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**From:** Ducharme, Christine EDUC:EX  
**To:** s.22  
**Subject:** Hearing Panel Canvass  
**Date:** March 19, 2019 3:41:00 PM

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Thank you to everyone who provided their availability with respect to establishing a panel in this matter. Please be advised that a panel has now been selected:

<b>CLAZIE, Scott Nelson – SD No 62 (Greater Victoria)</b>
<b>Panel *: Sarah Levine (Chair), John Hall (Member), Peter Van Huizen (Member)</b>

\*Note to Panel: I will be in touch shortly with further details.

Kind regards,

**Christine Ducharme**

Hearing Coordinator

Teacher Regulation Branch, Ministry of Education

400 - 2025 West Broadway, Vancouver, BC V6J 1Z6

**Main:** 604-660-6060

**Direct:** 778-366-5919

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## Ducharme, Christine EDUC:EX

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**From:** Ducharme, Christine EDUC:EX  
**Sent:** March 18, 2019 4:29 PM  
**Subject:** RE: Hearing Panel Canvass

**Categories:** Hearings

Thank you to everyone who provided their availability with respect to establishing a panel in this matter. Please be advised that a panel has now been selected:

<b>CLAZIE, Scott Nelson – SD No 62 (Greater Victoria)</b>
<b>Panel *: Sarah Levine (Chair), John Hall (Member), Peter Van Huizen (Member)</b>

\*Note to Panel: I will be in touch shortly with further details.

Kind regards,

**Christine Ducharme**  
Hearing Coordinator  
Teacher Regulation Branch, Ministry of Education  
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6  
**Main: 604-660-6060**  
**Direct: 778-366-5919**  
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2019 TAHP 02  
Report issued: May 3, 2019  
Citation issued: October 18, 2017  
[REDACTED]

IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011, c. 19  
AND  
IN THE MATTER OF A HEARING CONCERNING  
**SCOTT NELSON CLAZIE**  
(An Authorized Person under the *Teachers Act*)

**REASONS FOR DECISION ON FINDINGS AND DETERMINATION**

Written submissions filed: March 4, 2019  
Panel: Sarah Levine, Chair, John Hall, Panel Member, Peter Van Huizen, Panel Member  
Counsel for the Commissioner: Maureen S. Boyd  
Counsel for the Respondent: Robert A. Mulligan, Q.C.

**INTRODUCTION**

[1] A Citation was issued to Scott Nelson Clazie, (the “Respondent”) pursuant to section 56(1) of the Teachers Act, S.B.C. 2011, c. 19 (the “Act”) on October 18, 2017 (the “Citation”).

[2] The Respondent was an authorized person under the Act (Professional Certificate No. L124607), issued by the B.C. College of Teachers (the “College”) on September 6, 1989, and continued under the Act on January 9, 2012. From 2012 to 2015, the Respondent was employed as an elementary school teacher and vice-principal by School District No. 61 (Greater Victoria) (the “District”).

[4] On or about April 20, 2015, the District placed the Respondent on an administrative leave from his employment with the District.

[5] In September 2015, the Respondent commenced a medical leave of absence from his employment with the District, which has continued to this date.

[6] On September 21, 2015, the Superintendent of the District made a report about the Respondent to the Commissioner, under section 16(6) of the *School Act*, R.S.B.C. 1996, c.412 (the “School Act”).

[7] On October 18, 2017, the Commissioner issued the citation to the Respondent.

[8] The Respondent denies that he has engaged in conduct that constitutes professional misconduct, but he does not intend to return to work as a teacher in the Kindergarten to grade 12 school system.

### **JOINT APPLICATION AND SUBMISSIONS OF THE PARTIES**

[9] The Commissioner and the Respondent have made a joint application to the Panel to resolve this matter under section 63(1)(a) by dismissing the Citation (the “Application”).

[10] On March 4, 2019, the Commissioner and the Respondent entered into an agreement in respect of the Citation (the “Agreement”).

[11] Pursuant to the Agreement, the Respondent will relinquish his Certificate of Teaching on the date that this decision is issued. The Respondent agrees that the Director of Certification will process this relinquishment on the basis of the Agreement and without further notice to him.

[12] Pursuant to the Agreement, the Commissioner agrees that the issues in the Citation are resolved without requiring witnesses to attend to give evidence at a hearing.

[13] The Commissioner and the Respondent made joint submissions in support of the Application.

[14] The parties jointly submit that there is no public interest in proceeding to a hearing on the substance of the allegations because the outcome reached in the Agreement

- a. effectively provides as good or better protection to students than could be obtained through a hearing;
- b. can be obtained without requiring witnesses to testify; and
- c. is certain.

