the class laughing at [REDACTED];
- (d) told inappropriate jokes of a sexual nature to the students in his class, including, but not limited to, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED];
- (e) threatened to shoot students if they got incorrect answers;
- (f) made frightening remarks to students, including, but not limited to, that he would microwave and eat his cat when it died; and that they would end up like a skeleton he had in the classroom if they failed to listen to him;
- (g) on more than one occasion humiliated his students by calling them 'stupid' or 'moron', and embarrassed [REDACTED] in the presence of her classmates when she asked for help, by pointing out that she was asking for help again;
- (h) spoke to his students including, but not limited to, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], about his personal life, including sharing with these students that his son was gay, and encouraged his students to tell him about their own;
- (i) tickled two of his male students around the ribs, namely [REDACTED] and [REDACTED], and

- (j) displayed favouritism towards [REDACTED], including having [REDACTED] sit on his lap; allowing [REDACTED] to run around the classroom and hide under the Member's desk, and referring to [REDACTED] as his son, which obvious preferential treatment of one of his students caused discomfort and unhappiness to the other students who witnessed same.

(Exhibit 5 – Case Notes of Interviews, The Children's Aid Society of Hamilton and Exhibit 6 – Documents of the Hamilton-Wentworth District School Board).

The Committee found all of the witnesses to be credible and accepted their evidence in whole.

Further, the testimony of Lane, Bain and Blimkie referred to interviews with nine students from the Member's class in 2001-2002. This evidence is hearsay evidence. The Committee finds the evidence to be necessary, reliable, coherent and relevant to the allegations and accepts such as evidence to be factual. In accepting the hearsay evidence, the Committee balances the interest of the Member and the interests of the individual students in having to testify to the allegations. The students have already been interviewed on 3 occasions. The notes of the students and the interviewers that were presented to the Committee are coherent, similar in nature and consistent with the allegations.

The Committee also accepts that the Member made certain admissions contrary to his interests. In particular the Member admitted to the CCAS in 1996 that he was naked with a 9 year old boy in a single sleeping bag. The Member also admitted to Bain that some of the incidents reported by students in 2001-2002 had occurred.

Section 32.02 of the By-laws of the Ontario College of Teachers confirms that members of the College in their position of trust and influence must “maintain professional relationships with students”, “recognize and respect the privileged nature of the relationship that teachers maintain with students”, and “act with integrity, honesty, fairness and dignity”. The Committee finds that the Member breached these standards of the profession and accordingly breached section 264 (1) (c) of the *Education Act* and Ontario Regulation 437/7, subsections 1(5), 1(7), 1(14) and 1(15) by his inappropriate touching of students, and his physical and emotional abuse of students and sexual abuse of students as defined in sections 1 and 40(1.1) of the *Act*.

The Committee also finds that the Member’s physical, sexual and emotional abuse of his students is contrary to Ontario Regulation 437/97, subsection and 1(18) and 1(19) and also finds that the Member engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable and unprofessional and conduct unbecoming a member.

The Committee also finds that the Member's physical touching of his students constitutes sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*; and by his inappropriate interaction with students, he displayed a lack of knowledge, skill or judgment and a disregard for the welfare of students of a nature or extent that demonstrates that the Member is unfit to carry out his professional responsibilities pursuant to section 30(3) of the *Act*.

Penalty

Counsel for the College submitted that the appropriate penalty be as follows:

1. revocation of the Member's certificate of qualification and registration;
2. publication of the findings of the Committee, with the name of the Member in *Professionally Speaking/Pour parler profession*.

Penalty Decision

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Member's certificate of qualification and registration, which the Member is to surrender immediately to the Registrar.
2. Pursuant to Section 30 (5) (iii) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary,

including the Member's name, in the official publication of the College,
Professionally Speaking/Pour parler profession.

Reasons for Penalty Decision

The Committee finds that the actions of the Member violated the boundaries that must exist between teachers and students. The Committee also determines that the Member's actions violate the trust placed upon a teacher in interacting with students. He abused the power and trust vested in him in his role as a teacher by fostering an inappropriate emotional, psychological and physically abusive relationship with his students.

The preponderance of inappropriate incidents coherently reported by several children in three different interview situations, over a long period of time, lead the Committee to impose revocation of the Member's certificate of qualification and registration. In the Member's absence, the Committee considered statements made by him to witnesses who appeared before the Committee. In those statements, the Committee finds that the Member made admissions that were contrary to his interests. Therefore the Committee finds that the evidence of inappropriate behaviours on the part of the Member was uncontradicted.

The penalty must meet the objective of general deterrence to the members of the profession and the objective of specific deterrence to the Member. Accordingly, the

Committee was satisfied that revocation of the Member's certificate of qualification and registration is the appropriate penalty and is in the public interest.

Date: September 17, 2004

Anne Vinet-Roy
Chair, Discipline Panel

Ernie Checkeris
Member, Discipline Panel

Doug Carter
Member, Discipline Panel