

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

SAGE HUGH HICKEY

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 Sage Hugh Hickey (Membership No. 13217235), 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 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) 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:

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.

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 **Tuesday, February 19, 2019 at 10:00 am (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, FEBRUARY 19, 2019 AT 10:00 AM (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 Bogdan P. Andronesi, College Counsel in this matter, using the contact information noted below.

Date: January 15, 2019

"George Gritziotis"

George Gritziotis
Registrar & Chief Executive Officer
Ontario College of Trades
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To: Sage Hugh Hickey
[ADDRESS]
[ADDRESS]

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