

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

IN THE MATTER OF the *Ontario College of Trades and Apprenticeship Act, 2009*,
and Ontario Regulation 97/13 (Professional Misconduct) thereunder;

AND IN THE MATTER OF a discipline proceeding against
Junior Beckford, a member of the Ontario College of Trades.

PANEL: Sherry Darvish, Chair
Vish Jadunauth

BETWEEN:)	
)	Louis Strezos,
)	Barrister & Solicitor,
)	for Ontario College of Trades
ONTARIO COLLEGE OF TRADES)	
)	
)	
-and-)	
)	Junior Beckford, Self-Represented
)	
JUNIOR BECKFORD)	
(Member #13237315))	Rebecca Durcan,
)	Independent Legal Counsel
)	
)	Heard: November 14, 2017

REASONS FOR DECISION

1. A hearing of this matter took place before a panel of the Discipline Committee (the “Panel”) pursuant to section 46(1) of the *Ontario College of Trades and Apprenticeship Act, 2009* (the “Act”) on November 14, 2017 at Victory Verbatim, Court Reporting Services, 222 Bay Street, Toronto, Ontario.
2. A *Notice of Hearing* (Exhibit 1) issued June 13, 2017 was served on Junior Beckford (the “Member”)

and a first appearance in this matter took place by teleconference on July 26, 2017; pre-hearing conferences were held on September 11, 2017, September 25, 2017 and October 30, 2017; and the hearing of this matter on its merits was subsequently scheduled for November 14, 2017.

3. At a preliminary matter on November 14, 2017, the Panel confirmed the parties' consent that any agreement on the facts in this matter could be filed with the Panel in advance of the hearing, and advised that an *Agreed Statement of Facts* had in fact been received and reviewed by the Panel prior to the hearing. The Panel also obtained the parties' consent that the hearing proceed before a two-member panel in accordance with section 4.2.1(2) of the *Statutory Powers Procedure Act*.

THE ALLEGATIONS

4. College Counsel advised that the College intended to proceed with allegations (a), (c), (d), (e) and (f) in the *Notice of Hearing*, and requested the Panel's permission to withdraw allegation (b), which was granted.
5. Allegations (a), (c), (d), (e) and (f) in the *Notice of Hearing*, along with particulars, were as follows:

"IT IS ALLEGED that Junior Lloyd Beckford 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 a member or any person for whom the member is responsible, when the member knew or ought to have known that there was a risk to life, health or property, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(1);

* * * *

- 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(8);

- d) was found guilty of contravening a law, the contravention of which is relevant to his suitability to hold a certificate of qualification or statement of membership, which is

defined as professional misconduct under Ontario Regulation 97/13, subsection 1(9);

- e) failed to maintain the standards of a trade, which is defined as professional misconduct under 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(11).

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

1. Junior Lloyd Beckford, Membership No. 13237315 (the “Member”), is a member of the Ontario College of Trades (the “College”).
2. At all material times, the Member held certificates of qualification, Journeypersons class, in the trades of Automotive Service Technician (310S) and Truck and Coach Technician (310T).
3. At all material times, JB Auto Solutions (the “MVIS Licensee”), located at 7A Wilby Crescent, Toronto, Ontario, was licensed by the Ministry of Transportation (“MTO”) as a Motor Vehicle Inspection Station and the Member was registered as a motor vehicle inspection mechanic at that location and had the MVIS Licensee’s signing authority to issue Safety Standard Certificates for vehicles, pursuant to the *Highway Traffic Act*, RSO 1990, Ch. 8 (the “HTA”) and its Regulations.
4. On June 25, 2015, [COMPLAINANT’S SON], the son of [COMPLAINANT] (the “Complainant”), purchased a 2002 Jeep CJ bearing the vehicle identification number [NUMBER] (the “Vehicle”) for \$7,070.00 from Pakdel Auto (the “Seller”).
5. On June 25, 2015, the Member conducted a Safety Standard inspection of the Vehicle on behalf of the Seller. Following his inspection, the Member signed and issued a Safety Standard Certificate [NUMBER] for the Vehicle, whereby he certified that it met the minimum HTA safety and performance standards to be operated on public highways in Ontario.

