

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

RON E. HEITTO

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 Ron E. Heitto (Membership No. 13106333), 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 Ron E. Heitto 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) failed to take reasonable steps to safeguard the life, health or property of a person who may be affected by the work of a person for whom he is responsible, when he knew or ought to have known that there was a risk to life, health or property (Ontario Regulation 97/13, subsection 1(1));
- b) failed to act to correct or report a situation that he knew or ought to have known may endanger the safety or welfare of the public (Ontario Regulation 97/13, subsection 1(2));

- c) signed or issued, in his capacity as a member of the College, a document that he knew or ought to have known contained a false, improper or misleading statement (Ontario Regulation 97/13, subsection 1(8));
- d) 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));
- e) failed to maintain the standards of a trade (Ontario Regulation 97/13, subsection 1(10));
and
- f) 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))

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

BACKGROUND

1. Ron E. Heitto, Membership No. 13106333 (the “Member”), is a member of the Ontario College of Trades (the “College”).
2. At all material times, the Member held Certificates of Qualification (“C of Q”), Journeyperson class, in the trades of Automotive Service Technician (310S) and Truck and Coach Technician (310T), and carried on business as R & H Automotive Inc., located at [ADDRESS], Longlac, Ontario (“R&H”).
3. At all material times, R&H operated as a Motor Vehicle Inspection Station, licensed by the Ontario Ministry of Transportation (“MTO”), by virtue of the Member being a C of Q holder, to issue Safety Standard Certificates (“SSC”) for motor vehicles pursuant to the *Highway Traffic Act*, RSO 1990, ch. 8 (the “HTA”) and its Regulations.
4. On or about 14 April 2016, Joseph Nieman (the “Complainant”) acquired a 2005 Ford FX5 with vehicle identification number [NUMBER] (the “Vehicle”), with the intention to operate it on public roads.

COMPLAINANT ENLISTS THE SERVICES OF THE MEMBER

5. On or about 16 April 2016, the Complainant took his Vehicle to the Member in order to obtain a SSC. A valid SSC is an attestation by the issuer that the Vehicle meets the basic safety standards to be driven on public roads and highways in Ontario and is required to legally register the Vehicle with the MTO.
6. On or about 16 April 2016, the Member advised the Complainant that some repairs were necessary before a SSC could be issued for the Vehicle. The Complainant authorized the Member to perform the necessary repairs to the Vehicle for maximum cost of \$1,000.

MEMBER ISSUES IMPROPER SSC

7. On or about 29 April 2016, the Member issued and gave the SSC to the Complainant. At that time the Member had not completed all necessary repairs the Member knew were required in order for the Vehicle to meet the minimum safety standards required for the issuing of the SSC.

MEMBER INVOICES COMPLAINANT ABOVE THE ESTIMATED QUOTE

8. On or about 29 April 2016, the Member invoiced the Complainant \$1,448.70 for the work done on the Vehicle (before tax). This amount exceeds the estimate given to the Complainant on 16 April 2016 by more than 10% and, therefore, violates sections 56 and 58 of the *Consumer Protection Act, 2002*.

MTO CONCLUDES THAT VEHICLE IS UNSAFE AND MEMBER FAILED TO REPORT CERTAIN DEFECTS OF THE VEHICLE

9. On or about 12 May 2016, a MTO Enforcement Officer inspected the Vehicle. This inspection indicated that the Vehicle had multiple safety-related defects that should have prevented the Vehicle from obtaining a SSC on 29 April 2016.

MEMBER CONVICTED IN PROVINCIAL OFFENCES COURT

10. As a result of the MTO's inspection, on 19 May 2016, the Member was charged under the *HTA*,
 - a. in relation to the Vehicle, with:

- i. issuing a SSC on 29 April 2016, when the Vehicle was found not to be in compliance with the prescribed vehicle component standards;
 - ii. failing to record defects and recommend repairs, as required when issuing the SSC for the Vehicle; and
- b. in relation to another motor vehicle, with:
- iii. failing to keep records of a safety inspection the Member had performed on that other vehicle.

11. On 26 July 2016, the Member pleaded guilty in the Ontario Court of Justice and was convicted of all three charges outlined in paragraph 10 above.

MTO SUSPENDS THE MEMBER FROM ISSUING SSC'S

12. Since its inspection, the MTO revoked the Member's licence to conduct vehicle safety inspections and issue further SSCs.

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 **Tuesday, September 26, 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 MAY BE REPRESENTED BY LEGAL COUNSEL OR A REPRESENTATIVE THROUGHOUT THIS PROCEEDING, AT THE MEMBER'S EXPENSE.

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 Tuesday, September 26, 2017 at 10:00 a.m. (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: August 1, 2017

"David Tsubouchi"

David Tsubouchi
Registrar & Chief Executive Officer
Ontario College of Trades
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To: Ron E. Heitto
[ADDRESS]
[ADDRESS]
[ADDRESS]

From: John J.S. Park, College Counsel
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