

**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
Lindsay Priddle, a member of the Ontario College of Trades.

PANEL: Pauline Faubert, Chair

BETWEEN:)	
)	Louis Strezos,
)	Barrister & Solicitor,
)	for Ontario College of Trades
ONTARIO COLLEGE OF TRADES)	
)	
-and-)	Lindsay Priddle,
)	Self-Represented
)	
LINDSAY PRIDDLE)	
(Member #13271632))	Rebecca Durcan,
)	Independent Legal Counsel
)	
)	Heard: November 13, 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 of the *Ontario College of Trades and Apprenticeship Act, 2009* (the “Act”) on November 13, 2017 at Victory Verbatim, Court Reporting Services, 222 Bay Street, Toronto, Ontario.
2. A *Notice of Hearing* (Exhibit 1) issued June 20, 2017 was served on Lindsay Priddle (the “Member”) and a first appearance in this matter took place by teleconference on July 26, 2017; a pre-hearing conference was held September 11, 2017; and the hearing of this matter on its merits was

subsequently scheduled for November 13, 2017.

3. At the opening of the hearing on November 13, 2017, I confirmed the parties' consent to proceed before me as a panel of one, in accordance with s. 4.2.1(2) of the *Statutory Powers Procedure Act*.

THE ALLEGATIONS

4. The allegations against the Member in the *Notice of Hearing* were as follows:

"IT IS ALLEGED that Lindsay Priddle 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 she:

- a) employed or otherwise engaged an individual to perform work or engage in a practice that constitutes engaging in the practice of a compulsory trade who did not hold a Certificate of Qualification in that trade that was not suspended and who was not an Apprentice in that trade working pursuant to a Registered Training Agreement that was not suspended, contrary to Section 4 of the *Act*;
- b) knowingly provided false information or documents to the College or any other person with respect to a member's trade qualifications, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(4);
- c) permitted, counselled or assisted a person who is not a member of the College to represent themselves as a member of the College, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(6);
- d) signed or issued, in her capacity as a Member of the College, a document that she 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);
- e) failed to maintain the standards of her 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:

I. OVERVIEW

1. Lindsay Priddle, Membership No. 13271632 (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, Journeypersons class, in the trade of Hairstylist (332A).
3. From approximately 2010 to August 2016 (the “Relevant Time Period”) the Member owned and operated a hair salon, Fringe Beauty Spa (the “Salon”), located at 446 Lyndoch Street, Corunna, Ontario. During that time frame the Member operated the Salon with employees who were not authorized to engage in the practise of the trade of Hairstylist, in that the individuals did not hold either a Certificate of Qualification or Registered Training Agreement (hereinafter “Unlicensed”). In addition, the Member permitted these individuals to engage in the trade of Hairstylist without supervision.

II. THE SALE OF THE SALON AND THE ABSENCE OF CERTIFICATES OF QUALIFICATION OR REGISTERED TRAINING AGREEMENTS

4. On July 29 and August 1, 2016, pursuant to an executed letter of intent with an anticipated closing date of August 15, 2016, [NAME] (the “Complainant”) purchased the Salon from the Member. It was agreed that the Member was to supervise the training of Salon staff and to be present at the business for a transitional phase of ownership until August 30, 2016. Contrary to the expectations of the Complainant, at the time of the sale, none of the employees held a Certificate of Qualification or Registered Training Agreement.

5. On August 23, 2016, the Member advised the Complainant that she would be unable to attend at the Salon for a considerable portion of the transition phase of ownership, leaving the Salon to carry on business with no licensed Hairstylists.

