

COPY

EDMONTON CATHOLIC SCHOOLS

SANCTION HEARING

Rebecca Kallal	Madam Chair
John Acheson	Panel Member
Laura Thibert	Panel Member
Cindy Olsen	Panel Member
Marilyn Bergstra	Panel Member
Carole Karbonik	Administers Oath
Debbie Engel	Complainant
Larry Kowalczyk	Respondent
K. Feehan, Esq.	For the Complainant
S. Renouf, Esq.	For the Respondent
A. B. Forestier, CSR(A)	Court Reporter

Edmonton, Alberta
June 18, 2012

1 came to the thing. And I says, I need an in camera
2 session. And she says, what's it about? I says,
3 it's about employee relations. And she says, Is it
4 very important? I says, Yes.

5 Q And was there a vote on whether that matter could
6 be considered in camera?

7 A Yes, there was.

8 Q And how was that vote?

9 A It was voted unanimously.

10 Q And I take it then you raised the issue of this
11 letter from some junior high principals?

12 A Correct.

13 Q That had gone to all of the trustees?

14 A Yes. This --

15 Q Unless Mr. Feehan wants to get into this, I'm going
16 to leave that largely alone. I wanted to ask you
17 this question: Did anybody tell you that you
18 should deal with that letter in the open portion of
19 the board meeting?

20 A Debbie Engel irately told me that, yes.

21 Q This was during the in camera?

22 A During the in camera session.

23 Q All right. And what happened then during the in
24 camera session?

25 A Well, Debbie Engel went bananas.

26 Q Let's just --

27 A No. Debbie Engel.

1 Q Just be factual.

2 A Okay. Debbie Engel got very excited. She was very
3 excited. She was upset. She said, what is this
4 doing here? This does not belong here, et cetera.
5 So then --

6 Q Did she rule it out of order?

7 A I do not remember that.

8 Q Did she interject?

9 A Perhaps.

10 Q Okay. You've heard that Superintendent Carr felt
11 that she was being bullied. Were you intending or
12 attempting to bully Superintendent Carr?

13 A I was not intending to bully Superintendent Carr.

14 Q Okay. And did you mouth something at Chair Engel?

15 A Yes. When Chair Engel was telling me that this
16 should have been dealt with in public board, in my
17 18 months of being a trustee, we've never discussed
18 certain employees in a public board meeting, so I
19 mouthed to her, "Fuck off".

20 Q Not audibly or audibly?

21 A Inaudibly.

22 Q Now, you've given a gesture here which the tape
23 recorders won't pick up, but you held your right
24 hand next to your mouth?

25 A Correct. Just my right hand. I didn't cup both
26 hands.

27 Q And what was your reason for putting your right

1 hand next to your mouth?

2 A Well, because nobody else could see this other side
3 because I was right against the window. So -- and
4 I was facing Debbie. And I just said, Hey, Debbie.
5 And she looked my way, and that's when I uttered
6 those comments to her.

7 Q What was your purpose in using your cupped hand
8 like that?

9 A So the others would not see.

10 Q And was it your intention that they wouldn't see
11 it?

12 A Absolutely.

13 Q Tell us about what happened at the conclusion of
14 the meeting.

15 A At the conclusion of the in camera meeting, Debbie
16 Engel had left. And there was only Trustee Acheson
17 and Trustee Bergstra and myself left in 206. And
18 Debbie Engel comes in again, very excited, very
19 disturbed. And she said, what are you three doing
20 here? You should be in your little room talking
21 like you always do. And that's when, I believe,
22 Trustee Acheson got out of his chair.

23 Q Go ahead.

24 A And then I believe it was at this time that Debbie
25 said that, I'm going to go public with this. And
26 that's when I made the comment to her. I said, You
27 go public with that, I'll squash you like a bug.

1 Q Looking back -- sorry. Just before we get to that,
2 what happened after that?

3 A After that, she said, well, let's leave this and go
4 and finish our public meeting. So we all came down
5 here and said a prayer, and that was it.

6 Q Now, just before I go to the question I was about
7 to ask you, I'll ask you a different one. Did
8 Chair Engel between -- that was, sorry, April the
9 20th?

10 A Yes.

11 Q Between April the 20th and the in camera session on
12 April the 30th when she read out the statement that
13 we've heard --

14 A Yes.

15 Q -- did she make any effort to contact you?

16 A Never.

17 Q Did she talk to you at all about your behaviour?

18 A Never.

19 Q And did you make any effort to contact her during
20 that period of time?

21 A No, I did not.

22 Q And looking back as a trustee, how do you feel
23 about the comments that you made that day?

24 A I feel very badly about it. I apologized to the
25 people in an email. And it was not Mr. Kowalczyk's
26 smartest day.

27 Q Your letter of apology is at Tab 13 of that binder

1 that's in front of you?

2 A Yes.

3 Q In the first line you say:

4 I'm writing to apologize for my
5 unparliamentary language, which I will
6 not repeat here.

7 What was that intended to refer to in terms of the
8 comments you told us about?

9 A To my mouthing, "Fuck off" to Trustee Engel.

10 Q And how about the, "squish you like a bug"?

11 A That as well.

12 Q And you write in the next paragraph:

13 I fully intend to govern my behaviour in
14 the future in a manner which is
15 cooperative, collegial and respectful.

16 When you sent that on June 13th, did you mean that?

17 A I really did mean that, yes.

18 Q You still mean that?

19 A I still mean that, yes.

20 Q And then you write:

21 I look forward to working with you all
22 in a cooperative, collegial and
23 respectful fashion in the future.

24 And did you mean that then?

25 A I did mean that then, and I do mean it now.

26 Q Did any of those people; that is, Chair Engel, the
27 other trustees, or Superintendent Carr, reply to

1 your letter of apology?

2 A Nobody.

3 Q I want to flip back to Tab 10 which is your letter
4 to the editor of the Edmonton Journal of April
5 27th.

6 A Yes.

7 Q Do you see that there?

8 A Yes.

9 Q What is your current view with respect to
10 your right to send such a letter?

11 A I feel that as an individual and as a trustee, I
12 have every right to write that letter.

13 Q Thank you. Those are all my questions. Please
14 answer any questions Mr. Feehan has for you.

15 MR. FEEHAN CROSS-EXAMINES THE WITNESS:

16 Q MR. FEEHAN: Let's start, Trustee
17 Kowalczyk, with your letter to the editor because
18 it probably is still open in front of you, isn't
19 it? It was at Tab 10.

20 A Correct.

21 Q Now, when you wrote that letter to the editor which
22 was published on April 27th of 2012, were you aware
23 of Organizational Bylaw 5.7?

24 A No.

25 Q Were you provided with a copy of the organizational
26 bylaw when you became a trustee of Edmonton
27 Catholic Schools?