

**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
Ron F. Reaume, a member of the Ontario College of Trades.

PANEL: Hanno Weinberger, Chair
Pauline Faubert
Don Gosen

BETWEEN:)	
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)	
)	John Park, Prosecution Counsel
ONTARIO COLLEGE OF TRADES)	for Ontario College of Trades
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)	
-and-)	
)	
)	
RON F. REAUME)	Thomas M. MacKay, Counsel for Mr. Reaume
(Member #13179203))	
)	
)	
)	Rebecca Durcan, Independent Legal Counsel
)	
)	
)	Heard: July 17, 2017

REASONS FOR DECISION

1. A hearing of this matter took place before a panel of the Discipline Committee (the “Panel”) on July 17, 2017 at Victory Verbatim, Court Reporting Services, 222 Bay Street, Toronto, Ontario.
2. A *Notice of Hearing* (Exhibit 1) issued January 12, 2017 was served on Mr. Ron F. Reaume (the

“Member”) on January 23, 2017. A first appearance in this matter took place by teleconference on February 24, 2017; pre-hearing conferences were held on April 19, 2017 and May 3, 2017; and the hearing of this matter on its merits was subsequently scheduled for July 17, 2017.

THE ALLEGATIONS

3. The allegations against the Member in the *Notice of Hearing* are as follows:

“**IT IS ALLEGED** that Ron F. Reaume 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) engaged in conduct that contravenes subsections 2 and 5 the *Act*; and
- 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 (Ontario Regulation 97/13, subsection 1(11)).

PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:

1. Ron F. Reaume, Membership No. 13179203 (the “Member”), is a member of the Ontario College of Trades (the “College”).
2. At all material times, the Member held certificates of qualification in the trade of Sheet Metal Worker (308A), Journeyperson class, and in the trade of Residential Air Conditioning Systems Mechanic (313D), Journeyperson class, and operated business as Reaume Heating and Cooling located in Tilbury, Ontario.
3. At all material times, the Member did not hold a certificate of qualification in the trade of Plumber (306A).

4. At all material times, Tara Waterman (the “Complainant”) was a resident of premises located at 12 Young Street, Tilbury, Ontario, N0P 2L0.
5. On or about January 13, 2016, the Complainant enlisted the services of the Member to investigate and repair an issue relating to lack of water flow at her home.
6. On or about January 13, 2016, the Member engaged in the work of repairing piping for water supply that falls within the scope of practice of the trade of Plumber (306A) under Ontario Regulation 275/11, subsection 29(1) when, as noted above, he did not hold a certificate of qualification in this trade.
7. On or about January 13, 2016, the Member removed all, or the majority of, his clothes and changed into his work overalls while in the presence of the Complainant. Once the Member had completed the plumbing work, he removed his work overalls and changed back into his clothes again in the presence of the Complainant.
8. The Member did not provide any warning to the Complainant that he was about to remove his clothes nor did he get her consent to do so before disrobing.
9. On or about February 10, 2016, the Member was charged with the offence of mischief in relation to his conduct on January 13, 2016 pursuant to section 430(4) of the *Criminal Code*, RSC 1985, c.C-46.
10. On or about June 15, 2016, the criminal charge laid against the Member was withdrawn in exchange for his entering into a Recognizance to Keep the Peace for 12 months with various conditions, including that he not associate, contact or hold any communication directly or indirectly with the Complainant nor be within 50 metres of the Complainant’s place of residence, work or education.”

MEMBER’S PLEA

4. Counsel for the College advised that the College intended to proceed with all three allegations set out in the Notice of Hearing.

5. In response, the Member admitted to each of the three allegations of professional misconduct, as described above and as set out in an *Agreed Statement of Facts* signed June 28, 2017, which was eventually filed as an exhibit (Exhibit 2).
6. 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 the agreement; and, that he was aware of the range of penalties that the Panel could impose upon him.

THE EVIDENCE – AGREED STATEMENT OF FACTS

7. The only evidence tendered was the *Agreed Statement of Facts* (Exhibit 2). Exhibit 2 stated the following:
 - a. Ron F. Reaume, Membership No. 13179203 has been a member of the Ontario College of Trades since April 8, 2013.
 - b. The allegations of misconduct relate to the Member engaging in the practice of a compulsory trade outside of his qualification and also to his conduct.
 - c. The Member is a holder of certifications of qualification in the trade of Sheet Metal Worker (308A) and in the trade of Residential Air Conditioning Systems Mechanic (313D). However, on January 13, 2016, the Member engaged in the trade of Plumber (306A) without a certification of qualification in that trade.
 - d. On January 13, 2016, the Member attended at the residential home of Tara Waterman (the “Complainant”) at the address of 12 Young Street, Tilbury, Ontario. He was there at the request of the Complainant who was looking for a professional plumber for hire to investigate and repair an issue relating to lack of water flow at her home.
 - e. On January 13, 2016, the Member was hired and engaged in the work of repairing piping for water supply that falls within the scope of practice of the trade of Plumber (306A) under

Ontario Regulation 275/11, section 29(1) when, as noted above, he did not hold a certificate of qualification in this trade.

