

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

**IN THE MATTER OF** the *Ontario College of Trades and Apprenticeship Act, 2009*,  
(the “Act”) and Ontario Regulation 97/13 (Professional Misconduct) thereunder;

**AND IN THE MATTER OF** a discipline proceeding against  
Sage Hugh Hickey, a member of the Ontario College of Trades.

PANEL: Sherry Darvish, Chair

BETWEEN: )  
 )  
 ) Bogdan Andronesi,  
 ) College Counsel; and Alicia Ambrus, Student-at-Law,  
 ) Ontario College of Trades  
**ONTARIO COLLEGE OF TRADES** )  
 )  
 )  
-and- ) Sage Hugh Hickey, Self-Represented  
 )  
 )  
**SAGE HUGH HICKEY** )  
(Member #13217235) )  
 )  
 ) Rebecca Durcan,  
 ) Independent Legal Counsel  
 )  
 )  
 ) Heard: August 22, 2019

**DECISIONS AND REASONS**

1. A hearing of this matter took place before a panel of the Discipline Committee (the “Panel”) pursuant to section 46(1) of the *Ontario College of Trades and Apprenticeship Act, 2009* (the “Act”) on August 22, 2019 at Victory Verbatim, Court Reporting Services, 222 Bay Street, Toronto, Ontario.
2. A *Notice of Hearing* in this matter (Exhibit A) issued January 15, 2019 was served on Sage Hugh Hickey (the “Member”). A First Appearance in this matter took place by teleconference on February 19, 2019; three Pre-Hearing Conferences were held on July 5, 2019, July 26, 2019 and August 2, 2019 respectively; and the hearing of this matter on its merits was subsequently scheduled for August 22, 2019.

3. At the Pre-Hearing Conference on August 2, 2019, the Panel confirmed the parties' consent that any agreement on the facts in this matter could be filed with the Panel in advance of the hearing. The Panel also obtained the parties' consent that the hearing may processed before a one-member panel in accordance with section 4.2.1(2) of the *Statutory Powers Procedure Act*.

## THE ALLEGATIONS

4. Mr. Andronesi ("College Counsel") advised that the College intended to proceed with allegations (a) and (b) in the *Notice of Hearing*, and requested the Panel's permission to withdraw allegations (c) and (d). Permission to withdraw allegations (c) and (d) was granted by the Panel.

Allegations (a), (b), (c) and (d) in the *Notice of Hearing*, along with the particulars, were as follows:

**"IT IS ALLEGED** that Sage Hugh Hickey 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) engaged in conduct that contravenes the *Act*, the regulations or the by-laws (the *Act*, paragraph 46(2)(a)), including but not limited to: employing or otherwise engaging individuals to perform work in or engage in the unauthorized practice of a compulsory trade, contrary to section 4 of the *Act*; obstructing an investigator appointed under section 53 of the *Act* by withholding documents and information relevant to the investigation, contrary to subsection 86(7) of the *Act*; and failing to follow the Code of Ethics for Members of the Ontario College of Trades, including an obligation to respond to College communications and to cooperate with the College in its investigation;
- b) undertook work that the member knew or ought to have known that his employees were not competent to perform by virtue of their certification, training and experience (Ontario Regulation 97/13, subsection 1(3));
- c) [WITHDRAWN]
- d) [WITHDRAWN]

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

**Background**

1. Sage Hugh Hickey, Membership No. 13217235 (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 Trade”).
3. At all material times, the Member was an officer and director, and the owner and controlling mind of 2187860 Ontario Inc. o/a HGL Electrical, a corporation based at 14-30 Eglinton Avenue West, Suite 232, Mississauga, Ontario (the “Member’s Business”).

**The Member is hired to perform large-scale residential electrical work**

4. At all material times, [NAMES] were the owners (the “Homeowners”) of a residential property located at [ADDRESS] (the “Property”).
5. In May 2015, as part of a larger renovation at the Property (the “Renovation”), the Member’s Business was hired to perform a whole-house electrical upgrade of the Property, involving, but not limited to: installation of light fixtures, switches and receptacles, the pulling and connecting of electrical wiring, as well as work for the Property’s electrical service and for a 100-amp panel (the “Electrical Work”).