6. On June 26, 2015, [COMPLAINANT'S SON] took delivery of the Vehicle from the Seller.
7. On July 2, 2015, [COMPLAINANT'S SON] brought the Vehicle to Islington Chrysler for routine maintenance. The assigned Chrysler technician noted a number of deficiencies with the Vehicle, including that the Vehicle's shock absorbers were knocking and leaking; and that the Vehicle had rusted holes in the floor of the Vehicle's passenger compartment. [COMPLAINANT'S SON] paid Islington Chrysler for the following: replacement of front and rear shock absorbers; oil and filter change; power steering flush; transmission tune up; 4x4 driveline service; cooling system flush; and brake fluid flush. The cost of the work done to the Vehicle was \$1,603.16.
8. At some point following his visit to Islington Chrysler, [COMPLAINANT'S SON] removed the carpeting and discovered the full extent of the rusted holes in the Vehicle's chassis and informed the Complainant. Both [COMPLAINANT'S SON] and the Complainant became concerned about the authenticity of the Safety Standard Certificate that the Member had issued for the Vehicle.
9. On July 24, 2015, [COMPLAINANT'S SON] and the Complainant brought the Vehicle to the Seller to demand a refund for the Vehicle based on what they believed to be an inaccurate Safety Standard Certificate. The Seller agreed to have the Vehicle's rusted holes repaired at the MVIS Licensee by its owner, Robin Singh.
10. On July 31, 2015, the Complainant retrieved the purportedly repaired Vehicle from Pakdel Auto and had it towed to Caledon Chrysler for a Safety Standard inspection.
11. On August 3, 2015, the Vehicle failed the Safety Standard inspection, after the technician performing no less than three safety checks. Following this, the Complainant contacted the MTO to have the Vehicle inspected.
12. On August 10, 2015, MTO Inspector Steven Wong attended at Caledon Chrysler to inspect the Vehicle, and recorded that it had been driven 1,760 kilometers since the Member had issued the Safety Standard Certificate. He identified numerous deficiencies with the Vehicle, including considerable floor pan rust holes on the left and right sides of the body mount. On performing a smoke test, he observed smoke entering the Vehicle's

passenger compartment. MTO Inspector Wong also noted in his Field Inspection Report that the brake rotors had been damaged by rust corrosion; the trailer hitch was missing a locking pin; and the right rear steel brake line was insecure, being looped over the axel.

13. On August 12, 2015, the Complainant wrote to Robin Singh of the MVIS Licensee, outlining the safety deficiencies with the Vehicle identified by MTO Inspector Wong. Mr. Singh retrieved the car the same day and brought it back to the MVIS Licensee to repair those deficiencies. Repairs were done by Douglas Facey, an Auto Body and Collision Damage Repairer (310B) and a member of the College.
14. On August 18, 2015, Robin Singh informed the Complainant that the Vehicle was repaired, with the exception of an unidentifiable water leak, and told the Complainant that the Vehicle would pass a Safety Standard inspection.
15. On August 22, 2015, the Complainant brought the Vehicle back to Caledon Chrysler where it once again failed to pass the Safety Standard inspection. The Vehicle was then returned to Mr. Singh at the MVIS Licensee for further repair.
16. Following the recommendation of MTO Inspector Wong, on September 2, 2015 the Complainant brought the Vehicle to a Canadian Tire Automotive Centre in Bolton, Ontario ("Canadian Tire") for a Safety Standards inspection. The Vehicle also failed that inspection, and a number of deficiencies were noted by the servicing technician and included on the invoice.
17. At some point after the September 2, 2015 Canadian Tire inspection, [NAME] of the Ontario Motor Vehicle Industry Council, on behalf of the Seller, offered to resolve the Vehicle's repair issues: in exchange for having the Vehicle inspected, and if deficient, repaired at no cost by Precision Services, the Complainant would not pursue the matter further. The Complainant refused on the basis that the Seller would only allow Precision Services, and not a third party auto mechanic, to do any needed repairs. Precision Services is located at the same address as the MVIS Licensee.
18. On September 10, 2015, the Vehicle was again repaired at the MVIS Licensee by the Member and an apprentice, a Mr. Rodrigues. Following these repairs, the Vehicle was returned to the Complainant.