[15] The parties submit that the Agreement ensures that the Respondent will never teach in the British Columbia kindergarten to grade 12 school system.

[16] The parties submit that if this matter were to proceed to a hearing and adverse determinations were made against the Respondent, the most serious consequences that may be imposed pursuant to section 64 would be to require the Respondent to relinquish his teaching certificate and to require the Director of Certification to not re-issue a teaching certificate to the Respondent for a fixed or indeterminate time.

[16] The parties submit that the Agreement provides a degree of protection to students and to the public such that it is not necessary in the public interest to proceed with a hearing.

[17] The parties submit that if an agreement similar to the Agreement were reached with a respondent prior to the issuance of a citation, the Commissioner would have the power to decide to take no further action under section 52 of the Act on the basis that it is not in the public interest to do so. In making such a decision, the Commissioner would be permitted to consider the protection of students achieved by the Agreement, the fact that the outcome is certain, and the cost of proceeding to a hearing, including the emotional stress and impact on witnesses and the use of Branch resources.

[18] The parties submit that once a citation has been issued, the Act does not give the power to the Commissioner to rescind a citation.

[19] For these reasons, the parties request that the Panel dispose of the Citation pursuant to subsection (63)(1)(a) by dismissing the Citation without a hearing on the substance of the allegations, on the basis of the substance of the Agreement.

## **DECISION**

[20] The Panel accepts the joint submissions of the parties. The Agreement provides that the Respondent will permanently relinquish his teaching certificate, and that the Respondent will not ever apply for authorization to teach under the Act or under any successor legislation, and that the Respondent understands that the Director of Certification will never consider an application from him and will never issue to him a certificate of qualification, an independent school teaching certificate or a letter of permission, or any other authorization under the Act. The Panel accepts the parties' submissions that these provisions of the Agreement provide the same or more protection to students and the public in British Columbia than would an Order of this Panel were it to hear evidence and make a determination after a hearing.

## **ORDER**

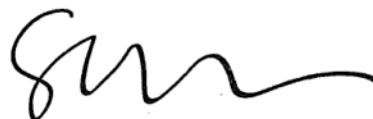
[21] The Citation is dismissed under section 63(1)(a) of the Act.

## **PUBLICATION**

[22] The Panel directs publication of these reasons under section 66(2) of the Act.

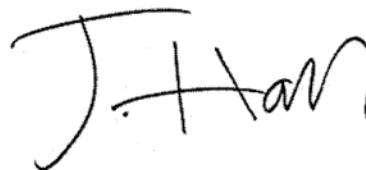
For the Panel

Date: May 3, 2019



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Sarah Levine, Panel Chair



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John Hall, Panel Member



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Peter Van Huizen, Panel Member

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## Ducharme, Christine EDUC:EX

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**From:** Ducharme, Christine EDUC:EX  
**Sent:** May 6, 2019 10:08 AM  
**To:** 'Sarah Levine'; 'John Hall s.22'; 'Peter Van Huizen'  
**Subject:** Hearing Matter  
**Attachments:** Clazie\_Reasons\_Findings\_20190503.pdf

**Re: CLAZIE, Scott Nelson**

Please find attached a copy of your final executed Reasons.

Once your expense claims are ready, please forward to me, along with your time tracking log. Thank you.

Kind regards,

**Christine Ducharme**

Hearing Coordinator  
Professional Conduct Branch  
Governance & Analytics Division, Ministry of Education  
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6

**Main:** 604-660-6060

**Direct:** 778-366-5919

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## Ducharme, Christine EDUC:EX

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**From:** Ducharme, Christine EDUC:EX  
**Sent:** May 10, 2019 12:52 PM  
**To:** s.14 ; 'John Hall s.22' ; 'Peter Van Huizen'  
**Subject:** Hearing Matter  
**Attachments:** Clazie\_Reasons\_Findings\_20190503.pdf

**RE: CLAZIE, Scott Nelson**

I missed out adding the TAHP number on your decision, my apologies. Under Section 42(2) of the *Teachers Act*, the Commissioner may amend. I have forwarded, along with a cover letter as explanation, the decision to Counsel for the parties.

I am including the numbered decision for your files.

