
**SCHOOL ACT
ALBERTA REGULATION 11/2010
PRACTICE REVIEW OF TEACHERS REGULATION

PRACTICE REVIEW HEARING COMMITTEE HEARING
DECISION OF THE HEARING COMMITTEE REGARDING
COMPLAINT

ABOUT MR. WARREN FERTIG

HEARING HELD ON AUGUST 22, 2014
AT EDMONTON, ALBERTA**

The Practice Review Hearing Committee (“the Hearing Committee”) established by the Registrar, Alberta Education (“the Registrar”), in accordance with section 7 of the *Practice Review of Teachers Regulation* (“the *Regulation*”), convened to hear a complaint about the alleged unprofessional conduct of Mr. Warren Fertig (Mr. Fertig). The following were Members of the Hearing Committee:

[REDACTED]

The hearing was held on Friday, August 22, 2014, commencing at 9:00 a.m. at 44 Capital Boulevard Building, 10044 108 Street, Edmonton, Alberta. Proceedings were formally recorded by Court Reporter [REDACTED]

The following were present at the hearing:

[REDACTED]

The following witnesses attended at the hearing:

On behalf of the Registrar

On behalf of Mr. Warren Fertig

None

None

MANDATE OF THE PRACTICE REVIEW HEARING COMMITTEE

To hear the evidence presented with respect to the complaint about the alleged unprofessional conduct of Mr. Fertig in order to determine whether Mr. Fertig’s actions constitute unprofessional conduct, as defined under section 24 of the *Regulation*, and, if so, make recommendations under section 25 of the *Regulation*.

PRELIMINARY MATTERS

The Chair confirmed that all parties had copies of all documents which were before the Hearing Committee and that no party had any objection to the composition of the Hearing Committee.

HISTORY OF COMPLAINT

- 1) On March 24, 2014, the Registrar became aware of a newspaper article indicating that Mr. Fertig had been convicted of “raping” a student in the 1970s and had been sentenced to 5 years in prison. The Registrar appointed [REDACTED] (“the Investigator”) to investigate the matter.
- 2) On May 30, 2014, the Investigator submitted his report.
- 3) By letter dated June 2, 2014, after reviewing the report of the Investigator, the Registrar advised Mr. Fertig that he was referring the matter to a hearing of the Practice Review Hearing Committee to hear the following allegation:

(i) The allegation of unprofessional conduct relates to Mr. Fertig's criminal conviction of the indictable offence of having sexual intercourse with a former student, between May 1, 1975 and September 30, 1977 at or near [REDACTED] and [REDACTED], Alberta where he was employed as a teacher in [REDACTED] School at the time. This allegation brings into question his suitability to hold a teaching certificate.

4) By letter dated July 18, 2014, the Chair of the Hearing Committee advised Mr. Fertig that the hearing would be held on August 22, 2014, commencing at 9:00 a.m.

HEARING COMMITTEE'S FINDINGS:

After due deliberation and consideration of the evidence before it, and in accordance with section 24 of the *Practice Review of Teachers Regulation*, the Hearing Committee finds:

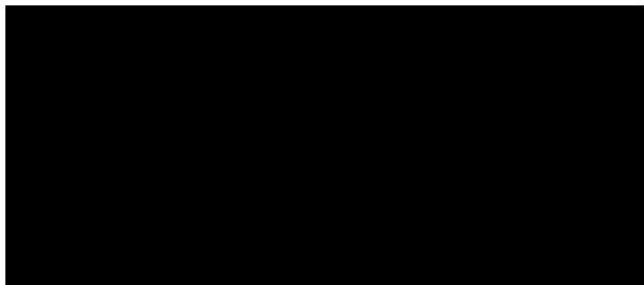
1) Mr. Warren Fertig guilty of unprofessional conduct in that he had sexual intercourse with a former student, between May 1, 1975 and September 30, 1977 at or near [REDACTED] and [REDACTED], Alberta where he was employed as a teacher in [REDACTED] School at the time

Reasons for Finding

On November 8, 2013, Mr. Fertig pled guilty of having sexual intercourse with a [REDACTED] person [REDACTED] without [REDACTED] consent on multiple occasions, between May 1, 1975 & September 30, 1977 (Tab 8, Appendix 4 of Exhibit 2) and as result of that conviction Mr. Fertig was sentenced to a five year term.

HEARING COMMITTEE'S RECOMMENDATION:

On the basis of the findings, and in accordance with s. 25(1) of the *Practice Review of Teachers Regulation*, the Hearing Committee recommends that the Minister of Education cancel the Permanent Professional Certificate of Mr. Warren Fertig.



September 12, 2014

Date