19. On October 2, 2015, the Vehicle underwent a final Safety Standard inspection at Canadian Tire. It once again failed that safety inspection.
20. On September 1, 2016, before Justice of the Peace K. Valentine, the Member pleaded guilty to, and was convicted of, making a false statement in Safety Standard Certificate [NUMBER] in respect of the Vehicle, contrary to s. 99(2) of the *HTA*. The Member was fined \$ 2,000.00, with one (1) year to pay.”

MEMBER’S PLEA

6. Both verbally at the hearing and in an *Agreed Statement of Facts* signed in counterparts on October 12, 2017 and October 13, 2017 (later marked as Exhibit 2), the Member admitted the professional misconduct set out in allegations (a), (c), (d), (e) and (f) of the *Notice of Hearing*.
7. The Panel conducted a plea inquiry with the Member, whereby the Member confirmed that he understood the nature of the allegations against him; that he voluntarily admitted to the allegations; that by admitting to the allegations, the hearing would proceed on the basis of the facts agreed upon; that he understood that the Discipline Panel was not obligated to accept any resolution achieved by the parties; and finally that the Member was aware of the range of penalties that the Panel could impose upon him.

THE EVIDENCE – AGREED STATEMENT OF FACTS

8. College Counsel tendered evidence by way of an *Agreed Statement of Facts* (Exhibit 2). Exhibit 2 stated the following:

“[1] The Respondent (“the Member”) has reviewed and understands the Notice of Hearing DC201706 (“the Notice of Hearing”), attached as Schedule “A” and this Agreed Statement of Facts (“this ASF”).

[2] The Member voluntarily admits the truth of the facts as recounted in this ASF and accepts the documents included in this ASF as authentic.

[3] The College alleges, as detailed in paragraphs a) through f) of the Notice of Application

[sic], that the Member:

- a) Failed to take reasonable steps to safeguard the life, health or property of a person who may be affected by the work of a member or person for whom the member is responsible, when the Member knew or ought to have known that there was a risk to life, health or property, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(1);
- b) Failed to act to correct or report a situation that the Member know or ought to have known may endanger the safety or welfare of the public, which is defined as professional misconduct under 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(8);
- d) Was found guilty of contravening a law, the contravention of which is relevant to his suitability to hold a certificate of qualification or statement of membership, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(9);
- e) Failed to maintain the standards of a trade, which is defined as professional misconduct under 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(11).

[4] The Member understands that if the Discipline Committee accepts the admissions in this ASF, it may make a finding of professional misconduct and would then consider the appropriate order to make under Section 46 of the *Ontario College of Trades and Apprenticeship Act* (the "Act"). The Member understands that the Discipline Committee

might not accept a joint submission as to penalty or costs, even if the College and the Member make that submission together.

FACTS

[5] At all material times, the Member was certified by The Ontario College of Trades (“the College”) as an Automotive Service Technician (310S) and Truck and Coach Technician (310T), Journeypersons Class, and carried out his business at JB Auto Solutions, located at 7A Wilby Crescent, Toronto, Ontario.

[6] At all material times, JB Auto Solutions was licensed by the Ontario Ministry of Transportation (“MTO”) as a Motor Vehicle Inspection Station (“MVIS”) and the Member was registered as a Motor Vehicle Inspection Mechanic at that location. The Member had MVIS Licensee’s signing authority to issue Safety Standard Certificates for vehicles, pursuant to the Highway Traffic Act, RSP 10090, [sic] Ch. 8 (the “HTA”) and its Regulations.

