

**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 Douglas William Moore, a member of the Ontario College of Teachers.

PANEL: Anne Vinet-Roy, Chair  
Danny Anckle  
Jacques Tremblay

BETWEEN:	)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
DOUGLAS WILLIAM MOORE	)	Maurice Green,
(CERTIFICATE #233052)	)	Green & Chercover LLP,
	)	for Douglas William Moore,
	)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: September 27, 2006

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 27, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated June 28 2005 was served on Douglas William Moore, requesting attendance before the Discipline Committee of the Ontario College of Teachers on July 11, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for September 27, 2006.

Douglas William Moore was in attendance.

### **THE ALLEGATIONS**

The allegations against Douglas William Moore in the *Notice of Hearing, (Exhibit 1)* dated June 28, 2005 are as follows:

**IT IS ALLEGED** that Douglas William Moore 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 contravened a law, and the contravention is relevant to the Member’s suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);

- (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); and
- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing of this matter, Counsel for the College withdrew the allegations of professional misconduct outlined in (a) through (d) above.

### **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*. (*ASF – Exhibit 2*)

The *Agreed Statement of Facts* provides as follows:

1. Douglas William Moore, (the “Member”) is a member of the Ontario College of Teachers. Attached and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information of the Member, which shows that his Certificate of Qualification is currently suspended for non-payment of fees.
2. The Member is an employee of the Grand Erie District School Board. On or about 1 September 1988, the Member was assigned to Sprucedale Secondary School, (“the School”) which is a secure custody facility operated under the jurisdiction of the Ministry of Public Safety and Security and the Grand Erie District School Board for the purpose of educating incarcerated young offenders.

3. The school, which is located in Simcoe, has approximately seventy students who are afforded all levels of instruction between Grades 10 and 12. A student at the School is expected to conduct himself in a manner such that both he and the School will mutually benefit by his attendance. Respect for authority, peers, self and property are stressed along with punctuality, regular attendance and preparation for class. The School believes in promoting opportunities for success and healthy lifestyles.
4. On or about 15 January 2003, two counts were laid against the Member, charging that he, on or about 20 August 2001 at Norfolk County, Ontario, did unlawfully traffic in a controlled substance, to wit, cannabis marijuana, contrary to Section 5(1) of the *Controlled Drugs and Substances Act*.
5. Between the approximate dates of 16 January 2003 and 15 January 2004, the Member was suspended from his assignment with pay.
6. On or about 15 January 2004, the Member pleaded not guilty before His Honour Mr. Justice Stead to one of the counts against him, but pleaded guilty to the lesser and included offence of simple possession of a controlled substance, to wit: cannabis marijuana, contrary to Section 4(1) of the *Controlled Drugs and Substances Act*. The plea of guilty to that charge was accepted, and the charges in respect of the second count were withdrawn by the Crown. The Member then undertook to make a contribution in the amount of \$400.00 to the Health Department and Judge Stead granted the Member an absolute discharge. Attached hereto as **Exhibit "B"** is a true copy of the transcript of the proceedings at guilty plea before the Honourable Mr. Justice W.B. Stead on 15 January 2004 at Simcoe, Ontario.

7. On or about 16 January 2004, the Member went on sick leave from the Board. He is currently on long-term disability with effect from April 2004.

## **MEMBER'S PLEA**

1. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 7 above. The Member pleads no contest to the allegation of professional misconduct against him being more particularly, a breach of Ontario Regulation 437/97 subsections 1(19).

2. The Committee took a plea inquiry of the Member who stated that:

- (a) he understands fully the nature of the allegations that have been made against him;
- (b) he understands that by pleading no contest to the particulars as set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
- (c) he voluntarily decided to plead no contest ; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

## **JOINT SUBMISSION ON PENALTY**

In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

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 Discipline Committee:

- a) require the Member to appear before the Committee to be reprimanded, and that the fact of the reprimand be recorded on the Register; and
- b) that the findings and order of the Committee be published in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Although Counsel were in agreement that the findings and order of the Committee should be published, they were not in agreement as to whether or not the Member's name should be published.

## **DECISION**

Having examined the Exhibits filed, and based on the Member's plea of no contest, the *Agreed Statement of Facts*, and the submissions made by Counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Douglas William Moore committed an act of professional misconduct as alleged, more particularly a breach of Ontario Regulation 437/97, subsection 1(19).

The Committee considered the joint submission on penalty and makes the following order as to penalty:

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

2. 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 of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

## **REASONS FOR DECISION**

The Committee accepted the evidence contained in the *Agreed Statement of Facts*. (*Exhibit 2*) On or about January 15, 2004, the Member pleaded and was found guilty of possession of a controlled substance, to wit: cannabis marijuana, contrary to Section 4(1) of the *Controlled Drugs and Substances Act*. This conduct is unbecoming a member of the profession.

Because the behaviour and actions of the Member did not involve students or take place in a school environment, and since the Member was granted an absolute discharge from the criminal offence, the Committee concurred that a reprimand was sufficient penalty to serve specific deterrence.

As a result of the Member's actions, he was suspended with pay from his employment in January 2003. He subsequently went on sick leave in January 2004 and has been on long-term disability since April 2004. The Member has not returned to the classroom since January 2003. In these particular circumstances, the Committee believes that general deterrence and the public interest can be served by publishing the facts while

withholding the Member's name. The Committee is therefore of the opinion that a further penalty of publishing his name is unnecessary.

Dated: September 27, 2006

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Anne Vinet-Roy  
Chair, Discipline Panel

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Danny Anckle  
Member, Discipline Panel

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Jacques Tremblay  
Member, Discipline Panel