

**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF TRADES**

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

CHRISTOPHER A. PAQUETTE

NOTICE OF HEARING

THE COMPLAINTS COMMITTEE OF THE ONTARIO COLLEGE OF TRADES, pursuant to section 44, subsection (5) of the *Ontario College of Trades and Apprenticeship Act, 2009* (the “*Act*”), S.O. 2009, chapter 22, has directed that the matter hereinafter described regarding the conduct or actions of Christopher A. Paquette (Membership No. 13252637), a member of the College, be referred to the Discipline Committee of the Ontario College of Trades. The Discipline Committee, pursuant to section 46, subsection (1) of the *Act*, shall hear and determine matters referred to it by the Complaints Committee under section 44 of the *Act*.

IT IS ALLEGED that Christopher A. Paquette has engaged in professional misconduct as defined in subsection 46(2) of the *Act* and/or Ontario Regulation 97/13 made under the *Act* in that he:

- a) undertook work that the member knew or ought to have known the member is not competent to perform by virtue of their certification, training and experience or the member’s employees are not competent to perform by virtue of their certification, training and experience (Ontario Regulation 97/13, subsection 1(3));
- b) knowingly provided false information or documents to the College or any other person with respect to a member’s trade qualifications (Ontario Regulation 97/13, subsection 1(4));

- c) was found guilty of contravening a law that is relevant to his suitability to hold a certificate of qualification (Ontario Regulation 97/13, subsection 1(9));
- d) acted or failed to act, in respect to the practice of a trade, in a manner that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (Ontario Regulation 97/13, subsection 1(11)); and
- e) misappropriating or otherwise dealing dishonestly with the money or property of a client or another party, or otherwise engaging in fraudulent conduct (Ontario Regulation 97/13, subsection 1(12)).

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

BACKGROUND

1. Christopher A.D. Paquette, Membership No. 13252637 (the “Member”), is a member of the Ontario College of Trades (the “College”).
2. At all material times, the Member held a Certificate of Qualification in the trade of Residential (Low Rise) Sheet Metal Installer (308R), Journeyman class.
3. At all material times, the Member did not hold a Certificate of Qualification in the trade of Sheet Metal Worker (308A), which provides for broader scope of practice than the trade of 308R.

MEMBER APPLIES FOR EMPLOYMENT WITH OPTIMUM MECHANICAL SOLUTIONS INC.

4. In spring of 2016, the Member successfully applied for employment as a sheet metal worker with Optimum Mechanical Solutions Inc. (hereinafter “Optimum Inc.”) in Ottawa, Ontario after submitting a resume that lists, among other things, “sheet metal 308A red seal certificate” as one of his qualifications. The Member also submitted a photocopy of a document that purports to be a Certificate of Qualification from the Ontario College of Trades for the trade of 308A issued in the Member’s name bearing Red Seal certificate number 355169.

5. Nick Dewar, the manager of the Sheet Metal department at Optimum Inc. relied on the Member's representation and offered him employment as a Sheet Metal Worker with the company.

ENGAGING IN THE SCOPE OF PRACTISE WITHOUT CERTIFICATE OF QUALIFICATION

6. On or about June 1, 2016, the Member, as an employee of Optimum Inc., engaged in sheet metal work in a construction project of a nine-storey condominium at [ADDRESS], Ottawa, Ontario. This falls within the scope of practice of 308A.
7. On or about June 1, 2016, an inspector from the College conducted an electronic search of the College's records and found no record of the Member having a 308A Certificate of Qualification.

INVESTIGATION RELATING TO THE PHOTOCOPY OF 308A CERTIFICATE OF QUALIFICATION

8. On or about June 1, 2016, an inspector from the College made enquiries with the Ministry of Training, Colleges and Universities ("MTCU") regarding the authenticity of the Red Seal certificate number found on the 308A Certificate provided by the Member which was purportedly issued by the Ontario College of Trades. An MTCU representative advised that the Red Seal certificate number found on the 308A Certificate belongs to an individual named David G. Dobson. David G. Dobson had once worked as an employee of Optimum Inc. prior to the Member applying for employment.
9. Between June 2, 2016 and August 16, 2016, the Member advised the College inspector of the following:
 - a. that the Member obtained a Sheet Metal licence from Alberta after writing an exam in June of 2015;
 - b. that the Member received the 308A Certificate of Qualification from the College via the mail; and
 - c. that the Member had worked for an Alberta company named "Sky High Heating and Cooling" prior to applying to Optimum Inc.
10. Between June 6, 2016 and January 10, 2017, a representative from the College made enquiries with Apprenticeship and Industry Training ("AIT") in Alberta and was advised of the following:

- a. the Member does not hold a Sheet Metal licence from Alberta; and
 - b. there is no record of a company named “Sky High Heating and Cooling” in its records management system.
11. Between December 15, 2016 and December 20, 2016, an inspector from the College requested that the Member produce a copy of his Sheet Metal licence obtained in Alberta. The Member has not produced this document as of the date of this Notice of Hearing.