Kind regards,

**Christine Ducharme**  
Hearing Coordinator  
Professional Conduct Branch  
Governance & Analytics Division, Ministry of Education  
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6  
**Main:** 604-660-6060  
**Direct:** 778-366-5919  
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# Per Diem/Expense Claim Form for Disciplinary and Professional Conduct Board & Hearing Panel Pool Group I

**Instructions:** Please forward the signed and dated claim form and original receipts to the attention of the Hearing Coordinator at **Teacher Regulation Branch, 400-2025 West Broadway, Vancouver BC V6J 1Z6. - Please print -**

First Name:		Middle Name:		Last Name:	
Address:			City:	Province:	Postal Code:
SIN for Income Tax Purposes:		E-Mail:		Hearing For: CLAZIE, Scott Nelson	

**Per Diem:** See reverse/page 2 for remuneration guidelines. Do not claim this if you are on a paid leave of absence from your employer. Please request a Leave-of-Absence letter from the Hearing Coordinator to be sent to your employer. ☐ Request LOA Letter ☐ Hearing Panel Chair - \$600 ☐ Hearing Panel Member - \$400

Hearing Date(s) From/To	# of Days for Hearing (.5 day if sitting 4 hours or less)	# of Hours for Panel Training, Writing Decision, Teleconference etc. (Attach Log of Hours)	Amount
Total - Per Diem			\$

**Expenses:** See reverse/page 2 for information and links to Travel Policy, Travel Allowances and Remuneration Directive.

Travel Date	Places Travelled (enter city names)	Personal Vehicle Km driven x \$0.54		Airfare/ Taxi/ Ferry/ Bus Attach Receipts	B	L	D	Meal Per Diems	Accommodation Attach Receipts	Miscellaneous (car, rental, parking, etc.) Attach Receipts		Total Costs
MM/DD/YY	From/To	km	\$	\$	√	√	√	\$	\$	\$	Description	
											Total - Expenses	\$

<b>Coding</b>		Service Line:		STOB		Amount:		Signature		Date	
Client:											
Resp:		Project:									
Qualified Receiver - Printed Name		Qualified Receiver Signature		Expense Authority - Name		I certify that this is a true statement of my travel and expenses incurred in the course of my duties on a hearing panel.					

## Remuneration Guidelines for Group I - Part-Time Appointees to Administrative Tribunals

As a member of the Disciplinary and Professional Conduct Board or a hearing panel pool, you will be remunerated and reimbursed in accordance with the Treasury Board Directive dated September 8, 2016 which can be found at <http://www.fin.gov.bc.ca/ocg/fmb/manuals/TBDirs/TBD1-17.pdf>

Meal Allowance Per Diem Table – Group I Rate (Effective April 1, 2018)		
Breakfast only	\$12.00	Claim if travel starts before 7:00AM or ends after 7:00AM
Lunch only	\$14.00	Claim if travel starts before 12:00 noon or ends after 12:00 noon
Dinner only	\$24.00	Claim if travel starts before 6:00 PM or ends after 6:00PM
Breakfast and lunch only	\$25.80	See above
Breakfast and dinner only	\$35.25	See above
Lunch and dinner only	\$37.05	See above
Full day	\$49.05	

### Taxi and Parking:

Taxi and parking charges may be reimbursed, at cost, with submission of receipts. Tips cannot be claimed.

### Travel and Accommodation:

**Note:** due to the nature of hearings, airfare and accommodations should be fully refundable and flexible.

A listing of business travel accommodation can be found at <http://csa.pss.gov.bc.ca/businessstravel/>.

Daily hotel/motel accommodations stays will be reimbursed at cost, with submission of receipts, and must not exceed the maximum rates by city as set out below. Only the single-person rate for a standard room will be reimbursed. Please note rates are effective as of **April 1, 2019**.

City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Downtown Vancouver	\$190	\$190	\$200	\$200	\$280	\$330	\$330	\$300	\$280	\$200	\$190	\$190
Downtown Victoria	\$150	\$150	\$150	\$180	\$185	\$240	\$240	\$240	\$235	\$170	\$150	\$150
Other Cities	Please ask Hearing Coordinator											

**Private lodging:** \$32.28 per night may be claimed when private lodging is arranged. No receipt required.



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## Hearing Time Tracking Sheet

**CLAZIE, Scott Nelson**

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2019 TAHP 02  
Report issued: May 3, 2019  
Citation issued: October 18, 2017  
[REDACTED]

IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011, c. 19  
AND  
IN THE MATTER OF A HEARING CONCERNING  
**SCOTT NELSON CLAZIE**  
(An Authorized Person under the *Teachers Act*)

**REASONS FOR DECISION ON FINDINGS AND DETERMINATION**

Written submissions filed: March 4, 2019  
Panel: Sarah Levine, Chair, John Hall, Panel Member, Peter Van Huizen, Panel Member  
Counsel for the Commissioner: Maureen S. Boyd  
Counsel for the Respondent: Robert A. Mulligan, Q.C.

**INTRODUCTION**

[1] A Citation was issued to Scott Nelson Clazie, (the “Respondent”) pursuant to section 56(1) of the Teachers Act, S.B.C. 2011, c. 19 (the “Act”) on October 18, 2017 (the “Citation”).

