

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

LEE DEMELO

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 Lee Demelo (Membership No. 13209296), 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 Lee Demelo 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 the member, 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) failed to maintain the standards of a trade (Ontario Regulation 97/13, subsection 1(10)); and

- 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)).

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

The Member

1. Lee Demelo, Membership No. 13209296, (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 Electrician–Construction and Maintenance (309A).
3. At all material times, the Member was the owner and sole proprietor of an electrical contractor business he operated under the name LDI Electric, based at 42 Euclid Avenue in London, Ontario (the “Business”).

The Member is hired to perform electrical work

4. At all material times, [NAME] (the “Homeowner”) was the owner of a residential property located at [ADDRESS] London, Ontario (the “Property”).
5. In the fall of 2016, the Member was hired by the Homeowner to perform electrical work at the Property (the “Electrical Work”), primarily in relation to a kitchen renovation therein.
6. The Member agreed to be paid in cash for the Electrical Work, in an explicit effort to avoid taxation and to avoid an electrical inspection by the Electrical Safety Authority (ESA).

The Member performs inadequate Electrical Work without a permit

7. In the fall of 2016, the Member began performing the Electrical Work at the Property.

8. The Member did not apply, within 48 hours of commencing the Electrical Work, for an inspection by the ESA in respect of the work he performed at the Property (the “Electrical Permit”). Such an application is colloquially known as applying for an electrical permit. Further, the Member was aware that no Electrical Permit existed at any time when he performed the Electrical Work.
9. In or about January 2017, the Homeowner paid the Member, in cash, \$1,600—an all-inclusive amount the parties agreed upon as full payment for all the labour and materials associated with the Member’s Electrical Work.
10. Some of the Electrical Work performed by the Member was deficient, not in a workmanlike manner, unsafe and/or not in compliance with the requirements prescribed by the then applicable Ontario *Electrical Safety Code*, O. Reg. 164/99.
11. Once the Member had completed the Electrical Work, the Homeowner repeatedly expressed concerns to the Member about the quality of some of the electrical installation, and asked that the Member revisit the Property to verify it. At least one such request was made in May 2017. The Member did not adequately address said concerns by August 2017.
12. At the request of the Homeowner, ESA inspector Michael Taylor attended the Property to inspect the Electrical Work previously done by the Member. The inspector found a number of deficiencies in the Electrical Work, and the ESA informed the Member of those deficiencies.
13. Thereafter, on or about October 3, 2017, based on the inspection by inspector Taylor, the ESA issued an official written notice requiring the correction of the following defects identified in the Member’s Electrical Work (the “Defects”):
 - a) failure to install an arc-fault circuit interrupter (the “AFCI Breaker”) protecting the branch circuit for the receptacles for the range hood and the gas range;
 - b) failure to ensure that the circuit rating corresponds with the breaker rating, namely by having a 20 Amp T-slot receptacle on a circuit protected by a 15 Amp breaker;
 - c) failure to securely fasten the range hood receptacle, which was taped in place; and
 - d) failure to obtain the required application for inspection from the ESA.

The Member requests additional payment to remedy the defects identified by the ESA inspection

14. In or about September 2017, the Member provided the Homeowner with an invoice, requesting payment of an additional \$964 for the Member to remedy the Defects in the Member's own Electrical Work, including the cost of the AFCI Breaker the Member should have installed at the time of the original installation.
15. Despite the Homeowner insisting that the Member remedy the Defects at no additional charge, the Member refused to do so without payment. The Complainant hired a different electrician to remedy the Defects.

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 **WEDNESDAY, AUGUST 8, 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 Wednesday, August 8, 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 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: June 8, 2018

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

To: Lee Demelo
[ADDRESS]
[ADDRESS]

From: John J.S. Park, College Counsel
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