



IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011 c. 19

AND

IN THE MATTER CONCERNING
EUGENIO ALFONSO BAHAMONDE



CONSENT RESOLUTION AGREEMENT


BETWEEN:

THE COMMISSIONER, APPOINTED UNDER THE *TEACHERS ACT*
(the “Commissioner”)

AND:

EUGENIO ALFONSO BAHAMONDE
 (“Bahamonde”)

BACKGROUND and FACTS

1. Bahamonde holds a valid Professional Certificate of Qualification,  It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on March 2, 1999, is valid from January 1, 1999, and was continued under the *Teachers Act* as of January 9, 2012.
2. At all material times, Bahamonde was employed as a teacher teaching on call by School District No. 36 (Surrey) (the “District”).
3. On September 7, 2018, the District made a report to the Commissioner regarding Bahamonde, under section 16 of the *School Act*.
4. The following events occurred:
 - a. On November 7, 2012, Bahamonde worked as a teacher teaching on call at a secondary school in the District.

- b. Bahamonde drove to work on November 7, 2012 in his 2002 BMW X5 car and parked it on school property during the school day. The following items were inside a gym bag in Bahamonde's car and were owned by Bahamonde:
 - i. a total of 45.6 grams of marijuana, of which 31.3 grams were in a large zip-loc bag and 14.3 grams were in a small zip-loc bag;
 - ii. \$1,440.00 of cash bundled with an elastic band (4 x \$5, 3 x \$10, 52 x \$20, 5 x \$50, 1 x \$100);
 - iii. an electronic scale;
 - iv. rolling papers; and
 - v. a package of zip-loc bags.
 - c. His work day ended at 2:50 p.m.
 - d. At 3:28 p.m., Bahamonde was observed by police inside his car parked near the intersection of School Avenue and Kerr Street in Vancouver, close to an elementary school.
 - e. Police observed another adult male get into Bahamonde's car and then exit a few minutes later, then Bahamonde drove away.
 - f. Shortly after, he was pulled over by police on East Broadway and his car was searched. Bahamonde was arrested and later charged with possession of marijuana and possession of marijuana for the purposes of trafficking.
 - g. On December 11, 2012, the District suspended Bahamonde without pay.
 - h. On June 23, 2015, Bahamonde was acquitted after the trial judge ruled on a *voir dire* that his arrest was unlawful and the evidence seized from his vehicle after his arrest was not admissible. This decision was upheld on appeal on December 22, 2016.
5. On June 22, 2018, the District terminated the employment of Bahamonde.
 6. Bahamonde admits that at on November 7, 2012, he was unlawfully in possession of approximately 45 grams of marijuana and that he knew that it was unlawful to possess this marijuana. He says that he possessed this marijuana for medical purposes. He did not have authorization to possess any marijuana for medical purposes, although he knew such authorization was required.

7. On June 13, 2019, the Commissioner considered this matter and determined to propose a consent resolution agreement to Bahamonde, in accordance with section 53(1)(a) of the *Teachers Act*.

CONSEQUENCES

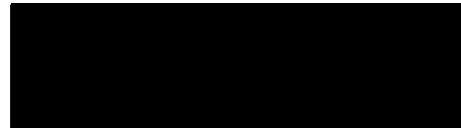
8. This Agreement is made under section 53 of the *Teachers Act*.
9. Bahamonde understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement (the "Effective Date").
10. Bahamonde admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Bahamonde admits that the conduct described in paragraph 6 of this Agreement constitutes conduct unbecoming and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. Bahamonde agrees to a one month suspension of his certificate of qualification under sections 53 and 64(b) of the *Teachers Act*, from September 3, 2019 to October 2, 2019, inclusive.
13. In determining that a suspension is an appropriate consequence, the Commissioner considered the following factors:
 - a. he knew at the time when he possessed the marijuana that his conduct was unlawful; and
 - b. his conduct undermines the public's confidence in the integrity of the teaching profession.
14. Bahamonde agrees not to make any statement orally or in writing which contradicts, disputes or calls into question the terms of this Agreement or the admissions made in it.

EFFECT OF THE AGREEMENT

15. The Director of Certification will record the terms of this Agreement on the Branch's online registry under section 79(d) of the *Teachers Act*.
16. Bahamonde acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.

17. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
18. A breach by Bahamonde of any term in this Agreement may constitute professional misconduct which may be the subject of separate discipline proceedings.
19. Bahamonde acknowledges and understands that if the Commissioner has reason to believe that he has breached any term of this Agreement:
 - a. the Commissioner may initiate an investigation under section 47(1)(b) of the *Teachers Act* into his conduct; and
 - b. the conduct and matters described in the "Background and Facts" to this Agreement are admissible in that inquiry as proof that Bahamonde has admitted to the conduct and matters set out in this Agreement.
20. Bahamonde acknowledges that he has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Richmond, B.C.
this 30 day of July, 2019.



Eugenio Alfonso Bahamonde

Signed in Vancouver, B.C.
this 2 day of August, 2019.



Howard L. Kushner, Commissioner