[2] The Respondent was an authorized person under the Act (Professional Certificate No. L124607), issued by the B.C. College of Teachers (the “College”) on September 6, 1989, and continued under the Act on January 9, 2012. From 2012 to 2015, the Respondent was employed as an elementary school teacher and vice-principal by School District No. 61 (Greater Victoria) (the “District”).

[4] On or about April 20, 2015, the District placed the Respondent on an administrative leave from his employment with the District.

[5] In September 2015, the Respondent commenced a medical leave of absence from his employment with the District, which has continued to this date.

[6] On September 21, 2015, the Superintendent of the District made a report about the Respondent to the Commissioner, under section 16(6) of the *School Act*, R.S.B.C. 1996, c.412 (the “School Act”).

[7] On October 18, 2017, the Commissioner issued the citation to the Respondent.

[8] The Respondent denies that he has engaged in conduct that constitutes professional misconduct, but he does not intend to return to work as a teacher in the Kindergarten to grade 12 school system.

## **JOINT APPLICATION AND SUBMISSIONS OF THE PARTIES**

[9] The Commissioner and the Respondent have made a joint application to the Panel to resolve this matter under section 63(1)(a) by dismissing the Citation (the “Application”).

[10] On March 4, 2019, the Commissioner and the Respondent entered into an agreement in respect of the Citation (the “Agreement”).

[11] Pursuant to the Agreement, the Respondent will relinquish his Certificate of Teaching on the date that this decision is issued. The Respondent agrees that the Director of Certification will process this relinquishment on the basis of the Agreement and without further notice to him.

[12] Pursuant to the Agreement, the Commissioner agrees that the issues in the Citation are resolved without requiring witnesses to attend to give evidence at a hearing.

[13] The Commissioner and the Respondent made joint submissions in support of the Application.

[14] The parties jointly submit that there is no public interest in proceeding to a hearing on the substance of the allegations because the outcome reached in the Agreement

- a. effectively provides as good or better protection to students than could be obtained through a hearing;
- b. can be obtained without requiring witnesses to testify; and
- c. is certain.

[15] The parties submit that the Agreement ensures that the Respondent will never teach in the British Columbia kindergarten to grade 12 school system.

[16] The parties submit that if this matter were to proceed to a hearing and adverse determinations were made against the Respondent, the most serious consequences that may be imposed pursuant to section 64 would be to require the Respondent to relinquish his teaching certificate and to require the Director of Certification to not re-issue a teaching certificate to the Respondent for a fixed or indeterminate time.

[16] The parties submit that the Agreement provides a degree of protection to students and to the public such that it is not necessary in the public interest to proceed with a hearing.

[17] The parties submit that if an agreement similar to the Agreement were reached with a respondent prior to the issuance of a citation, the Commissioner would have the power to decide to take no further action under section 52 of the Act on the basis that it is not in the public interest to do so. In making such a decision, the Commissioner would be permitted to consider the protection of students achieved by the Agreement, the fact that the outcome is certain, and the cost of proceeding to a hearing, including the emotional stress and impact on witnesses and the use of Branch resources.

[18] The parties submit that once a citation has been issued, the Act does not give the power to the Commissioner to rescind a citation.

[19] For these reasons, the parties request that the Panel dispose of the Citation pursuant to subsection (63)(1)(a) by dismissing the Citation without a hearing on the substance of the allegations, on the basis of the substance of the Agreement.

## **DECISION**

[20] The Panel accepts the joint submissions of the parties. The Agreement provides that the Respondent will permanently relinquish his teaching certificate, and that the Respondent will not ever apply for authorization to teach under the Act or under any successor legislation, and that the Respondent understands that the Director of Certification will never consider an application from him and will never issue to him a certificate of qualification, an independent school teaching certificate or a letter of permission, or any other authorization under the Act. The Panel accepts the parties' submissions that these provisions of the Agreement provide the same or more protection to students and the public in British Columbia than would an Order of this Panel were it to hear evidence and make a determination after a hearing.

## **ORDER**

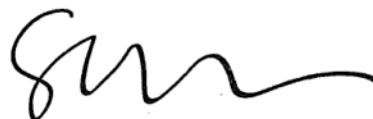
[21] The Citation is dismissed under section 63(1)(a) of the Act.

## **PUBLICATION**

[22] The Panel directs publication of these reasons under section 66(2) of the Act.

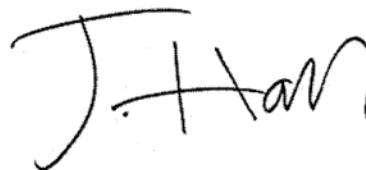
For the Panel

Date: May 3, 2019



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Sarah Levine, Panel Chair



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John Hall, Panel Member



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Peter Van Huizen, Panel Member

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