

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

Citation: College of Early Childhood Educators vs Bryan Edward Robinson,
2017 ONCECE 6
Date: 2017-07-18

IN THE MATTER OF the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sched. 8 (the
“ECE Act”) and the Regulation (Ontario Regulation 223/08) thereunder;

AND IN THE MATTER OF discipline proceedings against Bryan Edward Robinson, a current
member of the College of Early Childhood Educators.

PANEL: Barbara Brown, RECE, Chair
 Karen Damley
 Sophia Tate, RECE

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD	)	Jill Dougherty
EDUCATORS	)	WeirFoulds LLP,
	)	for the College of Early Childhood Educators
)	
- and -)	
)	
BRYAN EDWARD ROBINSON	)	Robyn White
REGISTRATION # 21135	)	Cavalluzzo Shilton McIntyre Cornish LLP,
	)	for the Member
)	
)	
)	
	)	Erica Baron,
	)	McCarthy Tétrault LLP,
	)	Independent Legal Counsel
)	
	)	Heard: April 27, 2017
)	
)	
)	

PENALTY DECISION

1. The member is required to appear in person to be reprimanded by the Discipline Panel as outlined in section 33.5(1) of the *Early Childhood Educators Act* (the Act).
2. The Registrar is directed to revoke the Member's Certificate of Registration, pursuant to section 33.4(1) of the Act.
3. The Member is required to pay costs to the College in the amount of \$257,353.76 (which amounts to 2/3 of the College's actual costs), under s. 33.5(4) of the Act.
4. The results of the hearing are to be recorded on the College's Register in accordance with the Act and the College's by-laws.
5. The Discipline Panel's Decision and Order is required to be published in full, including the Member's name, on the College's website and in summary in the College's publication, *Connexions*.

REASONS FOR PENALTY DECISION

After considerable deliberation the Panel has decided on this penalty as the member is guilty of sexually abusing a child under his care. The Act requires that the Panel order a reprimand and revocation of the Member's certificate of registration. The Act also requires the results of the hearing to be recorded on the College's Register, and for the Panel's decision and order to be published in full, with the member's name, on the College's website and in its official publication.

This penalty is meant to serve as a specific deterrent to the Member and as a general deterrent to the membership. The Member has been found guilty of a particularly egregious act, sexual abuse against a very young child. The Panel takes its role of protecting the public interest very seriously and strives to protect very young children, the most vulnerable of populations, who are under the care of the College's members.

Section 33(5)4 of the Act permits the discipline committee to fix costs to be paid by the member and the Rules of Procedure of the Discipline Committee and of the Fitness to Practice Committee of the College of Early Childhood Educators set out that cost of a discipline hearing can be awarded against the member upon a finding of guilt. The College of Early Childhood Educators bears the cost of hearings as they are funded through membership fees. The Panel feels that the Membership should not have to pay for an individual member's professional misconduct.

After careful consideration of all of the penalty hearing submissions, the panel has decided that the Member is required to pay the cost of \$257,353.76 which represents 2/3 of the cost the College incurred to effectively administer this disciplinary process. In reviewing the Bill of Costs of the College, the Panel accepts that these reasonably reflect the expenses incurred during the Prosecutorial Viability Assessment, pre-hearing conference, hearing preparation and hearing attendance for 18 days. The Panel considered the Member's existing assets and his ability to earn future income including the number of years left for him to work. The College is to work with the Member to devise an appropriate payment plan that takes into consideration the Member's financial situation.

Members are entitled to pursue a vigorous defense. In this hearing, however, in most instances, the Panel ruled against the Member and ultimately found the Member guilty of professional misconduct. The College was fully successful on all allegations in the Notice of Hearing. Additionally, during the hearing the Member testified that he understood that the College would be seeking costs during the penalty phase if he was found guilty.

The Panel accepts the Member did not act in a manner that was unreasonable, frivolous, vexatious or in bad faith in the conduct of the hearing.

Dated: July 18, 2017

Handwritten signature of Barbara Brown in cursive script.

Barbara Brown, RECE
Chair of the Discipline Panel