

**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 John Thomas Price, a Member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair
 Don Cattani
 Lynne Mastin

BETWEEN:)	
)	
)	Nadine Carpenter,
ONTARIO COLLEGE OF TEACHERS)	Dispute Resolution Administrator,
)	for Ontario College of Teachers
)	
- and -)	John Thomas Price
)	was not present,
JOHN THOMAS PRICE)	nor represented by counsel
(CERTIFICATE #147467))	
)	Christopher Wirth,
)	Independent Legal Counsel
)	
)	Heard: September 28, 2005

REASONS FOR DECISION, DECISION AND ORDER (S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 28, 2005 at the Ontario College of Teachers (the “College”) at Toronto.

A *Notice of Hearing* dated August 9, 2005 was served on John Thomas Price, requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 28, 2006 to hold a hearing, and specifying the charges. The hearing was subsequently set for September 28, 2005.

John Thomas Price was not in attendance at the hearing.

The Allegations

The allegations in the *Notice of Hearing* dated August 9, 2005 are as follows:

IT IS ALLEGED that John Thomas Price is guilty of professional misconduct as defined in subsection 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 contravened a law that is relevant to the member’s suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (c) he committed an act or omission 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
- (d) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

Memorandum of Agreement

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of*

Agreement (MOA), which incorporated an *Agreed Statement of Facts* and *Joint Submission on Penalty* as follows:

Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Discipline Committee.

1. At all material times, the member was employed as Principal of the Secondary Renewal and Senior Project Manager at the Dufferin-Peel Catholic District School Board (the “Board”).
2. In 1999, the member accepted \$30,000 as a bribe from Larry Cash or Cash, Lehman and Associates, in order to provide Board business concerning Human Resources Development Corporation grant money to that individual or company.
3. In 2000, the member accepted the sum of \$8,745 as a bribe from Patrick Hinchey in order to facilitate the opportunity to provide services to the Board.
4. The member retired from the Board in June 2002.
5. On February 4, 2004, Peel Regional Police charged the member with one count of fraud over \$5,000 and two counts of accepting a secret commission, in the amounts of \$30,000 and \$8,745.
6. On March 10, 2004, the member pleaded guilty and was convicted of fraud over \$5,000 and two counts of receiving a secret commission.
7. On October 18, 2004, the member confirmed to the Crown that he had made restitution of \$127,000 to the Receiver General for Canada. The member received a conditional sentence of two years less a day.

8. By this document, the member pleads guilty to professional misconduct as alleged in the Notice of Hearing, issued on August 4, 2005, and attached as Appendix “A”, and in so doing, accepts as true the particulars set out in this section of the *MOA*.
9. The member voluntarily admits the above particulars against him and understands that by doing so, he is waiving the right to require the College to prove the case against him and the right to a hearing.

Member’s Plea

The Member John Thomas Price pleads guilty to professional misconduct as alleged in the *Notices of Hearing*, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(16) 1(18) and 1(19) of the Act.

Decision

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the guilty plea therein, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct against the Member, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(16) 1(18) and 1(19) of the Act.

Joint Submission on Penalty

The parties agree to resolve this matter as follows:

10. The member agrees and understands that upon ratification of this *MOA*, the Discipline Committee shall find him guilty of professional misconduct and, pursuant to subsection 30(4) of the *Ontario College of Teachers Act, 1996*, shall

direct the Registrar to revoke his certificate of qualification and registration effective immediately.

11. The member agrees and understands that upon ratification of this *MOA*, he shall immediately surrender his certificate of qualification and registration to the Registrar.
12. The member agrees and understands that should he apply for reinstatement, the Discipline Committee will be provided with background information on this matter including this *MOA* and the Notice of Hearing.
13. The member agrees and understands that upon ratification of this *MOA*, a notation on the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, shall include the following information:

On September 28, 2005, John Thomas Price pleaded guilty to professional misconduct. Revoked.
14. The member agrees and understands that upon ratification of this *MOA*, the College shall publish his name with a summary of the complaint and its resolution as contained in this *MOA*. Such publication shall be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College web site, and in such other manner as deemed appropriate by the Registrar.
15. The member agrees and understands that upon ratification of this *MOA*, the College shall provide notice of the revocation of his certificate of qualification and registration to those organizations routinely notified by the College of such action, including but not limited to school boards, teacher federations, teacher affiliates, and teacher licensing and governing bodies.

16. The member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with this *MOA* and the Notice of Hearing, which will be marked as Exhibits, and will constitute the evidence upon which the guilty plea will be accepted, the finding of guilt will be made, and the penalty as outlined in the *MOA* will be imposed.
17. The parties agree and understand that if any phrase or paragraph of this *MOA* is deemed null and void, the *MOA* shall be read as though the phrase or paragraph was stricken from the *MOA* and the amended *MOA* shall remain in force and effect.
18. The member agrees and understands that this *MOA* is the entire agreement between himself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this *MOA*
19. The member agrees that he has freely elected not to obtain representation from independent legal counsel or an affiliate of the Ontario Teachers' Federation.
20. The member agrees and understands that should he breach this *MOA* by seeking or engaging in employment where a certificate of qualification and registration is required, the College may provide a copy of this *MOA* to any employer, licensing body, or education authority who inquires about the member's record with the College.
21. The member agrees and understands that, in the event he breaches a term of this *MOA*, he is estopped from alleging, by way of defense, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date that the College becomes aware of such a breach.

22. The member agrees and understands that, in the event he breaches a term of this *MOA*, the College may provide the Investigation, Executive, Discipline or Fitness to Practise Committee with all the information necessary to fulfill its statutory mandate.
23. The parties agree and undertake that upon ratification of this *MOA*, there shall be no further action taken, no appeal to any forum, and no application for judicial review of the terms of the *MOA*.

Penalty Decision

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

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Member's certificate of qualification and registration, which certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers.
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, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision and Order

Based on the *MOA*, the Committee agrees that there is sufficient evidence to find the Member guilty of professional misconduct as alleged in the *Notice of Hearing*.

The Committee also found that the Member, through his actions, breached the public trust and brought the profession into disrepute.

As such, the Committee finds that revocation of the Member's certificate of qualification and registration and publication of this decision serve to protect the public interest

Date: September 28, 2005

Nancy Hutcheson
Chair, Discipline Panel

Don Cattani
Member, Discipline Panel

Lynne Mastin
Member, Discipline Panel