III. THE INSPECTION BY INSPECTOR WOLSING AND THE COMPLAINT

6. On August 31, 2016, Ontario College of Trades Inspector Bob Wolsing attended at the Salon. Inspector Wolsing discovered unlicensed employees engaging in the trade of a Hairstylist.
7. On September 7, 2016, the Complainant filed a complaint with the College alleging that the Member had knowingly allowed unauthorized individuals to actively perform hairstyling services without proper certification. It is also alleged that the Member repeatedly encouraged some of her unlicensed employees to engage in the practice of the trade. In addition, when speaking with the Complainant in this matter the Member stated to the Complainant that "As long as I am licensed you do not have to worry about it".
8. The Member also employed [NAME] who worked at the Salon for period of approximately 5 years. The Member had full knowledge that [NAME] was not licensed. In fact, in her statement to the College, the Member advised that [NAME] failed her licensing exam on two occasions but the Member nonetheless permitted [NAME] to continue to work as a Hairstylist at the Salon, thus putting the public at risk.
9. Another Hairstylist, [NAME], advised that that while the Member wanted her employees licensed, "it was not a priority".
10. From speaking with certain employees hired following the Complainant's purchase of the Salon, the Complainant also discovered that during the Relevant Time Period:
 - a. the Member had regularly allowed unauthorized persons and Apprentice Hairstylist(s) to operate without any supervision or qualifications required under

the Act; and

- b. the Member had misled certain employees with regard to the requirements to operate legally as a Hairstylist in Ontario and failed to take reasonable steps to ensure that the employees were licensed.”

5. At the opening of the hearing on November 13, 2017, College Counsel advised that the College intended to proceed with allegation (a) in the Notice of Hearing, and sought the Panel’s permission to withdraw allegations (b) to (f), which was granted.

MEMBER’S PLEA

6. In response, the Member admitted the professional misconduct set out in allegation (a) of the Notice of Hearing, and as set out in an *Agreed Statement of Facts* signed in counterparts on October 20, 2017 and October 26, 2017, which would later be filed as an exhibit, and which I received in advance of the hearing on the consent of the parties.
7. A plea inquiry was conducted and the Member confirmed that she understood the nature of the allegation against her; that she voluntarily admitted to the allegation; that by admitting to the allegation, the hearing would proceed on the basis of the facts agreed upon; that she 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 her.

THE EVIDENCE – AGREED STATEMENT OF FACTS

8. The only evidence tendered was the *Agreed Statement of Facts* (Exhibit 2). Exhibit 2 stated the following:

“[1] The Respondent (“the Member”) has reviewed and understands the Notice of Hearing DC201705 (“the Notice of Hearing”) and this Agreed Statement of Facts (“this ASF”).

[2] This ASF is filed in support of a finding of misconduct in respect to particular “a” as set out in the Notice of Hearing annexed hereto as Schedule “A”. The parties have also reached a joint submission with respect to penalty.

[3] The member voluntarily admits the truth of the facts as recounted in this ASF.

[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 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

[1] At all material times, the Member was certified by the Ontario College of Trades (“the College”), Journeypersons class, in the trade of Hairstylist (332A).

[2] From approximately 2010 to August 2016 (the “Relevant Time Period”) the Member owned and operated a hair salon, Fringe Beauty Spa (the “Salon”), located at 446 Lyndoch Street, Corunna, Ontario.

[3] During that time, the Member operated the Salon with employees who were not authorized to engage in the practice of the trade of Hairstylist, in that the individuals did not hold either a Certificate of Qualification or Registered Training Agreement (hereinafter “Unlicensed”). The Member permitted these individuals to engage in the trade of Hairstylist without supervision.

[4] On July 29 and August 1, 2016, pursuant to an executed letter of intent with an anticipated closing date of August 15, 2016, [NAME] (the “Complainant”) purchased the Salon from the Member. It was agreed that the Member was to supervise the training of Salon staff and to be present at the business for a transitional phase of ownership until August 30, 2016. Contrary to the expectations of the Complainant, at the time of sale, none of the employees held a Certificate of Qualification or a Registered Training Agreement.

[5] On August 23, 2016, the Member advised the Complainant that she would be unable to attend at the Salon for a considerable portion of the transition phase of ownership, leaving the Salon to carry on business without licensed Hairstylists.