[7] On June 25, 2015, [COMPLAINANT’S SON], the son of [COMPLAINANT] (the “Complainant”), purchased a 2002 Jeep CJ bearing the vehicle identification number [NUMBER] (the “Vehicle”) from Pakdel Auto (the “Seller”).

[8] On June 25, 2015, the Member conducted a Safety Standard inspection of the Vehicle on behalf of the Seller. Following his inspection, the Member signed and issued a Safety Standard Certificate [NUMBER] for the Vehicle, whereby he certified that it met the minimum HTA safety and performance standards to be operated on public highways in Ontario.

[9] On June 26, 2015, [COMPLAINANT’S SON] took delivery of the Vehicle from the Seller.

[10] On July 2, 2015, [COMPLAINANT’S SON] brought the Vehicle to Islington Chrysler for routine maintenance. The assigned technician noted a number of deficiencies with the Vehicle, including that the vehicle’s shock absorbers were knocking and leaking and finding rusted holes in the floor of the Vehicle’s passenger compartment.

[11] [COMPLAINANT’S SON] paid Islington Chrysler a total of \$1,603.16 for the following:

- Replacement of front and rear shock absorbers;
- Oil and filter change;
- Power steering flush;
- Transmission tune up;
- 4X4 driveline service;
- Cooling system flush; and
- Brake fluid flush.

[12] Sometime after his visit to Islington Chrysler, [COMPLAINANT'S SON] removed the carpeting to discover the full extent of the rusted holes in the floor. The repairs required at Islington Chrysler and the discovery of the holes in the floorboards led [COMPLAINANT'S SON] and the Complainant to question the authenticity of the Safety Standard Certificate that the Member had issued for the Vehicle.

[13] The Complainant made the Seller aware of their findings. The Seller agreed to make repairs to the Vehicle to have it pass a new Safety Standard inspection.

[14] On August 3, 2015, the Complainant contacted MTO to have the Vehicle inspected after it failed a Safety Standard Inspection at Caledon Chrysler.

[15] On August 10, 2015, MTO Inspector Steven Wong attended at Caledon Chrysler to inspect the Vehicle. He recorded the vehicle had been driven 1,760 kilometers since the Member had issued the Safety Standard Certificate. He identified numerous deficiencies with the Vehicle and listed them in his report. The deficiencies included:

- Considerable floor pan rust holes on the left and right sides of the body mount which allowed smoke to enter the Vehicle's passenger compartment
- Brake rotors had been damaged by rust corrosion;
- Trailer hitch was missing a locking pin; and
- Right rear steel brake line was insecure, having been looped over the axel.

[16] Between July 24, 2015 and October 2, 2015, the Vehicle failed four Safety Standard Inspections, two conducted at Caledon Chrysler and two conducted at Canadian Tire.

Repairs were made by the Member on three occasions but they were insufficient to bring the Vehicle into compliance with road safety standards.

[17] On September 1, 2016 the Member pleaded guilty to making a false statement in a Safety Standard Certificate in respect of the Vehicle. A copy of the certified information is attached as Schedule "B". A copy of the transcript of the guilty plea is attached as Schedule "C".

ADMISSIONS

[18] The Member admits the foregoing facts as true and accurate, does not dispute and accepts that findings of professional misconduct can be made on particulars a, c, d, e and f.

PRIOR DISCIPLINE

[19] The Member has no discipline history.

HEARING IN PUBLIC

[20] The parties agree that this matter will be heard in public pursuant to Rule 3.01 of the *Rules of Procedure of the Discipline Committee & Fitness to Practice Committee* made pursuant to Section 72.1 of the [Ontario] *College of Trades and Apprenticeships Act* and Section 9 of the *Statutory Powers Procedure Act*, subject to an order made by the Discipline Committee under Rule 3.

