

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

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

AND IN THE MATTER OF a discipline proceeding against
Christopher A. Paquette, a member of the Ontario College of Trades.

PANEL: Raymond Ramdayal, Chair

BETWEEN:)	
)	John Park,
)	College Prosecutor,
)	Ontario College of Trades,
ONTARIO COLLEGE OF TRADES)	
)	
)	
-and-)	Christopher A. Paquette,
)	Self-Represented
)	
CHRISTOPHER A. PAQUETTE)	
(Member #13252637))	Aaron Dantowitz,
)	Independent Legal Counsel
)	
)	Heard: October 13, 2017

REASONS FOR DECISION

1. A hearing of this matter took place before a panel of the Discipline Committee (the “Panel”) on October 13, 2017 at Victory Verbatim, Court Reporting Services, 222 Bay Street, Toronto, Ontario.

THE ALLEGATIONS

2. A *Notice of Hearing* issued March 27, 2017 was made Exhibit A. The allegations against the Member in the *Notice of Hearing* are as follows:

“IT IS ALLEGED that Christopher A. Paquette 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) undertook work that the member knew or ought to have known the member is not competent to perform by virtue of their certification, training and experience or the member’s employees are not competent to perform by virtue of their certification, training and experience (Ontario Regulation 97/13, subsection 1(3));
- b) knowingly provided false information or documents to the College or any other person with respect to a member’s trade qualifications (Ontario Regulation 97/13, subsection 1(4));
- c) 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));
- d) 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)); and
- e) misappropriating or otherwise dealing dishonestly with the money or property of a client or another party, or otherwise engaging in fraudulent conduct (Ontario Regulation 97/13, subsection 1(12)).

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

BACKGROUND

1. Christopher A.D. Paquette, Membership No. 13252637 (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 Residential (Low Rise) Sheet Metal Installer (308R), Journeyman class.

3. At all material times, the Member did not hold a Certificate of Qualification in the trade of Sheet Metal Worker (308A), which provides for broader scope of practice than the trade of 308R.

MEMBER APPLIES FOR EMPLOYMENT WITH OPTIMUM MECHANICAL SOLUTIONS INC.

4. In spring of 2016, the Member successfully applied for employment as a sheet metal worker with Optimum Mechanical Solutions Inc. (hereinafter "Optimum Inc.") in Ottawa, Ontario after submitting a resume that lists, among other things, "sheet metal 308A red seal certificate" as one of his qualifications. The Member also submitted a photocopy of a document that purports to be a Certificate of Qualification from the Ontario College of Trades for the trade of 308A issued in the Member's name bearing Red Seal certificate number 355169.
5. Nick Dewar, the manager of the Sheet Metal department at Optimum Inc. relied on the Member's representation and offered him employment as a Sheet Metal Worker with the company.

ENGAGING IN THE SCOPE OF PRACTISE WITHOUT CERTIFICATE OF QUALIFICATION

6. On or about June 1, 2016, the Member, as an employee of Optimum Inc., engaged in sheet metal work in a construction project of a nine-storey condominium at 236 Richmond Road, Ottawa, Ontario. This falls within the scope of practice of 308A.
7. On or about June 1, 2016, an inspector from the College conducted an electronic search of the College's records and found no record of the Member having a 308A Certificate of Qualification.

INVESTIGATION RELATING TO THE PHOTOCOPY OF 308A CERTIFICATE OF QUALIFICATION

8. On or about June 1, 2016, an inspector from the College made enquiries with the Ministry of Training, Colleges and Universities ("MTCU") regarding the authenticity of the Red Seal certificate number found on the 308A Certificate provided by the

Member which was purportedly issued by the Ontario College of Trades. An MTCU representative advised that the Red Seal certificate number found on the 308A Certificate belongs to an individual named David G. Dobson. David G. Dobson had once worked as an employee of Optimum Inc. prior to the Member applying for employment.

9. Between June 2, 2016 and August 16, 2016, the Member advised the College inspector of the following:
 - a. that the Member obtained a Sheet Metal licence from Alberta after writing an exam in June of 2015;
 - b. that the Member received the 308A Certificate of Qualification from the College via the mail; and
 - c. that the Member had worked for an Alberta company named "Sky High Heating and Cooling" prior to applying to Optimum Inc.

10. Between June 6, 2016 and January 10, 2017, a representative from the College made enquiries with Apprenticeship and Industry Training ("AIT") in Alberta and was advised of the following:
 - a. the Member does not hold a Sheet Metal licence from Alberta; and
 - b. there is no record of a company named "Sky High Heating and Cooling" in its records management system.

11. Between December 15, 2016 and December 20, 2016, an inspector from the College requested that the Member produce a copy of his Sheet Metal licence obtained in Alberta. The Member has not produced this document as of the date of this Notice of Hearing.

