

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

DANIEL T. TARDY

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 Daniel T. Tardy (Membership No. 13226399), 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 Daniel T. Tardy 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) knowingly provided false information or documents to the College or any other person with respect to his trade qualifications, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(4);
- b) 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(8);
- 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(11); and

- d) misappropriated or otherwise dealt dishonestly with the money or property of a client or another party, or otherwise engaged in fraudulent conduct, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(12).

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

1. Daniel T. Tardy (the “Member”) is a member of the Ontario College of Trades.
2. At all material times, the Member held a certificate of qualification in the trade of Plumber, Journeypersons class, which was issued by the College on April 8, 2013.
3. The Member obtained his certificate of qualification in the trade of Steamfitter, Journeypersons class, on April 7, 2014.
4. It is alleged that the Member fraudulently obtained his certificate of qualification in the trade of Steamfitter as a result of fraudulent and/or misleading representations that he made to the College in his Trade Equivalency Assessment (TEA) application dated March 25, 2014. Particularly, the application contained the following false, improper or misleading information and statements:
 - a. The Member provided a forged letter of endorsement from [UNION REPRESENTATIVE] on [UNION] letterhead, dated March 23, 2014, with his TEA application.
 - b. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 130 hours of applicable work experience while working for [COMPANY A] during the period of February 2007 to March 2007.
 - c. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 422 hours of applicable work experience while working for [COMPANY B] during the period of September 2007 to December 2007.
 - d. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 2,023 hours of applicable work experience while working for [COMPANY C]

during the period of February 2008 to December 2008.

- e. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 1,689 hours of applicable work experience while working for [COMPANY D] during the period of March 2009 to January 2010.
- f. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 1,017 hours of applicable work experience while working for [COMPANY E] during the period of October 2010 to April 2011.
- g. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 488 hours of applicable work experience while working for [COMPANY F] during the period of April 2011 to July 2011.
- h. The Member falsely and/or improperly claimed on his TEA application that he had accumulated 146 hours of applicable work experience while working for [COMPANY G] in January 2012.

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 **Wednesday, June 22, 2016 at 10:00 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 WEDNESDAY, JUNE 22, 2016 AT 10:00 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 Robin McKechney, College Counsel in this matter, using the contact information noted below.

Date: June 7, 2016

"David Tsubouchi"

David Tsubouchi
Registrar & Chief Executive Officer
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