FILING IN ADVANCE

[21] The parties agree that this Agreed Statement of Facts and a Document Book containing documents to which it refers may each be filed with the Hearings Coordinator and provided to the Discipline Committee in advance of the Hearing, in accordance with Rule 4 of the *Rules of Procedure of the Discipline Committee & Fitness to Practice Committee.*"

INDEPENDENT LEGAL COUNSEL ADVICE

9. Independent Legal Counsel advised that the only evidence before the Panel in this matter was the *Agreed Statement of Facts*. The Panel's task was to determine whether the evidence as set out in the *Agreed Statement of Facts* proved allegations (a), (c), (d), (e) and (f) in the *Notice of Hearing* on a balance of probabilities.

DECISION

10. The Panel accepted the *Agreed Statement of Facts* and found that the College had proven allegations (a), (c), (d), (e) and (f) in the *Notice of Hearing* on a balance of probabilities.
11. Therefore, pursuant to section 46(2)(a) of the Act, we found the Member guilty of professional misconduct.

REASONS FOR DECISION

12. The Panel was satisfied that at all material times, the Member was certified by the Ontario College of Trades ("the College") as an Automotive Service Technician (310S) and Truck and Coach Technician (310T), Journeypersons Class, and carried out his business at JB Auto Solutions, located at 7A Wilby Crescent, Toronto, Ontario.
13. At all material times, JB Auto Solutions was licensed by the Ontario Ministry of Transportation ("MTO") as a Motor Vehicle Inspection Station ("MVIS") and the Member was registered as a Motor Vehicle Inspection Mechanic at that location. The Member had MVIS Licensee's signing authority to issue Safety Standards Certificates for vehicles, pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (the "HTA") and its Regulations.
14. On June 25, 2015, the Complainant's son purchased a 2002 Jeep CJ (the "Vehicle") from Pakdel Auto (the "Seller").
15. On June 25, 2015, the Member conducted a safety inspection of the Vehicle on behalf of the Seller. Following his inspection, the Member signed and issued a Safety Standards Certificate for the Vehicle, whereby he certified that it met the minimum HTA safety and performance standards to be

operated on public highways in Ontario.

16. On June 26, 2015, the Complainant's son took delivery of the Vehicle from the Seller.
17. On July 2, 2015, the Complainant's son brought the Vehicle to Islington Chrysler for routine maintenance. The assigned technician noted a number of deficiencies with the Vehicle, including that the vehicle's shock absorbers were knocking and leaking and finding rusted holes in the floor of the Vehicle's passenger compartment.
18. The Complainant's son paid Islington Chrysler a total of \$1,603.16 for the following:
 - Replacement of front and rear shock absorbers;
 - Oil and filter change;
 - Power steering flush;
 - Transmission tune up;
 - 4X4 driveline service;
 - Cooling system flush; and
 - Brake fluid flush.
19. Sometime after his visit to Islington Chrysler, the Complainant's son removed the carpeting to discover the full extent of the rusted holes in the floor. The repairs required at Islington Chrysler and the discovery of the holes in the floorboards led the Complainant's son and the Complainant to question the authenticity of the Safety Standards Certificate that the Member had issued for the Vehicle.
20. The Complainant made the Seller aware of their findings. The Seller agreed to make repairs to the Vehicle to have it pass a new safety inspection.
21. On August 3, 2015, the Complainant contacted MTO to have the Vehicle inspected after it failed a Safety Standards Inspection at Caledon Chrysler.
22. On August 10, 2015, MTO Inspector Steven Wong attended at Caledon Chrysler to inspect the Vehicle. He recorded the vehicle had been driven 1,760 kilometers since the Member had issued the Safety Standards Certificate. He identified numerous deficiencies with the Vehicle and listed

them in his report. The deficiencies included:

- Considerable floor pan rust holes on the left and right sides of the body mount which allowed smoke to enter the Vehicle's passenger compartment
- Brake rotors had been damaged by rust corrosion;
- Trailer hitch was missing a locking pin; and
- Right rear steel brake line was insecure, having been looped over the axel.