CONVICTIONS UNDER THE ONTARIO COLLEGE OF TRADES AND APPRENTICESHIP ACT,

2009

12. On or about June 2, 2016, the Member was charged with the following offences under the Act:

- a. individual engaging in compulsory trade without certificate of qualification, contrary to section 2 of the *Act*; and
- b. individual holding self out as able to engage in compulsory trade without certificate of qualification, contrary to section 2 of the *Act*.

13. The Member did not dispute the charges as laid and was convicted pursuant to s. 9(2) of the *Provincial Offences Act*.”

3. At the opening of the hearing on October 13, 2017, Counsel for the College advised that the College intended to proceed with all five allegations set out in the Notice of Hearing.

MEMBER’S PLEA

4. In response, the Member admitted to each of the five allegations of professional misconduct, made in the Notice of Hearing and as set out in an *Agreed Statement of Facts* signed August 21, 2017, which would later be filed as Exhibit B.
5. A plea inquiry was conducted and 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 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

6. The only evidence tendered was the *Agreed Statement of Facts* (Exhibit B). Exhibit B stated the following:
 - a. Christopher A. Paquette, Membership No. 13252637 (the “Member”), is a member of the Ontario College of Trades (the “College”) and received his Certificate of Qualification in the trade of Residential (Low Rise) Sheet Metal Installer (308R) on August 26, 2011.
 - b. At all material times, the Member held a Certificate of Qualification in the trade of

Residential (Low Rise) Sheet Metal Installer (308R), Journeyman class. And he did not hold a Certificate of Qualification in the trade of Sheet Metal Worker (308A), which provides for broader scope of practice than the trade of 308R.

- c. In spring of 2016, the Member successfully applied for employment as a sheet metal worker with Optimum Mechanical Solutions Inc. (hereinafter "Optimum Inc.") in Ottawa, Ontario after submitting a resume that lists, among other things, "sheet metal 308A red seal certificate" as one of his qualifications. The Member also submitted a photocopy of a document that he purported to be a Certificate of Qualification from the Ontario College of Trades for the trade of 308A, issued in the Member's name, bearing Red Seal certificate number 355169.
- d. Nick Dewar, the manager of the Sheet Metal department at Optimum Inc. relied on the Member's representation and offered him employment as a Sheet Metal Worker with the company.
- e. On June 1, 2016, the Member, as an employee of Optimum Inc., engaged in sheet metal work in a construction project of a nine-storey condominium at 236 Richmond Road, Ottawa, Ontario. This falls within the scope of practice of 308A, which the Member was not qualified to perform. This was observed by College inspectors Derick Taillefer and Jamie Rice.
- f. As a result of the observation made by the College inspectors and the fact that the Member was not the holder of a valid Certificate of Qualification or a Registered Training Agreement for the trade of Sheet Metal Worker (308A), he was charged with the following offences under the *Ontario College of Trades and Apprenticeship Act, 2009* (the "Act"):
 - (a) Individual engaging in compulsory trade without certificate of qualification, contrary to section 2 of the Act; and
- g. The Member did not dispute the above charges and was convicted pursuant to subsection 9(2) of the *Provincial Offences Act*.
- h. On June 1, 2016, Nick Dewar, the hiring manager at Optimum Inc. advised College

inspectors that he believed the Member was a holder of a Red Seal certificate for the trade of 308A, having relied on the photocopy of the certificate received from the Member during the interview process for employment. The College inspectors obtained a photocopy of the certificate that was relied on by the hiring manager.

- i. On June 1, 2016, the College inspectors made enquiries with the Ministry of Training, Colleges and Universities (“MTCU”) regarding the authenticity of the Red Seal certificate for the 308A trade submitted by the Member. An MTCU representative advised that the Red Seal certificate number found on the 308A belongs to an unrelated individual named David G. Dobson. David G. Dobson was later contacted by the College inspectors and advised them that he has no knowledge of the Member and does not know how the Member was able to get access to his Red Seal certificate number.
- j. Between June 2, 2016 and August 16, 2016, the Member advised the College inspector of the following:
 - (a) that the Member obtained a Red Seal Sheet Metal licence from Alberta after writing an exam in June of 2015;
 - (b) that the Member received the 308A Certificate of Qualification by mail; and
 - (c) that the Member had also worked for an Alberta company named “Sky High Heating and Cooling” prior to applying to Optimum Inc.
- k. The Member admits to never having a certificate of qualification in any jurisdiction for the trade of Sheet Metal Worker (308A).
- l. The Member admits to fabricating the false certificate of qualification that was provided to Nick Dewar during the application process for employment with Optimum Inc.
- m. The Member admits that the facts in all preceding paragraphs are true and that they constitute the professional misconduct set out in particulars (a), (b), (c), (d) and (e) of the Notice of Hearing (File No. DC201703).

