

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

DOUGLAS GEORGE HOWARD

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 Douglas George Howard (Membership No. 13823555), 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 Douglas George Howard 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 any person for whom he is responsible, 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 his capacity as a member of the College, a document that he 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. Douglas George Howard, Membership No. 13823555, (the “Member”) is a member of the Ontario College of Trades (the “College”).
2. At all material times, the Member held a Certificate of Qualification in the trade of Auto Body and Collision Damage Repairer (310B), Journeyperson class, and was employed as an Inspecting Technician at Adelaide Collision Inc. located at 210 Adelaide Street, London, Ontario.
3. At all material times, Adelaide Collision Inc. was authorized by the Ontario Ministry of Transportation (“MTO”) to operate as a Motor Vehicle Inspection Station, by virtue of which the Member had authority to issue Structural Inspection Certificates for vehicles pursuant to the *Highway Traffic Act*, RSO 1990, ch. 8 (the “HTA”) and its Regulations.

The Vehicle is Involved in a Collision

4. On or about July 1, 2016, a 2006 Pontiac G5 Pursuit 2-Door bearing VIN [NUMBER] (the “Vehicle”) was involved in a collision.
5. On or about July 11, 2016, Certas Home and Auto Insurance Company assessed the Vehicle as a total loss and branded it as “salvage”.

The Member Issues a Structural Inspection Certificate

6. On or about September 15, 2016, the Member issued a Structural Inspection Certificate [NUMBER] (the "SIC") for the Vehicle attesting to the condition of the Vehicle as meeting the prescribed minimum standards pursuant to the *HTA* and being road-worthy.
7. On or about September 15, 2016, the SIC was presented at and was relied on by a Service Ontario licensing office to rebrand the Vehicle from "salvage" status to "rebuilt" status.
8. On or about September 15, 2016, a new vehicle registration was issued to the new owner of the Vehicle, [PURCHASER].
9. On or about September 19, 2016, a "Rebuilt File" pertaining to the Vehicle was received by the Mandatory Vehicle Branding Office of the MTO. A Rebuilt File is the inspecting technician's complete file record required to be kept and maintained for every inspection prior to issuing a SIC. The *HTA* requires every inspecting technician to submit the Rebuilt File to the MTO within seven days of inspection and is subject to random audit.
10. Sometime between September 15, 2016 and November 17, 2016, the MTO received information that the Vehicle did not meet the prescribed minimum standards.

The Vehicle and the Rebuilt File Inspected by MTO Officials

11. On or about November 17, 2016, MTO inspectors inspected the Vehicle. The MTO inspectors noted, among other things, that the Vehicle should not have passed the structural inspection on September 15, 2016.
12. The MTO inspectors also reviewed the Rebuilt File submitted by the Member, which included excerpts of the manufacturer's specifications for a different vehicle model than the Vehicle, along with the actual measurements taken for the Vehicle. The MTO inspectors concluded that the Member had relied on and submitted manufacturer's specifications for a 2006 Pontiac G6 4-Door Front Wheel Drive cars, rather than specifications applicable to the Vehicle (i.e. a 2006 Pontiac G5 2-Door Coupe).

The Member is Charged by the MTO

13. On or about March 7, 2017, the Member was charged by the MTO pursuant to section 99(2) of the HTA for making a false statement on the SIC in relation to the Vehicle on September 15, 2016.

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, March 6, 2018 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 Tuesday, March 6, 2018 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 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: January 25, 2018

"George Gritziotis"

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

To: Douglas George Howard
[ADDRESS]
[ADDRESS]

From: John J.S. Park, College Counsel
655 Bay Street, Suite 600
Toronto, ON M5G 2K4
647-847-3120
john.park@collegeoftrades.ca