

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF A CHARGE OF UNPROFESSIONAL
CONDUCT AGAINST EDWARD LEONG

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Edward Leong of [REDACTED] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Wednesday, June 29, 2011.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED]
[REDACTED] presented the case against the investigated member. The investigated member, Edward Leong, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

There were no objections to the constitution or the jurisdiction of the hearing committee.

CHARGES AND PLEA

The following charge was read aloud by the secretary to the hearing committee:

1. Edward Leong is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between October 2005 and March 2010, engaged in conduct for which he, on April 21, 2011, was convicted of an indictable offence: Between the 1st day of September 2005 and the 1st day of March 2010, both dates inclusive, at or near [REDACTED], did by deceit, falsehood or other fraudulent means, unlawfully defraud [REDACTED] of property, money, valuable security or a service, to wit: obtain items for personal use on a business credit card, of a value under \$5,000.00, contrary to section 380(1)(A) of the Criminal Code of Canada.

On behalf of Leong, the hearing committee directed a plea of not guilty to the charge.

WITNESSES

[REDACTED] called [Name Redacted], an area director for the [School Board Redacted].

EXHIBITS FILED

Exhibit 1—Notice of hearing and affidavit of service on June 5, 2011

Exhibit 2—Proof of Edward Leong's membership in the Association from September 1, 1997 to September 30, 2010 inclusive

Exhibit 3—Certificate of conviction, dated May 9, 2011

Exhibit 4—Copy of Recommendation to the Board of Trustees regarding Termination of Contract of Employment - Edward Leong (documentation package)

Exhibit 5—Letter of resignation from Leong to [Name Redacted], chief superintendent, dated September 10, 2010

Exhibit 6—Letter from [Name Redacted], superintendent of human resources, to Leong, dated September 22, 2010

Exhibit 7—Receipt totals (list)

Exhibit 8—List of precedent cases cited by [REDACTED]

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Edward Leong was a member of the Association during the period of September 1, 1997 to September 30, 2010. (Exhibit 2)
2. Leong was employed by the [School Board Redacted] from August 28, 1995 to September 30, 2010. (Exhibits 4 and 5)
3. Leong was convicted on April 21, 2011 of the indictable offence of fraud under section 380 of the Criminal Code of Canada. (Exhibit 3)

DECISION OF THE HEARING COMMITTEE

The hearing committee found Edward Leong guilty.

REASONS FOR DECISION

1. Leong was convicted of an indictable criminal offence (fraud).
2. A member is considered guilty of unprofessional conduct under section 23(2)(a) of the *Teaching Profession Act*, which states that if a member has been convicted of an indictable offence, the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct.

SUBMISSION ON PENALTY

1. [Redacted] recommended that Leong be declared ineligible for membership in the Association and that a recommendation be sent to the minister of education to cancel his teaching certificate.
2. The presenting officer called [Name Redacted] as a witness to support [Redacted] submission on penalty.
3. [Name Redacted] indicated that in [Gender redacted] role as area director, [Gender Redacted] is responsible for the supervision of 49 schools and reports to the chief superintendent.
4. [Name Redacted] outlined the practices of [Board redacted] Education regarding the use of P-cards (purchasing cards) held by some members of staff. [Gender Redacted] testified that P-cards were held by individuals, who were accountable for their cards, and were intended for payment of incidental, school-related expenses such as perishable items for the science program, emergent occasions and occasional use for staff luncheons or student rewards.
5. [Name Redacted] noted that Leong's P-card was intended for purchases for the science department, and that Leong's P-card purchases were paid for out of the science department budget.
6. [Name Redacted] indicated that Leong was in a leadership position in [School Redacted]; the position was an administrative designation and he was the head of the science department. Leong's administrative designation was renewed annually, based on his performance.
7. [Name Redacted] testified that in his role, Leong was responsible to support fellow teachers in instructional delivery, that he was held to an increased standard of trust, that he was responsible for the care of the students, and that he was expected to model appropriate behaviour.
8. [Name Redacted] testified that Leong had charged to his P-card considerable personal expenses such as food and fuel and that during the course of the school jurisdiction's investigation, Leong expressed the belief that he worked hard and therefore his personal use of the card was acceptable.
9. Referring to Exhibit 4, [Name Redacted] testified that during the jurisdiction's investigation, Leong provided receipts demonstrating his personal use of the P-card in excess of \$4,000. [Gender redacted] noted there were many other charges of a similar nature that were not supported by receipts.
10. [Name Redacted] referred to a spreadsheet detailing Leong's P-card transactions from October 7, 2005 to March 17, 2010, contained in Exhibit 4, which [Gender Redacted] said was produced during the jurisdiction's investigation. [Name Redacted] explained that the spreadsheet shows numerous purchases which Leong supported with receipts but admitted were for personal use. [Name Redacted] testified that Leong further admitted that many of the other purchases, for which he did not produce receipts, were also for personal use.

11. Referring again to the spreadsheet detailing Leong's P-card transactions from October 7, 2005 to March 17, 2010 within Exhibit 4, [Name Redacted] identified two instances where Leong charged items to the P-card and also claimed the amounts as expenses through the school cash accounts. [Gender Redacted] referred to this act as "double-dipping."
12. The hearing committee noted that within Exhibit 4, in the Report to the Board of Trustees, on page 3, Leong is said to have admitted to intentionally using his P-card for personal purchases. Further, Leong is said to have admitted he misappropriated jurisdiction funds when he used his P-card to first pay for legitimate business expense and then sought reimbursement for the same expense a second time through the school's cash account. This happened on two separate occasions.
13. The hearing committee accepted the testimony of the witness as it related to the penalty. The hearing committee found that the witness was credible and [Gender Redacted] testimony was both internally consistent and consistent with the exhibits filed.
14. [Name Redacted] noted that a review of the receipts provided by Leong during the investigation revealed an escalation of personal use of the P-card over the years. (Exhibit 7)
15. [Name Redacted] stated that Leong was responsible for his behaviour and that the testimony and exhibits filed demonstrated that, on the balance of probability, his fraud exceeded the less than \$5,000 value admitted in the criminal charge against him.

PENALTY

The hearing committee declared Leong ineligible for membership in the Alberta Teachers' Association for two years and recommended to the minister of education that Leong's teaching certificate be suspended for two years.

REASONS FOR PENALTY

1. Leong was convicted of the criminal offence of fraud for which the Crown proceeded by indictment.
2. Leong admitted his actions, through his guilty plea to the indictable offence (Exhibit 3) and has made partial restitution as noted in his letter of resignation. (Exhibit 5)
3. Leong felt entitled to use the P-card for personal purchases.
4. Leong broke trust with his employer and did not fulfill the expectations of someone who holds a leadership position in a school.

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5. The hearing committee considered that the misappropriation of funds from the school science budget may well have depleted resources intended for educational support.
6. The hearing committee considered that Leong was cooperative, remorseful and had begun to make restitution.
7. The hearing committee also considered the egregious nature of Leong's conduct, the extent to which the fraud occurred, the deliberateness of Leong's actions and that the fraud occurred over a period of years.
8. Leong's actions besmirched the honour and dignity of the profession.

Dated at the City of Edmonton in the Province of Alberta, Wednesday, June 29, 2011.

HEARING COMMITTEE OF THE
PROFESSIONAL CONDUCT COMMITTEE
OF THE ALBERTA TEACHERS' ASSOCIATION