23. Between July 24, 2015 and October 2, 2015, the Vehicle failed four Safety Standards Inspections, two conducted at Caledon Chrysler and two conducted at Canadian Tire. Repairs were made by the Member on three occasions but they were insufficient to bring the Vehicle into compliance with road safety standards.

24. On September 1, 2016, the Member pleaded guilty to making a false statement in a Safety Standards Certificate in respect of the Vehicle. A copy of the certified information was attached as Schedule "B" to the Agreed Statement of Facts. A copy of the transcript of the guilty plea was attached as Schedule "C" to the Agreed Statement of Facts.

PENALTY SUBMISSIONS

25. College Counsel provided the Panel with the transcript of a July 9, 2015 proceeding in the Ontario Court of Justice before Justice of the Peace P. Konstandinitis in which the Member pleaded guilty to two (2) separate charges under the HTA and was fined \$2,000 for each offence. The first offence was that of issuing a false Safety Standards Certificate; the second was for making a false statement in a Safety Standards Certificate, both in respect of the same vehicle. That case also referred to the fact that the Member had yet other similar prior convictions under the HTA in 1996 and in 2008.

26. Counsel submitted that the Member's prior guilty pleas and convictions for offences similar to those before the Panel in this discipline proceeding are relevant to the penalty being sought by the College in the discipline proceeding.

27. College Counsel requested, and the Panel agreed, that the transcript be marked as Exhibit 3.

28. College Counsel proceeded to make a joint submission with respect to penalty and costs, and asked

the Panel to impose (a) a six-month suspension of both of the Member's Certificates of Qualification; (b) a fine in the amount of \$1,000; (c) publication of the finding and order of the Panel, including the Member's name, in the official publication of the College and on its website; and (d) a reprimand, to be delivered by the Panel at the end of the hearing.

29. The Member confirmed that he would accept these penalties, should the Panel decide to make an order accepting the parties' joint submission on penalty.
30. College Counsel submitted that the proposed penalties were appropriate in light of the facts of this case. He also submitted that the courts encourage the acceptance of agreements made between parties unless doing so would bring the administration of justice or the disciplinary process into disrepute.
31. College Counsel also submitted for the Panel's consideration a previous decision of the Discipline Committee of the Ontario College of Trades, Decision No. DC201601, dated January 16, 2017, in which the Discipline Panel imposed a fine of \$1,000 to be paid within six (6) months, suspended the member's certificate of qualification for a period of two (2) weeks, directed that the finding and the order of the panel be published on the College's website, reprimanded the member at the conclusion of the hearing, ordered that the reprimand be recorded in the Public Register of the College for a period of one (1) year, and ordered the member to pay costs of \$3,000 for one (1) day of the hearing and \$400 for four (4) pre-hearing conferences.

PENALTY DECISION

32. After considering the joint oral submissions on penalty, the Panel accepted the joint submissions on penalty and made the following orders:
 - (a) the Member shall pay a fine in the amount of \$1,000.00 to the Minister of Finance for payment into the Consolidated Revenue Fund within twelve (12) months of November 14, 2017, pursuant to section 46(5)2 of the Act;
 - (b) Both Certificates of Qualification held by the Member, namely Automotive Service Technician (310s) and Truck and Coach Technician (310T), shall be suspended for a period of six (6) months commencing on November 14, 2017, pursuant to section 46(4)2 of the Act;

(c) The finding and the Order of the panel shall be published in detail or in summary with the name of the Member in the official publication of the College, pursuant to section 46(5)3 of the Act; and

(d) The Member, having waived his right to appeal under section 51 of the Act, will be reprimanded by the Panel at the conclusion of the hearing, pursuant to section 46(5)1 of the Act.

REASONS FOR PENALTY DECISION

33. In arriving at the above penalties, we considered the principles of public protection, specific deterrence, and general deterrence.

34. The Panel considered aggravating factors such as the Member's previous findings of guilt for two separate charges under the HTA.

