

**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 Michael Patrick Stack, a member of the Ontario College of Teachers.

PANEL:            Brent Hamelin, Chair  
                      John Tucker  
                      John Wells

BETWEEN:	)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
MICHAEL PATRICK STACK	)	Michael Patrick Stack
(CERTIFICATE #176677)	)	was not present,
	)	nor represented by counsel
	)	
	)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: July 8, 2008

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on July 8, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated March 5, 2008 was served on Michael Patrick Stack, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 1, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for July 8, 2008.

Michael Patrick Stack was not in attendance at the hearing.

### **THE ALLEGATIONS**

The allegations against Michael Patrick Stack in the *Notice of Hearing (Exhibit 1)* dated March 5, 2008, are as follows:

**IT IS ALLEGED** that Michael Patrick Stack 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 keep records as required by his professional duties, contrary to Ontario Regulation 437/97, subsection 1(10);
- (c) he signed or issued, in his professional capacity, a document that he knew or ought to have known contained a false, improper or misleading statement contrary to Ontario Regulation 437/97, subsection 1(12);
- (d) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario 1990, chapter E2 or the regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and 1(15);
- (e) he contravened a law or laws, the contravention of which is relevant to his suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (f) 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

- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

On July 8, 2008, College counsel sought to withdraw the allegation contained in (e) above, that the Member contravened a law or laws, the contravention of which is relevant to his suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16). The Committee authorizes the College to withdraw this allegation.

### **AGREED STATEMENT OF FACTS**

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 3, an Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty (ASF – Exhibit 3)* which provides as follows:

1. Michael Patrick Stack (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. At all material times, the member was employed by the Nipissing-Parry Sound Catholic District School Board (“the Board”), and was principal of St. Joseph-Scollard Hall Secondary School (“the School”).
3. On numerous occasions from in or about January 2000 through to and including December, 2006, the Member misappropriated in excess of \$80,000 from the School’s accounts for his personal use. In furtherance of these activities, the Member forged the

signature of a former principal of the School on cheques and/or documents related to School funds.

4. On March 14, 2007, the Member was charged by North Bay Police Service with a total of thirteen (13) counts of theft, fraud and forgery, contrary to Sections 380(1), 368(1) (a) and 334 (b), respectively, of the *Criminal Code* (Canada). These charges remain before the Court.

### **PLEA OF NO CONTEST**

5. By this document, the Member admits the truth of the facts and exhibit referred to in paragraphs 1 to 4 above (the “admitted facts”).

6. The Member hereby acknowledges that the admitted facts referred to in paragraph 3 constitutes conduct that is disgraceful, dishonourable and unprofessional and pleads no contest to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(10), 1(12), 1(14), 1(15), 1(18) and 1(19).

7. By this document the member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead no contest; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally, and without the advice of legal counsel.

8. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, chapter E. 23, for the purpose of this proceeding under the *College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by him as to the facts or findings in any other civil, criminal or administrative proceeding.

9. 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.

#### **JOINT SUBMISSION ON PENALTY**

10. In light of the admitted facts and circumstances, 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 Committee:

- (a) directs the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar of the Ontario College of Teachers; and
- (b) directs that the findings and order of the Committee, including the Member's name, be published in the official publication of the College *Professionally Speaking/Pour parler profession.*

11. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

## **DECISION**

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the 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 Michael Patrick Stack committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(10), 1(12), 1(14), 1(15), 1(18) and 1(19).

## **REASONS FOR DECISION**

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 4 of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*. He further acknowledged that the admitted facts in paragraph 3 above constitutes conduct which is disgraceful, dishonourable and unprofessional and pleaded no contest to the allegations of professional misconduct against him.

The Committee accepted the Member's plea of no contest and the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*.

The Member signed or issued, in his professional capacity as a principal, documents related to school funds for the purpose of misappropriating funds for his personal use. He also forged the signature of a former principal of the school on cheques and/or documents related to school funds. In doing so, the Member committed acts that were disgraceful, dishonourable and unprofessional and conduct unbecoming a member. As the principal of a school, the Member had a duty to lead by example and demonstrate appropriate ethical decision making for staff under his supervision. By maintaining improper records and misappropriating school funds, the Member demonstrated his failure to maintain the standards of the profession and to comply with the Education Act.

### **PENALTY DECISION**

Having reviewed the submissions on penalty, the Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar;
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 PENALTY DECISION**

The Member misappropriated in excess of \$80,000 from the School's account for his personal use over a six year period by forging cheques and/or documents. This systematic and planned activity by a principal over a sustained period of time reflects the severity of the Member's actions. The decisions made by the Member in misappropriating such a significant amount of school funds for his own benefit would have a negative impact on the students, programs, staff morale and community. This lack of ethical leadership warrants the most serious consequences and revocation under these circumstances is appropriate.

The Member signed an Agreed Statement of Facts by which he agreed to publication with his name. In his written Plea Inquiry he requested non publication because his family had been through enough and his wife was a teacher. The Committee therefore considered the comments in the Plea Inquiry as the Member's submission on penalty with respect to publication. The Committee also heard submissions from College counsel with respect to publication.

In order to preserve public confidence and to provide a general deterrent, the Committee determined that full publication was appropriate. Publication serves notice to the profession and the public that the consequences of such actions are severe. The Member's actions represent significant professional misconduct and should attract publication, including the Member's name. The Member's concerns are not sufficient to

mitigate the need to provide the general deterrent of publication and transparency to the public.

Dated: July 8, 2008

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Brent Hamelin  
Chair, Discipline Panel

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John Tucker  
Member, Discipline Panel

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John Wells  
Member, Discipline Panel