

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

Hanno Weinberger, Chair

)
) Tuesday, the 18th day of June, 2019
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BETWEEN:

ONTARIO COLLEGE OF TRADES (the “College”)

-and-

DAVID MICHAEL BOONE (the “Member”)
(Member No. 13829468)

ORDER

PURSUANT TO A PRE-HEARING CONFERENCE ORDER made on May 9, 2019, this matter was heard and determined on June 18, 2019 in accordance with section 46(1)(a) of the *Ontario College of Trades and Apprenticeship Act* (the “Act”) by a one-member panel of the Discipline Committee;

UPON OBTAINING the parties’ consent that this hearing may proceed before a one-member panel in accordance with section 4.2.1(2) of the *Statutory Powers Procedure Act*, as well confirming that an Agreed Statement of Facts in this matter had been provided to the panel prior to the hearing, on the consent of the parties;

AND UPON CONSIDERING the Member’s admission to allegations (a), (c), (d) and (f) in the Notice of Hearing issued on January 24, 2019; an Agreed Statement of Facts signed in counterparts on May 14, 2019; and oral submissions on the agreed facts;

AND UPON PERMITTING the College to withdraw allegations (b) and (e) in the Notice of Hearing, as

requested by College Counsel with the consent of the Member;

THIS PANEL OF THE DISCIPLINE COMMITTEE, pursuant to section 46(2) of the Act, found the Member guilty of professional misconduct as set out in allegations (a), (c), (d) and (f) of the Notice of Hearing;

AFTER MAKING A FINDING of professional misconduct against the Member, the panel heard joint submissions with respect to penalty and costs, as a result of which;

THIS PANEL OF THE DISCIPLINE COMMITTEE made the following orders:

1. The Registrar shall be directed to suspend the Member's Certificate of Qualification in the trade of Automotive Service Technician (310S) for a period of four (4) months, commencing on the date of this order, pursuant to paragraph 46(4)(2) of the *Ontario College of Trades and Apprenticeship Act* (the "Act");
2. The Registrar shall be directed to impose terms, conditions and limitations on the Member's Certificates of Qualification in the trades of Automotive Service Technician (310S) and Truck and Coach Technician (310T), commencing on the date of this order, pursuant to paragraph 46(4)(3) of the Act. The specified terms, conditions and limitations to be imposed shall be as follows:
 - i. "while engaging in the practice of his trades, the Member shall not perform any safety, annual or semi-annual inspections and shall not engage in activities related to any type of inspection prescribed by Regulations 601 and 611 made under the *Highway Traffic Act*, R.S.O 1990 (the "HTA"), as amended from time to time;
 - ii. "while engaging in the practice of his trades, the Member is not permitted to handle, sign, issue or participate in the issuing of any Safety Standards Certificates, Annual Inspections Certificates or Semi-Annual Inspection Certificates, and of any related Inspection Stickers or Vehicle Inspection Records, as those terms are defined or used in the *HTA* and its Regulations";
 - iii. "the Member shall inform any person who contracts for the Member's services or who employs, engages or supervises the Member in his capacity as a 310S and/or a 310T Journeyman of the terms, conditions and limitations imposed on his Certificates of Qualification, by providing such person with a copy of the order imposing the terms, conditions and limitations";

- iv. “the member shall not, on the basis of his Certificates of Qualification in the trades of 310S and 310T, become or continue to be registered as a Motor Vehicle Inspection Mechanic under the *HTA* and its Regulations”; and
 - v. “within two weeks of the date of this order, the Member shall inform the Ministry of Transportation of Ontario (MTO) of the terms, conditions and limitations imposed on his Certificates of Qualification in the trades of 310S and 310T, by sending a copy of the signed order by registered mail to the Motor Vehicle Inspection Station Unit of the MTO, at the following address: Ministry of Transportation MVIS Unit, 8th Floor, 301 St. Paul Street, St. Catharine’s, ON, L2R 7R4.”
3. The Member shall be reprimanded by the Discipline Panel at the conclusion of the hearing and the fact of the reprimand shall be recorded on the Public Register for a period of eighteen (18) months, pursuant to paragraph 46(5)(1) of the *Act*;
 4. The finding and the order of the Panel shall be published in summary, with the name of the Member, on the website of the Ontario College of Trades, pursuant to paragraph 46(5)(3) of the *Act*; and
 5. The Member shall pay to the College, within eighteen (18) months of this order, costs in the amount of \$1,500, pursuant to paragraph 46(5)(4) of the *Act*.

Date: June 18, 2019

“Hanno Weinberger”
Hanno Weinberger, Panel Chair
On behalf of the Discipline Committee

End.