35. The Panel considered mitigating factors such that this was the Member's first offence in regard to his trade before this Discipline Committee. The Panel also recognizes the potential impact this order may have on the Member's livelihood and family. Finally, the Panel noted that the Member entered into an Agreed Statement of Facts, which helped narrow the facts needed to be proved by the College, which in turn significantly expedited the hearing. The Panel also noted that the Member agreed to a joint submission on penalty, which again further expedited the hearing.

36. As a result of the finding of guilt, and after hearing submissions on the appropriate penalty, the Panel must first and foremost take into consideration the safety of the public and ensuring that a minimum standard is met by regulated skilled trades professionals. The Panel is of the view that the penalty imposed serves the goals of public protection, specific deterrence, and general deterrence.

COSTS SUBMISSIONS

37. College Counsel also made a joint submission with respect to the costs of this proceeding, namely that the Member had agreed to pay costs to the College in the amount of \$2,510.90 within twelve (12) months of the hearing.

COSTS DECISION

38. After considering the submissions on costs, the Panel ordered the Member to pay a portion of the College's investigation and prosecution costs in the amount of \$2,510.90 within twelve (12) months, pursuant to section 46(5)4 of the Act. This amount will help to offset some of the costs associated with the investigation and prosecution of this matter, and is not intended to be an additional penalty or sanction.

REASONS FOR COSTS DECISION

39. The Panel finds that it is reasonable for the Member to defray some of the College's costs, providing that the costs are not disproportionate to the Member's current financial situation.

40. In ordering the amount of costs noted above, the Panel took into consideration that by cooperating with investigation and the hearing of this matter and entering into an Agreed Statement of Facts and Joint Submissions on Penalty and Costs, the length of this hearing was significantly reduced. Nonetheless, a one day hearing was needed to address this matter as well as three (3) pre-hearing conferences.

41. The Panel notes that in a prior decision of this Discipline Committee, as cited above, costs of \$3,400 were ordered for one day of hearing and four pre-hearing conferences. By comparison, the Panel finds that the costs of \$2,510.90 are reasonable given one day of hearing and three pre-hearing conferences in this case. The Panel also notes that the Member agreed to this costs requests in the Joint Submission on Penalty and Costs.

REPRIMAND

42. At the conclusion of the hearing, the Member waived his right to appeal and, as such, an oral reprimand was delivered pursuant to section 46(5)(1) of the Act as outlined below.

Mr. Beckford, as you know, as part of its penalty order, this Discipline Panel has ordered that you be given an oral reprimand. Although you will be given an opportunity to make a statement at the end of the reprimand, this is not an opportunity for you to review the decision made by the

Panel, nor a time for you to debate the merits or our decision. You have been found to have engaged in conduct that constitutes professional misconduct as outlined in paragraphs a, c, e, and f of the Notice of Hearing to which you have admitted in the Agreed Statement of Facts. The Panel takes this type of misconduct seriously. The public needs to have confidence that members of the College are upholding high ethical and technical standards and conducting themselves in accordance with the law. The College needs to have confidence in its members.

The Panel acknowledges that this is the first time you have appeared before the Discipline Committee of the Ontario College of Trades, however, you have three (3) prior provincial offences related to similar conduct that gave rise to our findings. This is unacceptable. Members of the College are expected to comply with the law.

The Panel acknowledges that you cooperated with the investigation, as well as the prosecution of this matter, and the Panel took this into consideration when accepting the Joint Submission on Penalty and Costs today. The Panel trusts that you will not repeat the conduct that gave rise to this finding. Please take the opportunity to learn from this experience so that you do not find yourself before this Committee again.

43. The Panel gave the Member an opportunity to make a statement at the conclusion of the reprimand, but the Member did not have anything further to add.

Date: January 24, 2018

"Sherry Darvish"
Sherry Darvish
Chair, Discipline Panel

"Vish Jadunauth"
Vish Jadunauth
Member, Discipline Panel

End.