**The Member hires or otherwise engages unauthorized workers to perform the Electrical Work**

6. Between June and August 2015, the Member employed or engaged [EMPLOYEE 1] and [EMPLOYEE 2] and directed them to perform Electrical Work at the Property on behalf of the Member’s Business.
7. During that time period, [EMPLOYEE 1] and [EMPLOYEE 2] carried out much of the Electrical Work, primarily without any onsite supervision by the Member or any other licensed electrician.
8. At all material times, [EMPLOYEE 1] did not hold a Certificate of Qualification or a Statement of Membership as an Apprentice in the 309A Trade.

9. At all material times, [EMPLOYEE 2] did not hold a Certificate of Qualification or a Statement of Membership as an Apprentice in the 309A Trade.
10. Over 95 percent of the 240 hours of Electrical Work project hours invoiced by the Member's Business were in relation to the work of [EMPLOYEE 1], [EMPLOYEE 2] and two other individuals who were not qualified, trained or licensed to perform the Electrical Work. Their work was billed in the same way as, and at the same rate as, that of the Member's sole registered apprentice.
11. On multiple occasions during and after carrying out the Electrical Work at the Property, the Member misrepresented and/or held out, explicitly or by implication, that the unlicensed workers were "electricians" or "apprentices".
12. With the Electrical Work incomplete and delayed, in or about late August 2015, the Homeowners ended the involvement of the Member's Business in the Renovation. Electrical Work-related disputes subsequently arose over payment, quality of work, and the licensing and supervision of the Member's employees. Civil litigation ensued.

**Member's failure to provide information as required by a court order and a College investigator**

13. As part of the civil court action, the Homeowners explicitly requested that the Member provide them with the full identifying information and the College-licensing status of [EMPLOYEE 1] and [EMPLOYEE 2]. Ultimately, the Member was formally ordered by a judge to provide the Homeowners with evidence of trades licensing and of compliance with the *Act* for all individuals who had performed the Electrical Work on behalf of the Member's Business. The Member never provided what was requested and ordered, respectively.
14. Following the Homeowners complaining to the College about the Member's conduct (the "Complaint"), on March 28, 2018, the College's Registrar appointed Mary Kontopidis (the "Investigator") to inquire into and examine the Member's conduct and actions pursuant to section 53 of the *Act*.
15. On or about June 5, 2018, the College Investigator interviewed the Member as part of her investigation of the Complaint. During that interview, the Investigator requested from the Member information and documents regarding the Electrical Work, including full identifying information and the College-licensing

status of the individuals who had performed the Electrical Work (the “Information”). The Member agreed to provide the Information to the Investigator.

16. Following the interview and the original written Information request provided to the Member in person, the College Investigator made repeated written requests to the Member and followed up to obtain the Information. The Member never provided the Information.”

#### **MEMBER’S PLEA**

5. Both verbally at the hearing and in an *Agreed Statements of Facts* signed in counterparts on August 1, 2019 (Exhibit B), the Member admitted the professional misconduct set out in allegations (a) and (b) of the *Notice of Hearing*.
6. The Panel conducted a plea inquiry with the Member, whereby the Member confirmed that he understood the nature of the allegations against him; that he voluntarily admitted to the allegations; that by admitting to the allegations, the hearing would proceed on the basis of the facts agreed upon; that he understood that the Panel was not obliged to accept any resolution achieved by the parties; and finally that the Member was aware of the range of penalties that the Panel could impose upon him.

#### **THE EVIDENCE – AGREED STATEMENT OF FACTS**

7. College Counsel tendered evidence by way of an *Agreed Statement of Facts* (Exhibit B). Exhibit B stated the following:

#### **FACTS**

##### **The Member and his electrical contracting business**

1. Sage Hugh Hickey, Membership No. 13217235 (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 (the “309A Trade”), which certificate was issued by the College to the Member in 2013. The Member first became a Journeyperson in said trade in 2008.