[6] On August 31, 2016, Ontario College of Trades Inspector Bob Wolsing attended at the Salon and discovered Unlicensed employees engaging in the trade of Hairstylist.

[7] On September 7, 2016, the Complainant filed a complaint with the College alleging that the Member had knowingly allowed unauthorized individuals to actively perform hairstyling services without proper certification.

[8] The Member repeatedly encouraged some of her Unlicensed employees to engage in the practice of the trade. In addition, when speaking with the Complainant in this matter, the Member stated that "As long as I am licensed you do not have to worry about it."

[9] The Member also employed [NAME], who worked at the Salon for a period of approximately 5 years. The Member had full knowledge that [NAME] was not licensed. In her statement to the College, the Member advised that [NAME] failed her licensing exam on two occasions but the Member nonetheless permitted [NAME] to continue to work as a Hairstylist at the Salon, thus putting the public at risk.

[10] The Member also regularly allowed unauthorized persons and Apprentice Hairstylist(s) to operate without any supervision or qualifications as required under the Act.

[11] The Member had misled certain employees with regard to the requirements to operate legally as a Hairstylist in Ontario and failed to take reasonable steps to ensure that the employees were licensed.

ADMISSIONS

9. Based on the foregoing facts the Member agrees that a finding of misconduct can be made with respect to particular "a" as set out in the Notice of Hearing.

PRIOR DISCIPLINE

10. The Member has no prior discipline history.

HEARING IN PUBLIC

11. 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 *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

12. 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*."

ILC ADVICE

13. Independent Legal Counsel ("ILC") advised that the only evidence before the Panel in this matter was the *Agreed Statement of Facts*. My task was to determine whether the evidence set out in the *Agreed Statement of Facts* proved allegation (a) in *the Notice of Hearing* on a balance of probabilities.

DECISION

14. ILC advised that unless accepting the *Agreed Statement of Facts* would bring the discipline process into disrepute, or that doing so would fail to deter the Member from similar conduct in the future, or that accepting it would negatively affect public confidence in the process, a Panel should accept an agreement achieved by the parties.
15. The Panel was of the opinion that accepting the *Agreed Statement of Facts* would not compromise the public's confidence in the College's discipline process; that it addressed the issue of deterrence on the part of the Member; and that it would be in the public interest to accept it, and so I accepted 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.
16. Therefore, pursuant to section 46(2)(a) of the *Act*, I found the Member guilty of professional misconduct

for having employed or otherwise engaged an individual to perform work, or engage in a practice that constitutes engaging in the practice of a compulsory trade, who did not hold a Certificate of Qualification in that trade that was not suspended and who was not an Apprentice in that trade working pursuant to a Registered Training Agreement that was not suspended, contrary to Section 4 of the *Act*.

REASONS FOR DECISION

17. The Panel was satisfied that, by her own admission, the Member had employed individuals to perform the work of the compulsory Hairstylist trade when she knew that only persons holding a Certificate of Qualification in the Hairstylist trade, or an Apprentice in the trade working under a Registered Training Agreement, are legally permitted to perform Hairstylist work under section 4 of the *Act*.
18. The Panel took note that the Member had voluntarily admitted to the truth of the facts in the *Agreed Statement of Facts* and had admitted that she was guilty of professional misconduct.
19. Counsel for the College indicated that the Member had been cooperative throughout the process, actively wished to resolve the case, and accepted full responsibility for her actions. The Panel was therefore satisfied that the Member was remorseful and that she will not likely be engaging in this kind of misconduct in future.

