

**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 Bruce Donald Stevens, a member of the Ontario College of Teachers.

PANEL: Tianna Travaglini-Babic, Chair
 Jacques Tremblay
 John Tucker

BETWEEN:)	
)	
	)	Brian Wasyliw,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
BRUCE DONALD STEVENS	)	Bruce Donald Stevens was not
(CERTIFICATE #163231)	)	present, nor was he represented
)	
)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: March 5, 2007

REASONS FOR DECISION, DECISION AND ORDER

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on March 5, 2007 at the Ontario College of Teachers (the “College”) at Toronto.

A *Notice of Hearing*, dated December 21, 2006 (Exhibit 1) was served on Bruce Donald Stevens (the “Member”), providing him with notice that the Discipline Committee of the Ontario College of Teachers would meet on January 23, 2007 to set a date for a hearing, and specifying the charges. The member did not attend on January 23, 2007. The Discipline Committee set March 5, 2007 as the date for the hearing on the merits.

Bruce Donald Stevens was not in attendance at the hearing on March 5, 2007, nor was he represented by counsel.

The hearing was scheduled for 9:00 a.m. on March 5, 2007. The Committee waited until 10:12 a.m. to begin the hearing but the Member did not appear. The Committee proceeded in the Member’s absence after satisfying itself that the Member was aware that a complaint had been filed against him and that it would proceed to a hearing. The Committee is satisfied that the College made every reasonable attempt to contact the Member to advise him of the hearing date (Affidavit of Audley Trevor Evans, Senior Law Clerk with McCarthy Tétrault, Solicitors for the Ontario College of Teachers, Exhibit 2).

THE ALLEGATIONS

The allegations against Bruce Donald Stevens in the *Notice of Hearing*, (Exhibit 1) dated December 21, 2006 are as follows:

IT IS ALLEGED that Bruce Donald Stevens is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act* (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, the contravention of which 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).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Bruce Donald Stevens (the “Member”) was at all material times a member of the Ontario College of Teachers.
2. The Member commenced employment with the Simcoe County District School Board (the “Board”) in September 1979.

3. In approximately 1969, the Insurance Trustees Committee (“ITC”) was formed, on behalf of employees of the Board, to manage the life and health benefits of its employees. The Chairperson of ITC is responsible for the day-to-day business operations of the Committee.
4. In September 1998, the Member was seconded from the Board to the position of Chair of ITC.
5. At all material times, the Member was also a Director and Officer of 1124180 Ontario Limited, a company registered in the Province of Ontario and owned by the Member (“the Member’s numbered company”).
6. On or around 18 December 2002, ITC opened a chequing account with a branch of TD Canada Trust in Barrie (“the TD account”). On the same day funds belonging to ITC in the amount of \$286,400.00 were transferred to the TD account. There were no withdrawals with respect to those funds until 18 November 2003.
7. On or about 18 November 2003, the Member transferred the sum of \$286,593.21, being the total of the sum of \$286,400.00 together with accrued interest in the amount of \$193.21, which was the entire balance of the TD account, to the bank account of the Member’s numbered company. The Member was not authorized to engage in that transaction and made no disclosure of the transfer of funds at that time.

8. In or around October 2004, there were changes to the corporate structure of ITC and the Member became the President of ITC.
9. On or about 6 October 2005, the Member wrote to the Chair of ITC resigning from his position as President of ITC, effective 7 October 2005, at which time he stated that he would be returning to the employment of the Board. The Member also stated to the Chair of ITC that he planned to retire at the end of December 2005.
10. On or about 6 October 2005, the Member also wrote to the Board advising that he had resigned his position at ITC and requested that he return to employment with the Board. On the same day the Member requested the Board's consent to his resignation for retirement effective 31 December 2005.
11. On or about 18 October 2005, the Member wrote to the Chair of the ITC at which time he advised the Chair of his inappropriate actions with respect to the transfer of funds to his company and at the same time returned to ITC the sum of \$315,291.00, being the total of the amount of \$286,593.21 which he had transferred to the Member's numbered company plus interest in the amount of \$28,697.79, which he had calculated at the current mortgage rate of 5.1%. At the same time, the Member apologized to ITC and all members of the insurance plan for his actions.
12. Following an investigation, the Member's employment by the Board was terminated on or about 1 December 2005.

13. On or about 20 January 2006, charges were laid against the Member for breach of trust and theft over \$5,000 contrary to the *Criminal Code* (Canada).
14. On or about 17 May 2006, the Member pleaded guilty to, and was found guilty of, a charge of breach of trust. The other charge against the Member was withdrawn.
15. On or about 6 June 2006, the Member was sentenced to twelve months to be served in the community which included a condition that he complete eighty hours of community work service within forty five days.
16. The Member has not appealed the sentence imposed on him.