3. At all material times, the Member was an officer and director, and the owner and controlling mind of the 2187860 Ontario Inc. o/a HGL Electrical, a corporation based at 14-30 Eglinton Avenue West, Suite 232, Mississauga, Ontario (the "Member's Business").

**The Member's Business is hired to perform electrical work**

4. At all material times, [NAMES] were the owners (the "Homeowners") of a residential property located at [ADDRESS], Ontario (the "Property").
5. In May of 2015, as part of a larger renovation project at the Property (the "Renovation"), the Member's Business was hired to perform a whole-house electrical upgrade of the Property, involving but not limited to: installation of light fixtures, switches and receptacles, the pulling and connecting of electrical wiring, as well as work for the Property's electrical service and for 100-amp panel (the "Electrical Work").

**The Member employs and directs multiple unauthorized workers to perform much of the Electrical Work**

6. Between May and August of 2015, the Member employed and/or engaged [EMPLOYEE 1], [EMPLOYEE 2], [EMPLOYEE 3] and [EMPLOYEE 4] (the "Four Unauthorized Workers") and [EMPLOYEE 5]; and directed them to perform much of Electrical Work at the Property on behalf of the Member and the Member's Business, without the Member's onsite supervision for the majority of their work.
7. At the time when the Electrical Work was performed, only [EMPLOYEE 5] was registered as an apprentice in the 309A Trade, with a training agreement sponsored by the Member's Business, as required by the *Ontario College of Trades and Apprenticeship Act* (the "Act"). [EMPLOYEE 5] performed less than 5 percent of the Electrical Work.
8. Prior to and while performing the Electrical Work at the Property, the Four Unauthorized Workers has never been either apprentices or journeypersons in the 309A Trade or in any other electrical trade.
9. [EMPLOYEE 1] (Membership [NUMBER]) became an apprentice and member of the College, only after leaving employment with the Member's Business and after having a registered training agreement sponsored by a different company in December 2015.
10. [EMPLOYEE 2] (Membership [NUMBER]) became an apprentice and a member of the College, only after leaving employment with the Member's Business and after having a registered training agreement sponsored by a different company in March 2017.
11. On numerous occasions while the Electrical Work was being performed, the Member prepared and provided to the Homeowners (or allowed to be prepared and provided on his behalf) detailed time and

worksheets for the project showing the named of [EMPLOYEE 1] and [EMPLOYEE 2] in the rubric entitled “[e]lectricians”, in standardized forms used by the Member’s Business.

12. With the Electrical Work incomplete, in or about late August 2015, the Homeowners became concerned about the quality and pace of the Electrical Work and fired the Member’s Business from the Renovation. Electrical Work related disputes subsequently arose over payment to contactors and subcontractors, quality of work, and the licensing and supervision of the Member’s employees. Civil litigation ensue in the Richmond Hill Small Claims Court (the “Court”), at the Member’s initiative.
13. In or about October 2015, the Member prepared an official project invoice (the “Invoice”), issued on behalf of the Member’s Business. Sometime later, the Member presented the Invoice to the Homeowners and filed it with the Court, as an accurate description of the time and materials expended for that part of the electrical Work completed by the Member’s Business.
14. According to the Invoice, more than 95 percent of the 240 project hours of Electrical Work invoiced by the Member’s Business were in relation to the work of the Four Unauthorized Workers, primarily the work of [EMPLOYEE 1] and [EMPLOYEE 2], who were not qualified, trained or licensed to perform any of the Electrical Work at the time when they performed it. Their work was billed in the same way as, and at the same rate as, that of the Member’s sole registered apprentices [EMPLOYEE 5].