- n. The Member has no prior discipline history.

ILC ADVICE

7. Independent Legal Counsel (“ILC”) advised that the Panel’s task was to determine whether the Panel was satisfied that the admissions of professional misconduct as set out in Exhibit B were supported by the agreed facts.

DECISION

8. The Panel accepted the admissions of professional misconduct set out in the *Agreed Statement of Facts* and found that the College had proven the allegations set out in *the Notice of Hearing* on a balance of probabilities.
9. Therefore, pursuant to section 46(2)(c) of the Act, the Panel found the Member guilty of professional misconduct for having engaged in conduct that is defined as professional misconduct in Ontario Regulation 97/13, section 1, paragraphs 3, 4, 9, 11 and 12:
 - a. The Member undertook work that he knew, or ought to have known, he was not competent to perform by virtue of his certification, training and experience (Ontario Regulation 97/13, section 1, paragraph 3);
 - b. The Member knowingly provided false information or documents to the College with respect to his trade qualifications (Ontario Regulation 97/13, subsection 1, paragraph 4);
 - c. The Member was found guilty of contravening a law, the *Ontario College of Trades and Apprenticeship Act, 2009*, that is relevant to his suitability to hold a certificate of qualification (Ontario Regulation 97/13, subsection 1, paragraph 9);
 - d. The Member acted, 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, section 1, paragraph 11); and
 - e. The Member engaged in fraudulent conduct (Ontario Regulation 97/13, subsection 1,

paragraph 12).

REASONS FOR DECISION

10. With regard to paragraph 10(a) above, the Panel was satisfied that by the Member fabricating the false certificate of qualification, the Member undertook work that he knew or ought to have known he was not competent to perform by virtue of his certification, training and experience. The Member understood that he did not possess a 308A certificate of qualification and chose to provide fraudulent documents to his employer which would allow him to do the work of someone who is qualified with such a certificate. By doing so, the Member demonstrated reckless and wanton disregard for public safety as he engaged in work for which he was not qualified. Such an action may place future occupants of the structure at risk. In light of that finding, the Panel concluded that the Member engaged in professional misconduct, as defined by Ontario Regulation 97/13, subsection 1, paragraph 3.
11. With regard to paragraph 10(b) above, the Panel was satisfied that the Member's plan to falsify a 308a certificate of qualification was carefully planned and premeditated. The Member also continued to maintain this untruth as the investigation by the Ontario College of Trades continued to move forward. The Member knowingly provided false information or documents to the College with respect to his trade qualifications. The Member did not contest this fact. In light of that finding, the Panel concluded that the Member engaged in professional misconduct, as defined by under Ontario Regulation 97/13, subsection 1, paragraph 4.
12. With regard to paragraph 10(c) above, the Panel was satisfied that the Member was convicted of offences pursuant to section 2 of the *Ontario College of Trades and Apprenticeship Act, 2009*. The information is confirmed through the *Agreed Statement of Facts* for this case. The outcome of that proceeding was the Member was found guilty of contravening the *Ontario College of Trades and Apprenticeship Act, 2009*, a law that is relevant to the Member's suitability to hold a certificate of qualification. In light of that finding, the Panel concluded that the Member acted irresponsibly and in a manner unbecoming of his profession.
13. With regard to paragraph 10(d) above, the Panel believes that the Member is in an inherent position of trust and his work in the public domain has significant implications on the safety of the general public. As a member of the College he would be expected to provide a positive example

that is consistent with others in the same trade. It is reasonable to expect that the Member is aware of these obligations and that his actions would reasonably be regarded by members of the College as disgraceful and dishonourable. Clearly he exercised poor judgment in making the decision to falsify his qualifications and engage in work for which he was not properly licensed.

14. With regard to paragraph 10(e) above, it has become clear that the Member engaged in fraudulent activity by providing a document that was not true to his employer. This provided him the access to conduct work outside of his qualification for which he would gain financially. Unbeknownst to the employer, who relied on the Member's representation in the paperwork provided, he was given the job to complete.
15. Given the facts are agreed by the parties, the Panel finds that the Member is guilty of all of the alleged contraventions under O. Reg. 97/13.

PENALTY SUBMISSIONS

16. College Counsel filed a *Joint Submission on Penalty & Costs* as an exhibit (Exhibit C). In the *Joint Submission on Penalty & Costs*, the parties proposed the following submission on penalty:
 - a. a fine in the amount of \$1,000, payable to the Minister of Finance;
 - b. a 2-year suspension of the Member's Certificate of Qualification as a Residential (Low Rise) Sheet Metal Installer (308R);
 - c. an order that the Member shall not apply for reinstatement of his suspended Certificate of Qualification for two (2) years;
 - d. a reprimand, the fact of which shall be recorded on the public register of the College for a period of five (5) years; and
 - e. publication of the Panel's finding and Order, including the Member's name and business address, in the official publication of the College and on the College's website.
17. College Counsel submitted that the proposed penalties were appropriate in light of the facts of this case and that a joint submission should not be interfered with unless it would bring the process into disrepute.
18. College Counsel submitted that the courts encourage the acceptance of agreements made

between parties unless doing so would bring the disciplinary process into disrepute.

