

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

BETWEEN:

**ONTARIO COLLEGE OF TRADES**

-and-

**SOKLY SAING**

**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 Sokly Saing (Membership No. 13911917), a member of the Ontario College of Trades, be referred to the Discipline Committee of the College. 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 Sokly Saing 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) knowingly provided false information or documents to the College or any other person with respect to his trade qualifications (Ontario Regulation 97/13, subsection 1(4)); and
- b) made a representation, knowing it to be false, for the purpose of having a certificate issued under this *Act* (subsection 86(2) of the *Act*).

**PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:**

**The Member**

1. Sokly Saing, Membership No. 13911917 (the “Member”), is a member of the Ontario College of Trades

(the “College”) in the Journeypersons class.

2. At all material times, the Member held a Certificate of Qualification in the trade of Automotive Service Technician (310S), which certificate was issued to him by the College on January 11, 2016.

### **Member obtains a Certificate of Qualification in another trade by submitting false information**

3. The Member obtained his Certificate of Qualification in the trade of Electrician – Construction and Maintenance (309A) on September 1, 2016.
4. As part of the process to obtain his Certificate of Qualification in the 309A trade, the Member submitted to the College a Trade Equivalency Assessment application on February 8, 2016 (the “TEA Application”).
5. The Member’s TEA Application was approved based on fraudulent and/or misleading representations that the Member made in, and in connection with, his TEA Application. Among others, the application contained the following false, improper and/or misleading information and representations:
  - (a) as proof of his work experience, the Member submitted a letter dated January 6, 2016 which falsely claimed that the Member had worked in Cambodia at the [COMPANY] from August 2004 to February 2009, reportedly accumulating 9,670 hours of experience as an electrician during this period.

### **Member’s ongoing misrepresentation to the College**

6. In early 2017, the College learned that the Member was, in fact, employed in Canada since October 2007. As a result, the Member was asked to provide an explanation for the discrepancy between the Cambodian work experience the Member claimed in his TEA Application and his overlapping record of employment in Canada.
7. The Member then replied to the College that he had actually worked at the [COMPANY] in Cambodia from August 2004 to October 2007, reportedly accumulating 9,360 hours of experience as an electrician during this shorter period.
8. In reality, the Member was physically in Canada since January 13, 2006.

**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 **MONDAY, OCTOBER 15, 2018 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 MONDAY, OCTOBER 15, 2018 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 28, 2018

"George Gritziotis"  
George Gritziotis  
Registrar & Chief Executive Officer  
Ontario College of Trades  
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**To:** Sokly Saing  
[ADDRESS]  
[ADDRESS]

**From:** John J.S. Park, College Counsel  
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