**Member’s failure to provide information as required by a court order and a College investigator**

15. As part of the Court action, the Homeowners explicitly requested that the Member provide them with the full identifying information and the College-licensing status of [EMPLOYEE 1] and [EMPLOYEE 2]. In addition, the Member was formally ordered by a deputy judge of the Court to provide the Homeowners with evidence of licensing and compliance with the *Act* for all individuals who performed the Electrical Work on behalf of the Member’s Business. The Member never provided what was requested and ordered respectively.
16. Following a complaint by the Homeowners to the College about the Member’s conduct (the “Complaint”), on or about March 28, 2018, the College’s Registrar appointed Mary Kontopidis (the “Investigator”) to inquire into and examine the Member’s conduct and actions pursuant to section 53 of the *Act*.
17. On or about June 5, 2018, the College Investigator interviewed the Member as part of her investigation of the Complaint. During that interview, the Investigator requested information and documents regarding the Electrical Work, including: (a) full identifying information and the College-licensing status of individuals who performed the Electrical Work; (b) dates of the Electrical Work at the Property; and (c) copies of all related electrical permits and ESA inspection reports (collectively, the “Information”), as well as copies of emails between the Member and the Homeowners. The Member agreed to provide the Information to the Investigator and received a copy of the itemized list specifying the Information, which both the Member and the Investigator initialed at the end of the interview.

18. Following the interview, and the original written Information request provided to the Member in person, the College Investigator made repeated written requests to the Member and followed up to obtain the Information. The Member provided to the Investigator only some of his emails with the Homeowners. The Member never provided the remainder of the information to the Investigator or to the College, either before or after any of the deadlines set by the Investigator, despite the Investigator's follow-ups.

## **ADMISSIONS**

19. The Member admits that he employed and directed the Four Unauthorized Workers to perform much of the electrical Work, and that he knew that none of them had at that time the certification, training and experience to perform any work within the scope of practice of the 309A Trade.

20. The Member admits that the entirety of the Electrical Work falls within the scope of practice of the 309A Trade, regardless of whether any of the work was performed on "live" or energized electrical wiring or devices, and whether or not supervised by the Member or by [EMPLOYEE 5].

21. The Member admits that none of the Four Unauthorized Workers could properly be described as "electricians" at the time when they performed the Electrical Work; and that none of them held at that time a Registered Training Agreements, Certificates of Qualification or Statements of Membership from the College or from any other entity.

22. The Member admits that, by not providing the Information by the Investigator's deadlines, he withheld information relevant to the College's investigation, and thereby failed to respond to College communications and to cooperate with the College in its investigation of the Complaint.

23. The Member admits that the above facts are true: and that the facts and the admissions constitute the professional misconduct set out in particulars (a) and (b) of the Notice of Hearing (File No. DC201814).

## **PRIOR DISCIPLINE**

24. The Member has no prior discipline history.

## **INDEPENDENT LEGAL COUNSEL ADVICE**

8. Independent Legal Counsel advised that the evidence before the Panel in this matter was in the form of *Exhibit B*. The Panel's task was to review the evidence set out in the *Agreed Statement of Facts* and review if it does indeed support the allegations of misconduct on a balance of probabilities.



9. ILC advised that the *Agreed Statement of Facts* should be accepted if the Panel is satisfied that the requisite evidence has been set out. Rejection should only occur when there are serious concerns that the facts do not constitute professional misconduct

## DECISION

10. Having deliberated and considered the submissions and evidence presented by the College, the Panel found that the College had proven allegations of misconduct (a) and (b) outlined in the *Notice of Hearing* (Exhibit A), and as admitted by the Member in the *Agreed Statement of Facts*, on a balance of probabilities,
11. Therefore, the Panel found the Member guilty of professional misconduct for having engaged in conduct that is defined as being professional misconduct in section 46(2) of the Act, and Ontario Regulation 97/13 made under the Act, namely that the Member:
  - I. engaged in conduct that contravenes the Act, the regulations or the by-laws (the Act, paragraph 46(2)(a)), including but not limited to: employing or otherwise engaging individuals to perform work in or engage in the unauthorized practice of a compulsory trade, contrary to section 4 of the Act; obstructing an investigator appointed under section 53 of the Act by withholding documents and information relevant to the investigation, contrary to subsection 86(7) of the Act; and failing to follow the Code of Ethics for Members of the Ontario College of Trades, including an obligation to respond to College communications and to cooperate with the College in its investigation; and
  - II. undertook work that the member knew or ought to have known that his employees were not competent to perform by virtue of their certification, training and experience (Ontario Regulation 97/13, subsection 1(3)).

