

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

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

AND IN THE MATTER OF discipline proceedings against John Pellegrini.

The Discipline Committee held a hearing on February 14, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**JOHN PELLEGRINI
CERTIFICATE #402374**

PRESENT:

Members of the Panel
Bernard Adam (Chair)
Larry Capstick
Solette N. Gelberg

The Honourable Lloyd Houlden, retired judge, Independent Counsel to the Panel

Carole Jenkins, McCarthy Tétrault LLP, Counsel for the Ontario College of Teachers,
assisted by Trevor Evans, Senior Law Clerk

Bernard Hanson, Cavalluzzo Hayes Shilton McIntyre and Cornish, Counsel for the
member

An Amended Notice of Hearing, dated May 16, 2001 was served on John Pellegrini, requesting attendance before the Discipline Committee of the Ontario College of Teachers on May 24, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for February 14, 2002.

It is alleged that John Pellegrini is guilty of professional misconduct 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 particularly section 264 (1)(c) thereof and/or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (c) he performed acts or omissions that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonorable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (d) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (e) he displayed a lack of knowledge, skill or judgement 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

The Notice of Hearing states that John Pellegrini is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On February 14, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether John Pellegrini is guilty of professional misconduct.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing alleging that John Pellegrini 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 Regulation 437/97 on December 4, 1997, in particular, subsections 1 (5), (14), (15), (18) and (19).

Counsel presented evidence that John Pellegrini is a member of the Ontario College of Teachers (Exhibit #1). At all material times, John Pellegrini was employed by the York Catholic District School Board and/or its predecessor, the York Region Roman Catholic Separate School Board as a teacher.

An Agreed Statement of Facts and Plea was filed as Exhibit #2 as attached to this document. That statement had been signed by Carole Jenkins, McCarthy Tétrault on

behalf of the Ontario College of Teachers and by Bernard Hanson, Cavalluzzo Hayes Shilton McIntyre Cornish on behalf of the member.

John Pellegrini testified on his own behalf. He told the Committee that he was the sole officer and Director of the company known as International Follow-Spot Ltd. (IFS) which was engaged by the board, under contract, to produce the Sound of Music II as a stage production at the Limelight Supper Club. His brother, Rieso Pellegrini, who was at that time employed by the board, signed this contract on behalf of the board and John Pellegrini signed on behalf of IFS. Rieso Pellegrini also signed a contract, on behalf of IFS, with the Limelight Supper Club.

John Pellegrini was the only person with cheque signing authority for IFS. He testified that he gave his brother, Rieso, a number of signed, blank cheques for Rieso to use for the Sound of Music Production. John Pellegrini testified that he was arrested at the school on March 30, 1995 and was charged criminally for his involvement in the production of the Sound of Music II, and for receiving payments from the Instrumental Music Program account for his writing of a music resource document for teachers from K-6. The charges against the member in connection with IFS were dismissed at the Preliminary Inquiry. The charges against the member in connection with receiving payments from the Instrumental Music account were stayed. He testified that he was suspended with pay at the time of the arrest and was notified in May 1995 that his contract would be terminated at the end of that school year. He advised that he remained unemployed until 1998. He testified that at no time was he was interviewed by the Board in relation to any of the

allegations against him. He also testified that he trusted his brother and looked up to him ; however, his brother used IFS as a vehicle to defraud the board.

John Pellegrini testified that Rieso requested that John write a music resource document for the board, for which he was paid \$13, 824. He also stated that he paid \$13, 660 of that money back to his brother to defray an outstanding debt. He stated that in hindsight, he should have given credit to the sources he used in writing this document.

Since 1998, John Pellegrini has been working for the Waterloo Catholic District School Board, where he currently teaches Biology and OAC Science and Society. He provided the Committee with a copy of a "Staff Growth, Appraisal and Review" from March 1999, with follow up on May 31, 2000 and June 14, 2000, indicating that his teaching practice was acceptable.

FINDINGS OF FACT:

An Agreed Statement of Facts (as attached) was filed as Exhibit #2. Based on the Agreed Statement of Facts, the Committee finds the following facts:

- (a) John Pellegrini is a member of the Ontario College of Teachers.
- (b) As the sole Director and officer of International Follow-Spot, John Pellegrini was responsible for the disbursement of funds from the IFS account.
- (c) John Pellegrini worked for the same school board as his brother, Rieso.

- (d) John Pellegrini showed a lack of judgement and a naive trust in giving signed, blank cheques to his brother, Rieso Pellegrini.
- (e) IFS received \$67,029.20 in ticket sale revenues from the Production. None of these ticket sale revenues were paid to the Board by IFS, despite the contract between IFS and the Board.
- (f) John Pellegrini's academic credentials and experience relevant to development of music curriculum are:
 - i) one course in Curricular and Instruction design as part of the preparation for his Masters of Science of Education Degree.
 - ii) he attended St. Michael's Choir school where he focused on piano, organ, vocal music, theory and harmony.
 - iii) he taught vocal music to elementary students prior to becoming a qualified science teacher.
 - iv) he plays the piano and the organ
- (g) Approximately two-thirds of the resource document prepared by John Pellegrini was photocopied from two texts to which no credit was given and the document was not in a finished and useable condition.

DECISIONS AND ORDERS:

Based on the evidence given and the exhibits filed, the Committee finds John Pellegrini guilty of professional misconduct under subsections 1 (5) and (19) of the Professional

Misconduct Regulation, as alleged, and also finds that he displayed a lack of judgement such that his certificates should be subject to terms, conditions or limitations.

The Committee directs the Registrar to suspend John Pellegrini's Certificates of Qualification and Registration for a period of one year, such suspension to be held in abeyance on the condition that:

1. the College be provided, by the Board, by December 31, 2002, with written evidence of his continued good teaching practice;
2. John Pellegrini pays costs in the amount of \$5000 (five thousand dollars) to the Ontario College of Teachers; and
3. John Pellegrini pays a fine in the amount of \$3000 (three thousand dollars) to the Minister of Finance for payment into the Consolidated Revenue Fund. This fine is to be paid to the Minister of Finance no later than August 31, 2002.

Should the member fail to pay the costs and the fine by August 31, 2002, he will be suspended for one year as of September 1, 2002 and the matter will be brought back to this panel of the Committee for consideration of a breach of Ontario Regulation 437/97, subsection 1 (21) *Failing to comply with an order of a panel of the Discipline Committee.*

Notice:

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 13TH DAY OF MARCH, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Bernard Adam (Chair)

Larry Capstick

Solette N. Gelberg