PENALTY SUBMISSIONS

20. College Counsel then filed a *Joint Submission on Finding Penalty* as an exhibit (Exhibit 3), proceeded to make submissions thereon, and asked the Panel to impose (a) a fine in the amount of \$850.00 under section 46(5)(2) of the *Act*; and (b) publication of the finding of misconduct under section 46(5)(3) of the *Act*.
21. College Counsel submitted that the proposed penalties were appropriate in light of the facts of this case. He also submitted that a joint submission such as this should not be interfered with unless it would bring the administration of justice or the disciplinary process into disrepute.
22. College Counsel submitted that the courts encourage the acceptance of agreements made between parties unless doing so would bring the disciplinary process into disrepute.

PENALTY DECISION

23. After considering the joint written submission on penalty and the oral submissions of College Counsel, the Panel determined that the proposed penalties were in the public interest, would serve as a deterrent to the Member in the future and to the membership at large, and would uphold the public's confidence in the College's discipline process.

24. At the end of the hearing, I made the following orders:

(a) The Member shall pay a fine in the amount of \$850.00 to the Minister of Finance for payment into the Consolidated Revenue Fund within six (6) months of this Order, pursuant to section 46(5)2 of the *Act*; and

(b) 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

25. In arriving at the above penalties, I considered the need for specific deterrence with respect to the Member, as well general deterrence which speaks to the membership of the College at large.

26. The \$850 fine will act 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 that failing to comply with the *Act* may result in a finding of professional misconduct – the penalties for which range from fines and publication, which were appropriate in this case, to a suspension and possible revocation of a tradesperson's Certificate of Qualification, in more serious cases.

27. Publication of the finding of professional misconduct and the penalties imposed is also important, both as a specific deterrent to the Member and a general deterrent to the membership, but also in the interest of public protection and transparency around the College's discipline process.

28. The fact that the Member knowingly employed, over the course of at least six years, a number of individuals in her salon to provide hairstyling services to members of the public when those individuals

did not have the appropriate training or certification required by law, was particularly troubling to the Panel. Members of the public were unknowingly put at risk by the Member's disregard for the training and certification regime in Ontario for hairstylists, which is in place to ensure, among other things, that the application of chemical hair agents, dyes and compounds are applied by people who have been properly trained in their use and who have been recognized as such by achieving a Certificate of Qualification in the trade (Journeypersons) or those working towards certification under a Registered Training Agreement (Apprentices) and who are under the supervision of a Certificate of Qualification holder.

29. The fact that the Member permitted these individuals to engage in the trade of Hairstylist without supervision was also of great concern, as was her decision to sell her business fully cognizant of the fact that purchaser would be taking on employees who were not qualified to provide hairstyling services.
30. Combined, these aggravating factors demonstrated a serious lack of judgment on the part of the Member, however the fact of this public discipline proceeding, the Member's admissions to the allegation, the penalties imposed, and the publication of the result will hopefully deter the Member from making the same or similar mistakes in future.
31. The fact that there was no evidence led in this matter of reported injuries or incidents arising from the Member's hiring and employment of uncertified workers was a mitigating factor for the Panel.
32. Other mitigating factors were that the Member (i) has no prior disciplinary history with the College; (ii) cooperated with the College throughout this matter; and (iii) entered into an *Agreed Statement of Facts* and a joint submission on penalties and costs, which reduced the time and resources that otherwise would have been spent on this matter.

COSTS SUBMISSIONS

33. College Counsel also made submissions on a joint agreement by the parties with respect to the costs of this proceeding, namely that the Member had agreed to pay costs to the College in the amount of \$1,000 within six months of the hearing.

COSTS DECISION

34. After considering the proposal on costs, I ordered the Member to pay a portion of the College's investigation and prosecution costs in the amount of \$1,000 within six (6) 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 an additional penalty or sanction.

REASONS FOR COSTS DECISION

35. In light of the fact that the Member cooperated with the College throughout this matter and that the Member willingly entered into a joint submissions on facts, penalties and costs, the Panel concluded that the amount of \$1,000 in costs was fair and would help offset some of the College's costs associated with this matter.

36. I, Pauline Faubert, 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 19, 2018

"Pauline Faubert"
Pauline Faubert
Chair, Discipline Panel

End.