## REASONS FOR DECISION

12. The Panel was satisfied that the Member engaged in professional misconduct by contravening Section 46(2)(a) of the Act and Ontario Regulation 97/13 as alleged in the *Notice of Hearing*, paragraphs (a) and (b), as established by Exhibit B the *Agreed Statement of Facts* outlined above.
13. The Panel understood that the onus was on the College to prove its case based on a balance of probabilities, and the Panel accepted as fact that the *Agreed Statement of Facts* have been made based on

the Member's admission of guilt.

## **PENALTY SUBMISSIONS**

14. Ms. Ambrus (College's Student-at-Law) proceeded to make a joint submission with respect to penalty by way of a *Joint Submission on Penalty* (Exhibit C), and made oral submission thereon and asked the Panel to impose the following penalties:
1. The Member shall pay, within twenty-four (24) months of the order, a fine in the amount of \$1,250 to the Minister of Finance for payment into the Consolidated Revenue Fund, pursuant to paragraph 46(5)(2) of the *Ontario College of Trades and Apprenticeship Act* (the "Act");
  2. The Member shall be reprimanded by the Discipline Panel at the conclusion of the hearing and the fact of the reprimand shall be recorded on the Public Register for a period of twenty-four (24) months, pursuant to paragraph 46(5)(1) of the *Act*;
  3. The Registrar shall be directed to impose the following term on the Member's Certificate of Qualification, pursuant to paragraph 46(4)(3) of the *Act*:  
  
"In addition to any other related obligations imposed on the Member by the Act, its regulations, the College's General By-law or any other statutory framework, the Member shall respond fully, in relation to work in the scope of practice of his trade, to any written or email communication from the College and from any authority having jurisdiction, including the Electrical Safety Authority or a municipal building department, within twenty (20) calendar days of the date such communication is sent to him";  
  
and
  4. The findings and the order of the Panel shall be published in summary on the College's website, with the name of the Member, pursuant to paragraph 46(5)(3) of the *Act*.
15. Ms. Ambrus submitted that the proposed penalties were appropriate in light of the facts in this case. She also submitted that the courts encourage the acceptance of agreements made between parties unless doing so would bring the administration of justice or the disciplinary process into disrepute, citing the decision in *R v Anthony-Cook* [2016] 2.C.R.

16. Ms. Ambrus submitted that in reaching the *Joint Submission on Penalty*, the College took into consideration both mitigating and aggravating factors. The misconduct of the Member was a significant aggravating factor which not only imperilled the health and safety of the public, but also the unlicensed individuals who performed the electrical work under no supervision. Furthermore, the Member's failure to cooperate with the College's investigation impeded the College's ability to carry out the investigation efficiently. However, as mitigating factors, the College noted that the Member has no prior disciplinary history and that he cooperated to expedite the hearing process by entering into an *Agreed Statement of Facts* and *Joint Submission on Penalty*.
  
17. Ms. Ambrus further submitted for the Panel's consideration two previous decisions of the Discipline Committee of the Ontario College of Trades, in the matters of:
  - (i) Decision No. DC201805 dated November 16, 2018 (allegations also involved performing work outside of the scope of practice, except it was the Member who conducted the work), the Discipline Panel imposed the following: the Member pay a fine of \$1,250 within twenty-four (24) months; the Member be reprimanded by the Panel and for the reprimand to be recorded on the public register of the College for a period of six (6) months; and the finding and order of the Panel be published in summary in the official publication of the College.
  - (ii) Decision No. DC201803 dated May 17, 2019 (involved allegations of lack of cooperation by the Member), the Discipline Panel imposed the following: the Member pay a fine of \$500 within six (6) months; the Member be reprimanded by the Panel and for the reprimand to be recorded on the public register of the College for a period of six (6) months; the finding and order of the Panel was published in the official publication of the College; and the Registrar to impose terms, conditions and limitations on the Member's Certificate of Qualification.
  
