

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

HAMID SULTAN

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 Hamid Sultan (Membership No. 13343765), 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 Hamid Sultan 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 his work, 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 the member's capacity as a member of the College, a document that the member 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. Hamid Sultan, Membership No. 13343765 (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 April 8, 2013. The Member first qualified as a Journeyperson in this trade in 2011.
3. At all material times, the Member was a director, and the general manager and controlling mind of 1768275 Ontario Inc. o/a Stars Auto Repair & Sales (“Stars Auto”), which business operated a public garage located at 405 Kennedy Road, Toronto, Ontario.
4. At all material times, Stars Auto was licensed by the Ontario Ministry of Transportation (MTO) as a Motor Vehicle Inspection Station (MVIS). Further, by virtue of being a Certificate of Qualification holder, the Member was registered by the MTO as a Motor Vehicle Inspection Mechanic (MVIM) at Stars Auto and had authority to issue Safety Standards Certificates (SSC) for vehicles, pursuant to the *Highway Traffic Act*, RSO 1990, ch. 8 (the “HTA”) and its Regulations.
5. A valid SSC is an attestation by the MVIS and the MVIM that a safety inspection was performed by the MVIM, who certifies that a motor vehicle is roadworthy and that it meets the minimum safety standards pursuant to the *HTA*.

Car accident involving Taxi #148

6. In the morning of July 5, 2017, a Toyota Camry with City of Toronto taxicab licence #148 and bearing VIN [NUMBER] (the "Taxi #148") was involved in a collision.
7. A City of Toronto Municipal Standards Officer attended the scene of the collision and removed the plate from Taxi #148 after having formed the opinion that it was not roadworthy.

The Member signs the SSC without performing an inspection

8. A few hours after the collision, the Member signed and issued SSC #25629153 for Taxi #148, falsely attesting to it being roadworthy and meeting minimum safety standards. The Member did not personally see or inspect Taxi #148 prior to issuing the SSC.
9. Later on July 5, 2017, the operator of Taxi #148 attended at a City of Toronto Municipal Licensing & Standards ("MLS") office and presented SSC #25629153. MLS relied on the certificate so presented and, as a result, returned the plate for Taxi #148 to its operator, allowing the unsafe vehicle to be operated for hire.

The Member charged and convicted in Provincial Offences court for falsifying numerous SSCs

10. Following this incident, the Member was charged under the *HTA* with the offence of making a false statement on SSC #25629153 in respect of Taxi #148. He was convicted of the charge in March 2018 and was fined \$1000 for this count.
11. A subsequent investigation by the MTO discovered numerous instances of the Member issuing false SSCs for various motor vehicles in the week following July 5, 2017. In total, he was charged by the MTO with 51 other *HTA* offences related to safety inspections.
12. The Member was convicted in March 2018 of making the following false statements on SSCs:

(a) **VIN [NUMBER]**

On July 6, 2017, the Member made a false statement on SSC #25629162 for a motor vehicle bearing VIN [NUMBER].

(b) **VIN [NUMBER]**

On July 6, 2017, the Member made a false statement on SSC #25629163 for a motor vehicle bearing VIN [NUMBER].

(c) **VIN [NUMBER]**

On July 6, 2017, the Member made a false statement on SSC #25629164 for a motor vehicle bearing VIN [NUMBER].

(d) **VIN [NUMBER]**

On July 6, 2017, the Member made a false statement on SSC #25629165 for a motor vehicle bearing VIN [NUMBER].

(e) **VIN [NUMBER]**

On July 6, 2017, the Member made a false statement on SSC #25629166 for a motor vehicle bearing VIN [NUMBER].

(f) **VIN [NUMBER]**

On July 7, 2017, the Member made a false statement on SSC #25629167 for a motor vehicle bearing VIN [NUMBER].

(g) **VIN [NUMBER]**

On July 7, 2017, the Member made a false statement on SSC #25629168 for a motor vehicle bearing VIN [NUMBER].

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, OCTOBER 23, 2018 at 1:00 P.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 TUESDAY, OCTOBER, 23, 2018 at 1:00 P.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 are 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 30, 2018

"George Gritziotis"

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

To: Hamid Sultan
[ADDRESS]

[ADDRESS]

From: John J.S. Park, College Counsel
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