

**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 Roger Trahan.

The Discipline Committee held a hearing on November 15 and 16, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**ROGER J. TRAHAN  
CERTIFICATE #169057**

**PRESENT:**

Members of the Panel

Marilyn Laframboise (Chair)

Bernard Adam

Janet Cornwall

The Honourable Patrick Galligan, retired judge, Independent Counsel to the Panel

Will McDowell and Catharine Hawara, McCarthy Tétrault, Counsel for the Ontario College of Teachers

Sean McGee, Nelligan Power, Counsel for the member

Roger Trahan

A Notice of Hearing, dated June 1, 2001 was served on Roger Trahan, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 11, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for November 15, 2001.

It is alleged that Roger Trahan 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 Education Act, Revised Statutes of Ontario, 1990, chapter E. 2 and particularly section 264(1) (c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (c) he contravened a law or laws and that contravention is relevant to his suitability to hold a Certificate of Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (d) he performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or students of a nature or extent that demonstrates that the member is either unfit to carry out his professional duties or that the member's certificate should be made subject to terms, conditions or limitations.

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

On November 15, 2001, the Discipline Committee of the Ontario College of Teachers commenced a hearing into whether Roger Trahan was guilty of professional misconduct.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Roger Trahan 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), (15), (16), (18) and (19).

Counsel presented evidence that Roger Trahan is a member of the Ontario College of Teachers, (Exhibit #1). At all material times, Roger Trahan was employed by the Conseil scolaire de district catholique de l'Est Ontarien at the École St. Victor d'Alfred as a teacher.

Jean-Jacques Legault, currently the Director of Education and former Superintendent of Education at Conseil scolaire de district catholique de l'Est Ontarien testified that on April 1, 1999 Roger Trahan was suspended with pay from his teaching duties as a result

of a newspaper article outlining criminal charges made against the member. He testified that on August 23, 1999 the Board wrote to the member confirming his return to the classroom in September of 1999 pending a verdict expected in mid-November, at which time further decisions would be made regarding his status. On May 11, 2000, the member was suspended without pay and was dismissed effective June 7, 2000 on the grounds that he had been found guilty of a criminal offence, that being mischief, and had deliberately lied to his employer by making a false statement. Jean-Jacques Legault quoted from a letter dated June 16, 1999 a statement made by Roger Trahan (Exhibit #1, Tab 6) "...I am innocent, of that there is no doubt, that's for sure." Jean-Jacques Legault testified that the Board's reaction was that it was impossible to have such an employee for two reasons: the image of a teacher in the classroom must be a role model for students and parents and the link of trust between the employee and employer was broken because Roger Trahan affirmed his innocence to the Board and then pleaded guilty in court to mischief. Jean-Jacques Legault testified that the member had always maintained his innocence before the school board and his federation, AEFO.

Roger Trahan testified to the events of the day in question. He then described his relationship with his first lawyer, Marc Marcotte. He stated that he told his lawyer that he was innocent. His lawyer advised him to plead guilty to mischief, which was a slap on the wrist and he reassured the member that pleading guilty to mischief would not result in his loss of employment. He also testified that the Federation had advised him not to plead guilty but the member said that he felt that the Federation did not know the local courts as well as his lawyer did. The member further testified that his lawyer had promised him that because the lawyer knew the editor of the local paper, there would be

no press coverage of his court appearance. He then pleaded guilty to mischief. He testified that he was very frustrated and disappointed when he did, in fact, lose his employment and that there was, in fact, press coverage. It was at this point that he found a new lawyer, Denis Pommerville. He then testified that with his new lawyer, he attempted to withdraw his guilty plea, because he had been advised to plead guilty in spite of his innocence in order to get his life back in order. He testified that he did not set the fire at his home, that he did not do anything to have a fire set and was not in any way responsible for the fire or the damage. He also testified that he did not clearly understand the charge of mischief.

Denis Pommerville testified, via teleconference, that he became involved in the case as the member's lawyer on September 11, 2000. On the issue of withdrawing his guilty plea, Denis Pommerville testified that he informed Roger Trahan that he thought it would be difficult to raise a reasonable doubt defense because of the items found in garage. There was no explanation that he considered to be reasonable grounds in order to meet the burden of proof required to withdraw the guilty plea. He stated that Roger Trahan provided no reasonable explanation for the items that had been removed from the house prior to the fire and had been locked in the garage and for which the member had submitted an insurance claim. Denis Pommerville testified that Roger Trahan admitted to damaging a window and a patio door but never admitted to setting the fire.

## FINDINGS OF FACT:

The panel finds the following facts:

- (1) Roger Trahan made a claim to his insurance company for items that had been removed from the house and hidden in the garage prior to the fire. Such claim was made despite the discovery of the hidden items by the police on the day following the fire.
- (2) On March 17, 1999 the member was charged with arson pursuant to s. 434 and public mischief pursuant to s. 140 (1) (c) of the *Criminal Code of Canada*.
- (3) In his discussions with the Board, Roger Trahan consistently maintained his innocence with regard to the events leading up to the charges and signed a letter attesting to his innocence (Exhibit #1, Tab 6).
- (4) On May 1, 2000, the member pleaded not guilty to a charge of arson and pleaded guilty to mischief pursuant to s. 430 of the *Criminal Code of Canada*.
- (5) On May 11, 2000 the member was suspended without pay and on June 6, 2000 the member was dismissed effective June 7, 2000 on the grounds that he was guilty of a criminal offence and had deliberately lied to his employer by making a false statement.
- (6) On December 1, 2000, and following the re-entry of a plea of guilty to the charge of mischief, the member was sentenced by The Honourable Judge Cusson to a prison term of nine months to be served in the community. He was ordered to keep the peace and refrain from criminal conduct; to appear before the courts when required to do so; to report to his supervisor within seven days; to remain

- in Ontario except for employment purposes; and to adhere to a court-imposed curfew.
- (7) The charges against the member and his plea of guilty on May 1, 2000 are public knowledge through media coverage of the criminal proceedings involving the member.
- (8) The aforesaid activities and the publicity resulting from that media coverage and communication with the general public have resulted in a reputation and image inconsistent with that expected of a member.
- (9) Roger Trahan was found guilty of mischief in that with intent to mislead he caused Mario Bourgeois, and Paul Burroughs, police constables with the Ontario Provincial Police, Hawkesbury Detachment to enter upon an investigation by reporting that the offence of break and enter had been committed when it had not been committed, contrary to s. 140(1)(c) of the *Criminal Code of Canada* (Exhibit #1, Tab 23).
- (9) The Panel finds that Roger Trahan deliberately lied to the school board and that this behaviour contravenes the *Education Act*, and is disgraceful, dishonourable and unbecoming to a member.

#### **DECISIONS AND ORDERS:**

Based on the reasons outlined above, the Committee finds Roger Trahan guilty of professional misconduct under subsections 1(15), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend the member's

Certificates of Qualification and Registration for a period of 24 months from the date of his dismissal by the Board, that is June 7, 2000.

**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 12th DAY OF APRIL, 2002  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Marilyn Laframboise, **Chair**

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Bernard Adam

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Janet Cornwall