18. Finally, Ms. Ambrus submitted that public caution would be conserved by the fact the reprimand is to be recorded on the College's public register for twenty four (24) months; and specific deterrence would be achieved by the proposed terms, conditions and limitations which ensures the Member complies with his obligation to respond fully, in relation to work in the scope of practice of his trade, to any written or email communication from the College and authorities having jurisdiction.
  
19. The Member confirmed that he would accept these penalties should the Panel decide to make an order accepting the *Joint Submission on Penalty*.

## INDEPENDENT LEGAL COUNSEL ADVICE

20. ILC advised the Panel that both parties had reached an agreement and submitted a *Joint Submission on Penalty* (“JSP”). In light of the JSP (Exhibit C), there was limited discretion for the Panel to depart from it unless, in the opinion of the Panel, not doing so would bring the administration of justice into disrepute or would be contrary to the public interest. This means that even if the Panel would have made the terms different, that is not enough to allow the Panel to reject or “tinker” with what has been jointly agreed to by the parties. This was reaffirmed as recently as 2016 in *R. v Anthony-Cook* at the Supreme Court of Canada.

## PENALTY DECISION

21. After considering the submissions of Ms. Ambrus and deliberating during a recess, the Panel accepted the penalties set out in the *Joint Submission on Penalty* (Exhibit C), and ordered the following penalties to be imposed:

1. The Member shall pay, within twenty-four (24) months of the order, a fine in the amount of \$1,250 to the Minister of Finance for payment into the Consolidated Revenue Fund, pursuant to paragraph 46(5)(2) of the *Ontario College of Trades and Apprenticeship Act* (the “Act”);
2. The Member shall be reprimanded by the Discipline Panel at the conclusion of the hearing and the fact of the reprimand shall be recorded on the Public Register for a period of twenty-four (24) months, pursuant to paragraph 46(5)(1) of the *Act*;
3. The Registrar shall be directed to impose the following term on the Member’s Certificate of Qualification, pursuant to paragraph 46(4)(3) of the *Act*:

“In addition to any other related obligations imposed on the Member by the Act, its regulations, the College’s General By-law or any other statutory framework, the Member shall respond fully, in relation to work in the scope of practice of his trade, to any written or email communication from the College and from any authority having jurisdiction, including the Electrical Safety Authority or a municipal building department, within twenty (20) calendar days of the date such communication is sent to him”;  
and

4. The findings and the order of the Panel shall be published in summary on the College’s website, with

the name of the Member, pursuant to paragraph 46(5)(3) of the Act.

## REASONS FOR PENALTY DECISION

22. In making its order, the Panel considered the College's submission, the advice provided by ILC, the basic principles of sanctioning (specific and general deterrence, remediation, and public confidence) as well as the mitigating and aggravating factors. The Panel finds that the order is fair, considered and appropriate.
23. As a result of the finding of guilt, and after hearing submissions on the appropriate penalty, the Panel must first and foremost take into consideration the safety of the public, ensuring that a minimum standard is met by regulated trade's professionals.
24. The Panel considered aggravating factors such as the Member using unauthorized trades in his practice and the Member not cooperating with the College investigator. The Panel also noted that the conduct of the Member was orchestrated over a period of time, with various points at which he made deliberate decisions not to cooperate.
25. At the same time, the Panel considered the mitigation factors that the Member has no previous history with the Discipline Committee of the College, the Member entered into an *Agreed Statement of Facts* and a *Joint Submission on Penalty*, which helped to expedite the hearing process and resolve this matter in an efficient and timely manner, no physical injuries resulted from the conduct of the Member, and the quality of the work of the Member was not in issue.
26. However, as a result of the Panel's finding of guilt, the Panel must first and foremost take into consideration the safety of the public, ensuring minimum standards are met by regulated trades professionals. Serving and protecting the public's confidence in both the trades and the College's disciplinary process are paramount. It was the view of the Panel, that all aspects of its penalty decision did just that.
27. The Panel is satisfied that the penalty is fair, considered and appropriate. It speaks to the principles of sanctioning and ensures the public's trust in the profession, the College and the College's disciplinary process. The Panel finds that the above penalty will deter the Member from engaging in the same or similar conduct in future, will serve as a deterrent to other members of the College, and will protect the public interest

