

SCHOOL ACT
ALBERTA REGULATION 4/99
PRACTICE REVIEW OF TEACHERS REGULATION

• **PRACTICE REVIEW PANEL HEARING
REGARDING THE CONDUCT OF MARTIN LEWIS HUNGERFORD**

• **DECISION OF THE PANEL**

• **HEARING HELD ON NOVEMBER 24, 2003 AT
EDMONTON, ALBERTA**

PANEL MEMBERS IN ATTENDANCE:



LEGAL COUNSEL TO THE PANEL:



REGISTRAR:

Under Section 14(1) of the *Practice Review of Teachers Regulation (Regulation)*, [REDACTED] represented the Registrar, [REDACTED] (Director, Teacher Development and Certification Branch Alberta Learning

ADMINISTRATIVE ASSISTANT:



Teacher Development and Certification
Alberta Learning

TEACHER:

Martin Lewis Hungerford, the teacher, was not in attendance. The panel heard evidence that the notice of hearing was served on the teacher at his last known address as required under Section 28(b) (ii) of the *Regulation*. The hearing proceeded in the absence of the teacher.

EVIDENCE:

The Registrar's Representative presented to the Panel evidence that the Ontario College of Teachers found the teacher, Martin Lewis Hungerford, had engaged in professional misconduct while a certificated teacher in Ontario and while holding an Alberta permanent professional teaching certificate issued on July 4, 1986. The panel was presented with evidence that the Ontario College of Teachers revoked Mr. Hungerford's Ontario teaching certificate in September 28, 1999.

Registrar's Submission:

The Registrar's Representative noted that Mr. Hungerford holds an Alberta permanent professional teaching certificate issued on July 4, 1986.

The Registrar's Representative reviewed the documentation received from the Ontario College of Teachers Discipline Committee as well as notices of conviction in respect to Mr. Hungerford's conduct. The documents included evidence of Mr. Hungerford conduct that resulting in convictions under the Criminal Code of Canada including the following convictions:

June 9, 1980	Break and Enter, by way of indictment
January 3, 1985	Summary conviction for theft under \$200
June 7, 1985	Summary conviction of Theft under \$ 200
September 1, 1987	Summary conviction of possession of property Under \$1000 obtained by a crime
November 28, 1995	Summary conviction of Possession of narcotics
June 9, 1999	Summary conviction of a controlled substance (crack cocaine)

The Registrar's Representative noted that under the *Regulation*, unprofessional conduct is defined in Section 1(1) (o), and means conduct that is detrimental to the best interests of students, the public or teachers generally, and went on to point out that Mr. Hungerford's conduct resulting in the criminal convictions over a period of time, as demonstrated by the evidence is sufficient to show that Mr. Hungerford's conduct is detrimental to the best interests of students, the public and teachers generally, and therefore, it is not appropriate for Mr. Hungerford to hold the authority to teach in Alberta because:

- o the teacher is not an individual who can be entrusted with the custody and instruction of students, nor is he an individual who may serve as a suitable role model for students;
- o the interests of the public are not served by having an individual such as Mr. Hungerford in the classroom since he does not uphold the values and laws of society; and,
- o it is not in the best interests of the teaching profession in which the public must have confidence to have among its members an individual who does not uphold the high standards of conduct expected of those who are entrusted with the custody and instruction of students.

The Registrar's Representative also noted that since one of Mr. Hungerford's convictions, the 1980 conviction, was by way of indictment, the Panel must find Mr. Hungerford guilty of unprofessional conduct under Section 19(2) of the *Practice Review of Teachers Regulation*. Further given the number of convictions over time, the Registrar's Representative asked the panel to find that Mr. Hungerford's conduct constitutes unprofessional conduct and recommend to the Minister of Learning the cancellation of the teacher's Alberta teaching certificate.

Teacher's Submission: No submissions were made

PANEL'S FINDING:

Under Section 19 of the *Regulation*, the Panel finds that, given the number of criminal convictions over a period of time, and in light of the conviction of Martin Lewis Hungerford for at least one indictable offence, in accordance with Section 19(2) of the *Regulation*, the Panel found the conduct of Martin Lewis Hungerford as constituting unprofessional conduct given that his conduct is detrimental to the best interests of students, the public or teachers generally.

PANEL'S RECOMMENDATION:

Further to its finding, under Section 20(1) (b) of the *Regulation*, the Panel recommends that the Minister of Learning cancel Martin Lewis Hungerford's Alberta teaching certificate.

[REDACTED]

Chair
Practice Review Panel

November 25, 2003