

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

YAKUP YALCIN

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 Yakup Yalcin (Membership No. 13865572), 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 Yakup Yalcin 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) undertook work that the member knew or ought to have known that he is not competent to perform by virtue of his certification, training and experience or the member’s employees are not competent to perform by virtue of their certification, training and experience (Ontario Regulation 97/13, subsection 1(3));
- b) failed to maintain the standards of a trade (Ontario Regulation 97/13, subsection 1(10)); and

- c) 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. Yakup Yalcin, Membership No. 13865572 (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 a director and officer, and the owner and controlling mind of Yalcin Electric Ltd., a corporation with its registered office address at 180 Mississauga Valley Blvd, Unit 147, Mississauga, Ontario (the “Member’s Business”).
4. At all material times, [NAME] operated as a long-term care and retirement home at [ADDRESS] Ontario.
5. In 2017, [COMPANY] was contracted to provide lighting and electrical services and supplies to [NAME].

The Member performs defective electrical work at [NAME] under false pretences

6. In June 2017, the Member, through the Member’s Business, subcontracted with [COMPANY] to replace and install new energy-efficient LED lighting and other electrical fixtures at [NAME] (the “Electrical Work”).
7. During June and July 2017, the Member carried out and oversaw the Electrical Work at [NAME].
8. In being hired as a subcontractor for the Electrical Work at [NAME], the Member misrepresented to [COMPANY] his registration and licensing status with the Electrical Safety Authority (ESA).

9. The Member used another individual's name and ESA registration as part of the application by the Member's Business for the ESA inspection required to perform the Electrical Work (colloquially known as an 'electrical permit').
10. On July 21 and 28, 2017, the ESA conducted inspections of the Member's Electrical Work at [NAME]. Numerous deficiencies were found by the ESA inspectors and the Member's Business was provided with two separate Notices of Deficiency.
11. Moreover, a senior ESA inspector discussed the Electrical Work with the Member during the latter inspection and concluded that the Member had a lack of basic knowledge required by any Journeyman electrician.
12. Shortly thereafter, [COMPANY] ended their relationship with the Member's Business, upon discovering that the Member was not a Master Electrician and that his Electrical Work was substandard.

The Member's deficient Electrical Work leads to multiple electrical fire incidents at [NAME]

13. On or about August 2, 2017, an overheated lighting fixture that was part of the Electrical Work caught fire.
14. On or about August 5, 2017, a larger fire incident started and spread from an overhead light fixture in one of the lounge rooms at [NAME].
15. A Fire Investigator from the City of Pickering Fire Department later concluded that the August 5 electrical fire was likely caused by an incompatible ballast installed in an LED lamp as part of the Member's Electrical Work.
16. In September 2017, a representative from the distributor of the lighting fixtures looked into the Electrical Work. The representative concluded that the lamps and ballasts were improperly matched.

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, February 19, 2019 at 11:30 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 11:30 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 F. Andronesi, College Counsel in this matter, using the contact information noted below.

Date: January 10, 2019

"George Gritziotis"

George Gritziotis
Registrar & Chief Executive Officer
Ontario College of Trades
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To: Yakup Yalcin
[ADDRESS]
[ADDRESS]

From: Bogdan P. Andronesi, College Counsel
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