

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

JACK ING

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 Jack Ing (Membership No. 13150634), 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 Jack Ing 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:

The Member

1. Jack Ing, Membership No. 13150634 (the “Member”), is a member of the Ontario College of Trades (the “College”) in the Journeypersons class.
2. During the relevant period, the Member held Certificates of Qualification in the trades of Automotive Service Technician (310S) and Truck and Coach Technician (310T).
3. During the relevant period, the Member worked as a service manager at [COMPANY] located at [ADDRESS] (“COMPANY”).
4. At all material times, [COMPANY] was licensed by the Ontario Ministry of Transportation (“MTO”) as a Motor Vehicle Inspection Station. By virtue of being a Certificate of Qualification holder, the Member was registered with the MTO to issue Annual Inspection Certificates for vehicles and to certify that vehicles he inspects meet minimum safety standards, pursuant to the *Highway Traffic Act*, RSO 1990, ch. 8 (the “HTA”) and its Regulations.

The Member issues the Annual Inspection Certificate

5. On or about April 3, 2017, the Member issued Annual Inspection Certificate [NUMBER] for Bus [NUMBER], VIN: [NUMBER] (the "Bus"), certifying that he had inspected the Bus and that it met the prescribed safety standards.
6. The Member did not perform an adequate safety inspection and the Bus did not meet the prescribed safety standards at the time of the inspection.

April 26, 2017 incident involving the Bus

7. On or about April 26, 2017, the Bus was being operated on the Don Valley Parkway in Toronto with elementary school students on board. The police received numerous phone calls from motorists who reported that the Bus's rear wheels were shaking and appeared to be close to falling off.
8. Once the Bus was stopped and towed off the highway, the police performed a detailed inspection of the Bus. Upon inspection, the following deficiencies, among others, were discovered:
 - a. A wheel was missing 10 of 14 lug nuts and the 4 remaining lug nuts were loose and could be removed by hand;
 - b. A brake rotor was worn and/or damaged;
 - c. Brake pads were worn and/or cracked;
 - d. A brake caliper was seized;
 - e. No friction material was left on a brake shoe;
 - f. An air shock was leaking; and
 - g. The master cylinder brake fluid was half full.
9. During their inspection, the police recorded the odometer reading for the Bus, which showed that it had been driven for less than 1,500 km since the Member certified its safety.
10. After the failed inspection, the police removed the Bus's license plates and the registration status of the Bus was changed to unfit, prohibiting it from being operated on public highways.

The Member is charged by the MTO and pleads guilty in Provincial Offences Court

11. As a result of a follow-up investigation by the MTO, on or about September 15, 2017, the Member was charged with five *HTA* offences relating to improper annual inspections and/or improper inspection reports in relation to inspections performed by the Member between February and April 2017.
12. On or about November 21, 2017, the Member pled guilty and was convicted of improperly issuing/affixing Vehicle Inspection Sticker # [NUMBER] for the Bus when the Bus did not comply with inspection requirements and/or performance standards as prescribed by the *HTA* regulations.
13. On the same date, the Member also pled guilty and was convicted of failing to properly prepare annual inspection reports for two commercial motor vehicles other than the Bus.

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 **Thursday, April 11, 2019 at 11:00 a.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 Thursday, April 11, 2019 at 11:00 a.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 Jordan Glick or Jordan Stone, College Counsel in this matter, using the contact information noted below.

Date: February 21, 2019

"George Gritziotis"

George Gritziotis
Registrar & Chief Executive Officer
Ontario College of Trades
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Toronto, ON M5G 2K4

To: Jack Ing
[ADDRESS]
[ADDRESS]

From: Jordan Glick
Jordan Stone
Glick Law
Simcoe Chambers
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Lawyers for the College