## **COSTS SUBMISSIONS**

28. Ms. Ambrus made a joint submission with respect to costs by way of a *Joint Submission on Costs* (Exhibit D), namely that the Member had agreed to pay costs to the College in the amount of \$2,400 in four (4) equal installments, payable respectively within 6, 12, 18 and 24 months of the date of the order, pursuant to section 46(5)4 of the *Act*.
29. Ms. Ambrus also submitted that the costs are not meant to be punitive or as a penalty, and that the amount covers only a small fraction of the costs and expenses the College has expended in investigating and prosecuting in this matter.

## **COSTS DECISION**

30. The Panel considered the proposal and ordered the Member to pay the College's costs in the amount of \$2,400 in four (4) equal installments, payable respectively within 6, 12, 18 and 24 months of the date of the order, pursuant to section 46(5)4 of the *Act*. This amount will help to offset some of the costs associated with the investigation and prosecution of this matter, and is not a penalty or sanction.

## **REASONS FOR COSTS DECISION**

31. The Panel finds that it is reasonable for the Member to defray some of the College's costs, provided that the costs are not disproportionate to current financial situation of the Member.
32. In ordering the costs noted above, the Panel took into consideration that by cooperating with the hearing of this matter and by entering into an *Agreed Statement of Facts* and a *Joint Submission on Costs*, the hearing of this matter was significantly simplified. Nonetheless, a one-day hearing was needed to address this matter as well as several Pre-Hearing Conferences.

## **REPRIMAND**

33. At the conclusion of the hearing, the Member waived his right to appeal by way of executing and submitting a *Notice of Waiver* (Exhibit E) and, as such, an oral reprimand was delivered pursuant to section 46(5)(1) of the *Act* as outline below:

*“Mr. Hickey, as you know, as part of its penalty order, this Discipline Panel has ordered that you be given an oral reprimand.*

*The fact that you have received this reprimand will be recorded on the Public Register of the College for a period of twenty four (24) months and, as such, will form part of your record.*

*Although you will be given an opportunity to make a statement at the end of the reprimand, this is not an opportunity for you to review the decision made by the Discipline Panel, nor a time for you to debate the merits of our decision.*

*You have been found to have engaged in conduct that constitutes professional misconduct, including:*

- a) you engaged in conduct that contravenes the Act, including but not limited to: employing or otherwise engaging individuals to perform work in or engage in the unauthorized practice of a compulsory trade, contrary to section 4 of the Act; obstructing an investigator appointed under section 53 of the Act by withholding documents and information relevant to the investigation, contrary to subsection 86(7) of the Act; and failing to follow the Code of Ethics for Members of the Ontario College of Trades, including an obligation to respond to College communications and to cooperate with the College in its investigation; and*
- b) you undertook work that you knew or ought to have known that your employees were not competent to perform by virtue of their certification, training and experience.*

*The Panel takes this type of conduct seriously. The public needs to have confidence that trades people are upholding high ethical standards in their professions and conducting themselves in accordance with the law. The Panel was concerned that you hired employees whom you knew were not certified nor trained to do electrical work and allowed them to perform electrical work. This could have resulted in property damage and put the health and safety of the home occupants and the employees at risk.*

*Your failure to provide information as requested for during the investigation in this case was a violation of the code of ethics, by which all members abide. Such unprofessional behaviour compromises the reputation and integrity of all honest and hard-working skilled trades people.”*

34. The Panel gave the Member an opportunity to make a statement at the Conclusion of the reprimand, which the Member declined.

September 5, 2019

Date:

“Sherry Darvish”

Sherry Darvish, Chair

On behalf of the Discipline Committee

**End.**