

**ONTARIO COLLEGE OF TEACHERS
DISCIPLINE COMMITTEE**

REASONS FOR DECISIONS AND ORDERS

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

AND IN THE MATTER OF discipline proceedings against Frank Ervin Wallace,

The Discipline Committee held a hearing on July 15, 1998,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**FRANK ERVIN WALLACE
CERTIFICATE #145042**

PRESENT:

Members of the Panel

Kathleen McFadyen (Chair)

Donna Marie Kennedy

George Merrett

Robert Reid, Independent Counsel for the Panel

L. Thomas Forbes, Counsel for the Ontario College of Teachers

Frank Ervin Wallace was not present nor was he represented

A Notice of Hearing, dated March 30, 1998, was served on Frank Ervin Wallace, requesting attendance before the Discipline Committee of the Ontario College of Teachers and specifying the charges. It is alleged that Frank Ervin Wallace is guilty of professional misconduct in that he engaged in inappropriate sexual touching of two of his students and made inappropriate remarks and gestures of a sexual nature to two of his students. The Notice of Hearing states that Frank Ervin Wallace is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

The Discipline Committee of the Ontario College of Teachers met on July 15, 1998, to consider whether Frank Ervin Wallace was guilty of professional misconduct.

Frank Ervin Wallace was not in attendance at the hearing, nor was he represented by counsel.

EVIDENCE

An Agreed Statement of Facts presented to the panel supported the allegation of professional misconduct (Exhibit 2).

Frank Ervin Wallace was found guilty of Sexual Exploitation, Section 153(a) of the Criminal Code of Canada, and sentenced to 2 years and 6 months on May 22, 1997. (Exhibit 3)

REASONS

In the Agreed Statement of Facts, there is evidence that supports the fact that Frank Wallace was charged and convicted for:

- 1) being in a position of trust or authority towards a young person, did for a sexual purpose touch directly the body of said young person with a part of his body on a number of occasions.
- 2) being in a position of trust or authority towards a second young person, did for a sexual purpose touch directly the body of said young person with a part of his body.

DECISIONS

Based on the evidence in the Agreed Statements of Facts, the Committee finds Frank Ervin Wallace guilty of professional misconduct under sections 1(5), (7), (12), (15), (16), (17), (18) and (19) of the Professional Misconduct Regulation, as alleged, and orders the Registrar to revoke Frank Ervin Wallace's Certificate of Qualification and Regulation immediately.

The Committee orders that the names of the students or any information identifying them not be published.

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 DAY OF , 1998
BY ORDER OF THE DISCIPLINE COMMITTEE

Kathleen McFadyen (Chair)

Donna Marie Kennedy

George Merrett