MEMBER'S PLEA

As the Member was not present, nor represented by Counsel, 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.

THE EVIDENCE

Counsel for the College entered into evidence the following additional documents:

Registered Member Information (Exhibit 3)

Bruce Donald Stevens is a member of the Ontario College of Teachers as shown on the *Registered Member Information*.

Brief of Court Documents – Her Majesty the Queen v. Bruce Donald Stevens (Exhibit 4)

A *Brief of Court Documents* with respect to the criminal proceedings against the Member as alleged in paragraphs 13 through 16 above, was submitted into evidence. These Court Documents consisted of:

- A. Certified copy of Information sworn January 26, 2006
- B. Conditional Sentence Order
- C. Transcript of Guilty Plea before The Honourable Justice G.D. Krelove on May 17, 2006 at Barrie
- D. Transcript of Reasons for Sentence before The Honourable Justice G.D. Krelove on June 6, 2006.

The evidence presented in these Court Documents confirms that on or about 17 May 2006, the Member pleaded guilty to, and was found guilty of, a charge of breach of trust and that on or about 6 June 2006, the Member was sentenced to twelve months to be served in the community which included a condition that he complete eighty hours of community work service within forty five days.

The Member has not appealed the sentence imposed on him.

DECISION

(i) Onus and Standard of Proof

The College bears the onus of proving the allegations in accordance with the standard of proof 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 allegation to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be very serious and assessed the evidence on that basis.

(ii) Decision

Having considered the evidence, onus and standard of proof, 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 Bruce Donald Stevens committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).

REASONS FOR DECISION

The Member was the Chair of the Insurance Trustees Committee (“ITC”) which was formed on behalf of employees of the Board, to manage the life and health benefits of its employees. The Chairperson of ITC was responsible for the day-to-day business operations of the Committee.

On or about 18 November 2003, the Member transferred the sum of \$286,593.21, being the total of the sum of \$286,400.00 together with accrued interest in the amount of \$193.21, which was the entire balance of the TD ITC account, to the bank account of the Member’s numbered company. The Member was not authorized to engage in that transaction and made no disclosure of the transfer of funds at that time.

On or about 18 October 2005, the Member wrote to the ITC at which time he advised of his inappropriate actions with respect to the transfer of funds. At the same time the Member returned to ITC the sum of \$315,291.00, being the total of the amount of \$286,593.21 plus interest in the amount of \$28,697.79. The Member apologized to ITC and all members of the insurance plan for his actions.

On or about 20 January 2006, charges were laid against the Member for breach of trust and theft over \$5,000 contrary to the *Criminal Code* (Canada).

On or about 17 May 2006, the Member pleaded guilty to, and was found guilty of, a charge of breach of trust. The other charge against the Member was withdrawn.

Having no evidence to the contrary, pursuant to Rules 13(05) and 13(06) of the *Rules of Procedure of the Discipline Committee*, the Committee accepts as proof that the Member on or about 17 May 2006, pleaded guilty to, and was found guilty of, a charge of breach of trust. Further, that on or about 6 June 2006, the Member was sentenced to twelve months to be served in the community which included a condition that he complete eighty hours of community work service within forty five days. The Member has not appealed the conviction.

The Member was convicted of breach of trust contrary to the *Criminal Code* (Canada). The Committee finds that this conviction is evidence that the Member committed acts of professional misconduct under sections 1(16), 1(18) and 1(19) of Ontario Regulation 437/97.

The Committee finds that the Member failed to conduct himself in accordance with 264 (1) (c) of the *Education Act* and Ontario Regulation 437/97, subsection 1(5), 1(14), 1(15) by failing to act with integrity and trust as expected of a Member of the teaching profession. The Member's conduct was disgraceful, dishonourable and unbecoming a member contrary to Ontario Regulation 437/97.

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 Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar; 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, with the name of the Member in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Member's conduct was disgraceful, dishonourable and unbecoming a member. The Committee also found that the Member, through his actions, breached the public trust and brought the profession into disrepute. He was convicted of breach of trust as a result of

stealing from the very fund it was his duty to protect. The fact that the Member repaid the funds with interest does not restore the public trust.

Having lost the public trust, revocation of the Member's certificate of qualification and registration is necessary to demonstrate that the Member's conduct was unacceptable in the eyes of the profession and of the public. Publication of the Committee's order with the Member's name is necessary to inform the public and to advise members of the profession as to acceptable conduct.

Dated: March 5, 2007

Tianna Travaglini-Babic
Chair, Discipline Panel

Jacques Tremblay
Member, Discipline Panel

John Tucker
Member, Discipline Panel