CONVICTIONS UNDER THE ONTARIO COLLEGE OF TRADES AND APPRENTICESHIP ACT, 2009

12. On or about June 2, 2016, the Member was charged with the following offences under the Act:
- a. individual engaging in compulsory trade without certificate of qualification, contrary to section 2 of the *Act*; and
 - b. individual holding self out as able to engage in compulsory trade without certificate of qualification, contrary to section 2 of the *Act*.
13. The Member did not dispute the charges as laid and was convicted pursuant to s. 9(2) of the *Provincial Offences Act*.

A PANEL OF THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 46 and 48 of the *Act* for the purpose of deciding whether the Member has engaged in professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee & Fitness to Practise Committee* is enclosed.

AN APPEARANCE WILL TAKE PLACE BEFORE THE PANEL by teleconference on **Thursday, May 11, 2017 at 10:00 a.m. (Eastern)** to set a date for the hearing of this matter on its merits (the “Hearing”). The teleconference call-in details will be provided to all parties at least two (2) weeks prior to the teleconference. The Hearing, once scheduled, will be held at Victory Verbatim, 222 Bay Street, Suite 900, Toronto, Ontario or such other venue as the College may advise, on a date to be determined after consultation between College Counsel and the Member or his legal counsel/representative, and fixed by the Hearings Coordinator.

THE MEMBER IS ENTITLED AND ENCOURAGED TO PARTICIPATE IN THE ABOVE-NOTED APPEARANCE

BY TELECONFERENCE AND AT THE HEARING, AND IS ENTITLED TO BE REPRESENTED BY LEGAL COUNSEL OR A REPRESENTATIVE THROUGHOUT THIS PROCEEDING.

The Member or his legal counsel/representative may contact College Counsel to discuss the scheduling of the Hearing or a pre-hearing conference to determine whether a date for the Hearing can be agreed upon. College Counsel's contact information is provided below.

IF A DATE FOR THE HEARING IS NOT AGREED UPON AND THE MEMBER DOES NOT ATTEND THE APPEARANCE BY TELECONFERENCE ON Thursday, May 11, 2017 at 10:00am (Eastern) TO SET A DATE FOR THE HEARING, THEN THE PANEL MAY PROCEED IN HIS ABSENCE TO SET A DATE FOR THE HEARING. NOTICE OF THE HEARING DATE WILL BE PROVIDED TO THE MEMBER IN WRITING AT HIS LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

IF THE MEMBER DOES NOT ATTEND THE HEARING ON THE DATE SCHEDULED, THE PANEL MAY PROCEED IN HIS ABSENCE AND HE WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDING.

IF THE PANEL FINDS THE MEMBER GUILTY OF PROFESSIONAL MISCONDUCT, the panel shall make one or more of the following orders, pursuant to subsection 46(4) of the Act:

1. Directing the Registrar to revoke the Member's certificate of qualification or statement of membership.
2. Directing the Registrar to suspend the Member's certificate of qualification or statement of membership for a specified period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of qualification or statement of membership.
4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.

IN ADDITION, IF THE PANEL FINDS THE MEMBER GUILTY OF PROFESSIONAL MISCONDUCT, the panel may make an order doing one or more of the following, pursuant to subsection 46(5) of the Act:

1. Requiring that the Member be reprimanded, admonished or counselled by the panel or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counselling be recorded on the register for a specified or unlimited period.
2. Imposing a fine in an amount that the panel considers appropriate, to a maximum of \$2,000, to be paid by the Member to the Minister of Finance for payment into the Consolidated Revenue Fund.
3. Directing that the finding and the order of the panel be published, in detail or in summary, with or without the name of the Member, in the official publication of the College and in any other manner or medium that the panel considers appropriate in the particular case.
4. Fixing costs to be paid by the Member.

A member whose conduct has been directed or referred to a proceeding before the Discipline Committee or panels thereof may examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given as evidence at the hearing. The College must provide the member with complete disclosure at least fifteen (15) days before the hearing on the merits of all evidence in the College's possession or control relevant to the allegations that is not privileged. To obtain disclosure in this matter, the Member or his legal counsel/representative should contact John J.S. Park, College Counsel in this matter, using the contact information noted below.

Date: March 27, 2017

"David Tsubouchi"

David Tsubouchi
Registrar & Chief Executive Officer
Ontario College of Trades
655 Bay Street, Suite 600
Toronto, ON M5G 2K4

To: Christopher A. Paquette
[ADDRESS]
[ADDRESS]
[ADDRESS]

From: John J.S. Park, College Counsel
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