19. College Counsel provided case law, and in particular *R. v. Anthony-Cook*, where it clearly states that there is no reason not to accept a joint agreement on penalty provided the proper test has been satisfied. In other words, a joint submission should be accepted unless it is contrary to the public interest.
20. Entering into a joint submission was viewed as a benefit to all parties as there is a certainty of the conviction and there is an agreement as to the appropriate penalty. Furthermore, a contested matter would commit the College to rely on expert witnesses which may be more costly and time consuming.
21. Mr. Paquette had no submissions to add to what College Counsel presented.

PENALTY DECISION

22. After considering the joint written submission on penalty and the oral submissions of College Counsel, the Panel made the following order:
 - a. The Member shall pay a fine in the amount of \$1,000.00 to the Minister of Finance within twelve (12) months of the date of this Order, pursuant to section 46(5)2 of the Act;
 - b. The Certificate of Qualification held by the Member, Residential (Low Rise) Sheet Metal Installer (308R), shall be suspended for a period of two (2) years commencing on the date of this Order, pursuant to section 46(4)2 of the Act;
 - c. The Member shall not apply for reinstatement of his suspended Certificate of Qualification, Residential (Low Rise) Sheet Metal Installer (308R), for a period of two (2) years commencing on the date of this Order, pursuant to section 46(7) of the Act;
 - d. The Member was reprimanded by the Panel at the conclusion of the hearing and the fact of the reprimand shall be recorded on the public register of the College for a period of five (5) years commencing on the date of this Order, pursuant to section 46(5)1 of the Act; and
 - e. The finding and the Order of the Panel shall be published in summary with the name of the Member, and the name and address of the Member's business, in the official publication of the College and on the website of the College, pursuant to section 46(5)3 of the Act.

REASONS FOR PENALTY DECISION

23. The aggravating factors in this case which led to the penalty is that the Member lied on his application thereby causing someone else to lose out on the job opportunity. This means that his conduct directly affected another member of the College.
24. The Member's actions were pre-meditated and involved time to apply, interview, and create the false document. His actions were not impulsive but rather calculated and allowed him ample time to change his mind and correct his path.
25. Finally, it is found that the Member continued his dishonesty by refusing to stop and maintained his inaccurate position that he wrote his qualification exam in Alberta.
26. The Panel also believes that the penalty imposed on the Member need to be meaningful and ensure that it satisfies both specific deterrence and general deterrence. The Panel must consider the general principles that relate to an overriding goal to:
 - a. Protect the public;
 - b. Maintain high professional standards; and
 - c. Maintain public confidence in the process.
27. The fine of \$1,000 payable to the Minister of Finance acts as a specific and general deterrent. The fine has a direct impact on the Member and the fact of the fine sends a clear message to the membership at large about contravening or breaching professional codes of conduct.
28. The Panel considered the following mitigating factors:
 - a. The fact that the Member has no prior disciplinary history with the College;
 - b. The fact that the Member eventually cooperated with the College throughout this matter; and
 - c. The Member's willingness to enter into an *Agreed Statement of Facts* and a *Joint Submission on Penalty & Costs*, which together greatly reduced the time and resources that otherwise would have been spent on this matter.

29. In light of the above, the Panel concluded that the proposed penalty fell within a reasonable range and would not be contrary to the public interest.

COSTS SUBMISSIONS

30. College Counsel also made submissions as to the costs aspect of the parties' *Joint Submission on Penalty & Costs*, namely that the Member had agreed to pay costs to the College in the amount of \$2,000 within a year of the hearing.

COSTS DECISION

31. The Panel considered the proposal and ordered the Member to pay a portion of the College's investigation and prosecution costs in the amount of \$2,000 within twelve (12) months, pursuant to section 46(5)4 of the Act.

REASONS FOR COSTS DECISION

32. This amount will help to offset some of the costs associated with the investigation and prosecution of this matter, and is not a penalty or sanction.
33. The panel also views this amount as being within a reasonable range for this particular case.
34. I, Raymond Ramdayal, sign these Reasons for Decision as Chair of this Panel and on behalf of the Discipline Committee of the Ontario College of Trades.

Date: January 15, 2018

"Raymond Ramdayal"

Raymond Ramdayal
Chair, Discipline Panel

End.