

**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 Beverly Gail Williams, a member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Jacques Tremblay
 John Tucker

BETWEEN:)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
	)	Beverly Gail Williams,
BEVERLY GAIL WILLIAMS	)	represented by Lara Jackson,
(CERTIFICATE #267220)	)	Heenan Blaikie LLP
)	
)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: August 18, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on August 18, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated April 23, 2008, was served on Beverly Gail Williams, requesting her attendance before the Discipline Committee of the Ontario College of Teachers on May 13, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for August 18, 2008.

Neither the Member nor her counsel were in attendance.

THE ALLEGATIONS

The *Notice of Hearing* sets out the following allegations:

IT IS ALLEGED that Beverly Gail Williams is guilty of professional misconduct as defined in subsection 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she signed or issued, in her professional capacity, a document or documents that she knew or ought to have known contained a false, improper or misleading statement contrary to Ontario Regulation 437/97, subsection 1(12);
- (c) she 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);

- (d) she contravened a law or laws, the contravention of which is relevant to her suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) she 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
- (f) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

AGREED STATEMENT OF FACTS

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

1. Beverly Gail Williams (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 as Superintendent of Programs for the Dufferin-Peel Catholic District School Board (“the Board”).
3. On numerous occasions between October 4, 1995 and May 28, 2002, the Member is alleged to have knowingly submitted what appeared to the Board and its associated entities to be legitimate invoices for consulting services from a duly constituted and registered company or trade name in Ontario.

4. The Member is alleged to have received payment from the Board for the invoices referred to in paragraph 3 above and to have converted the funds so received to her own personal use, despite knowing that she was not entitled to these amounts and that the invoices submitted by her contained false, improper or misleading statements.

5. In November 2001 and again in March 2002, when questioned about the receipt by her of the consulting fees, the Member is alleged to have failed to reveal to the Board and to a representative of the forensic accounting firm retained by the Board that she had indeed conducted or supervised the consulting business that had invoiced the Board.

6. On or about February 17, 2004, the Member was charged by Peel Regional Police that she did unlawfully, by deceit, falsehood or other fraudulent means, defraud the Board of a sum of money exceeding \$5,000.00, contrary to Section 380 (1) (a) of the *Criminal Code* (Canada). The allegations against the Member in respect of this criminal charge are substantially the same as the allegations set out in paragraphs 3 – 5 above.

7. On February 19, 2007, the Member was found guilty of fraud over \$5,000.00 as charged. On April 25, 2007, the Member was sentenced to 18 months' incarceration and ordered to pay restitution to the Board in the amount of \$159,000.00. Attached hereto and marked as **Exhibit "B"** is a copy of the *Reasons for Judgment* of Mr. Justice Hill. Attached hereto and marked as **Exhibit "C"** is a copy of the *Reasons for Sentence* of Mr. Justice Hill.

PLEA OF NO CONTEST

8. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 7 above (the “admitted facts”).

9. The Member hereby acknowledges that the admitted facts referred to in paragraphs 3 – 7 above constitute conduct that is disgraceful, dishonourable and unprofessional and pleads no contest to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(12), 1(14), 1(15), 1(16), 1(18) and 1(19).

10. By this document the Member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by signing this document she is consenting to the evidence as set out in the admitted facts being presented to the Discipline Committee;
- (c) she understands that by pleading no contest to the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;
- (d) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

11. 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 the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

12. 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

13. 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.*

14. By this document, the Member acknowledges her 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, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Beverly Gail Williams committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(12), 1(14), 1(15), 1(16),1(18) and 1(19), as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member pleaded no contest to the allegations of professional misconduct and acknowledged that the facts as described in paragraphs 3 to 7 of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* (ASF - Exhibit 3) constitute professional misconduct.

The Committee accepted the Member's plea of no contest and that the facts contained in the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* constitute professional misconduct.

At one time the Board had operated a Teacher's Centre. About three months after the Teacher's Centre folded, the Member opened a business account with essentially the same name. The Member concealed the true identity of The Teacher's Centre. She signed bank documentation indicating the address of The Teacher Centre as the Board's address, but directed the bank to send the account statements to her home address. In

addition, she placed her husband's business address on the invoices from The Teacher Centre to the Board. (Exhibit 3, Tab B, pages 1 to 5).

The Member was a Superintendent of Program for the Dufferin-Peel Catholic School Board. She had the authority to approve third-party invoices for payment. Throughout the period 1999 to 2001 she approved invoices from The Centre in the amount of \$95,493.21 payable by the Board. No work was undertaken for that which was invoiced. (Exhibit 3, Tab C, page 2)

In 2001, the Member defrauded the Board in that she arranged for a publisher's discount on textbook purchases to be directed to The Centre, which funds were in fact payable to the Board. (Exhibit 3, Tab C, page 3)

In 1998, through The Centre, the Member put the Board at risk of losing \$25,000. As well, in 2000, she caused the Board to spend \$1,000 on the purchase of gift certificates used as Christmas presents for members of her family. In 1997-1998 and 2001 she further dishonestly acquired Board funds in the form of cash for her personal benefit in the amount of \$39,038. (Exhibit 3, Tab C, page 3)

In total, the loss, or risk of loss to the Board, as a result of the Member's dishonesty was \$194,357.21. (Exhibit 3, Tab C, pages 2 and 3)

The Member was found guilty of fraud over \$5000, sentenced to 18 months' incarceration and ordered to pay restitution to her Board in the amount of \$159,000.00.

The Member's ongoing fraudulent activity, criminal conviction and sentencing satisfied the Committee that Beverly Gail Williams committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(12), 1(14), 1(15), 1(16),1(18) and 1(19), as set out in the *Notice of Hearing*.

PENALTY DECISION

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

- (a) The Registrar of 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 immediately surrender to the Registrar of the Ontario College of Teachers; and
- (c) 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 Committee found the Member's misconduct to be very serious. As a Superintendent the Member held a position of trust and power. The Member abused her office for personal financial benefit. This premeditated large-scale fraud, over a prolonged duration is a serious breach of trust and professional misconduct. These fraudulent schemes resulted in the Member's receipt of funds that would have been directed to educational purposes. The Member defrauded her employer and the community. The only

appropriate penalty to restore public confidence in the teaching profession is revocation of the Member's certificate. Any lesser penalty would erode public confidence.

Publication, in summary, with the Member's name serves as a further rebuke of the Member's actions. Publication of the Committee's findings also acts as a general deterrent to guide members of the profession and to inform that similar behaviour will result in a finding of professional misconduct and revocation of Certificate.

The Committee is satisfied that the penalty serves to preserve the reputation of the profession, maintain public confidence in the profession and protect the public interest.

Date: August 19, 2008

Rosemary Fontaine
Chair, Discipline Panel

Jacques Tremblay
Member, Discipline Panel

John Tucker
Member, Discipline Panel