- f. The plumbing work performed by the Member involved attending to items both inside and outside the residential property and it was necessary for the Member to change his clothes before and after working outside. After failing to inform the Complainant what he was about to do, the Member proceeded to do so in the presence of and in full view of the Complainant. This happened before the work was commenced and also after the work was completed.
- g. On February 10, 2016, the Member was charged with an offence of mischief in relation to his conduct on January 13, 2016 pursuant to section 430(4) of the *Criminal Code of Canada*.
- h. On June 15, 2016, the criminal charges laid against the Member were withdrawn in exchange for his entering into a Recognizance to Keep the Peace for 12 months with various conditions, including that he not associate, contact or hold any communications directly or indirectly with the Complainant nor be within 50 meters of the Complainant's place of residence, work or education.
- i. The Member has successfully attended and completed counselling since the incident.
- j. The Member has completely ceased to engage in the practice of plumbing as of April 28, 2016 and provided an undertaking to the College that he will not engage in the practice of plumbing unless authorized to do so pursuant to the *Act*.
- k. The Member admits the above facts as true and that they constitute the professional misconduct set out in particulars (a), (b) and (c) of the Notice of Hearing (File No. DC2017-02).
- l. The Member has no prior discipline history.

ILC ADVICE

- 8. Independent Legal Counsel ("ILC") advised the Panel that in this matter the only evidence before

the Panel was Exhibit 2, the *Agreed Statement of Facts*. The Panel's task was to determine whether the evidence as set out in Exhibit 2 proved the allegations, on a balance of probabilities, made in *the Notice of Hearing*.

DECISION

9. The Panel accepted the *Agreed Statement of Facts* and found that the College had proven the allegations set out in *the Notice of Hearing*, and as set out in the *Agreed Statement of Facts*, on a balance of probabilities.
10. Therefore, pursuant to section 46(2)(a) and (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 and 11, along with sections 2 and 5 of the Act namely:
 - a. The Member undertook work that he knew, or ought to have known, he was not competent to perform by virtue of certification, training and experience (O.Reg 97/13, section 1, paragraph 3);
 - b. The Member 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 (O.Reg 97/13, section 1, paragraph 11); and
 - c. The Member engaged in the practice of a compulsory trade without a certificate of qualification in that trade (section 2 of the Act) and used the title of a compulsory trade or an abbreviation of the title of a compulsory trade to describe himself in his work without holding a certificate of qualification in that trade that is not suspended (section 5 of the Act).

REASONS FOR DECISION

11. With regard to paragraph 10(a) above, the Panel was satisfied that by attending the home of the Complainant who was seeking to hire a professional plumber and by engaging in the work of repairing piping to address the issue of water supply, 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 holds certificates of qualification in the trade of Sheet Metal Worker (308A) and Residential Air Conditioning Systems Mechanic (313D). On January 13, 2016, the Member did not hold a certificate of qualification in the trade of Plumber (306A), yet engaged in plumbing related repairs for the Complainant. By doing so, the Member was providing services as a Plumber, for which he was not qualified and which was outside his scope of practice. In light of that finding, the Panel concluded that the Member engaged in professional misconduct, as defined by Ontario Regulation 97/13, subsection 1(3).

12. With regard to paragraph 10(b) above, the Panel was satisfied that by changing into and out of his work clothes in the presence of the Complainant, the Member 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. Subsequently, on or about February 10, 2016, the Member was charged with the offence of mischief in relation to the above conduct pursuant to section 430(4) of the *Criminal Code* of Canada, which charge was later withdrawn in exchange for his entering into a Recognizance to Keep the Peace for 12 months. 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(11).
13. With regard to paragraph 10(c) above, the Panel was satisfied that by responding to the Complainant's request to address a plumbing issue and by engaging in work falling within the scope of practice of the trade of Plumber, while not holding the appropriate certificate of qualification himself, the Member engaged in the practice of a compulsory trade without a certificate of qualification in that trade. In light of that finding, the Panel concluded that the Member did engage in the practice of a compulsory trade without having a certificate of qualification (section 2 of the Act).
14. Also with regard to paragraph 10(c) above, the Panel was satisfied that by attending the home of the Complainant who was seeking to hire a professional plumber to investigate and repair an issue related to water flow in her home, the Member used the title of a compulsory trade (i.e. 'plumber') or an abbreviation of the title of that compulsory trade to describe himself in his work without holding a certificate of qualification in the trade of Plumber that is not suspended. In light of that finding, the Panel concluded that the Member did use a compulsory trade title, or an abbreviation of that compulsory trade title, to describe himself in his work without holding a

certificate of qualification in that trade (section 5 of the Act).

PENALTY SUBMISSIONS

15. College Counsel filed a *Joint Submission on Penalty and Cost* as an exhibit (Exhibit 3) and proceeded to make submissions and asked the Panel to impose the following penalties: a fine in the amount of \$1,000, payable to the Minister of Finance; a reprimand at the conclusion of the hearing, the fact of which shall be recorded on the Public Register of the College for a period of one year; and 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.
16. Counsel submitted that the proposed penalty was 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.

ILC Advice

17. ILC advised the Panel that the courts encourage the acceptance of agreements made between parties unless that in doing so the Panel would be bringing the disciplinary process into disrepute. In this matter, both parties were represented by legal counsel and agreed that the Exhibit 3 was an appropriate penalty in light of the findings of professional misconduct. ILC reminded the Panel that the parties would have considered the mitigating and aggravating factors when formulating Exhibit 3.
18. In order to assess whether the Panel should accept Exhibit 3, ILC advised the Panel to consider whether Exhibit 3 fell within an appropriate range. Although neither party had provided the Panel with case law to reassure them that the proposed penalty was appropriate, the Panel could consider the mitigating and aggravating factors and the four principles of sentencing in its assessment, namely specific deterrence; general deterrence; remediation; and serving and protecting the public interest.

PENALTY DECISION

19. The Panel accepts Exhibit 3. After considering the joint written submission on penalty and the oral

submissions of College Counsel, the Panel made the following order:

- a. Impose a fine in the amount of \$1,000.00 to be paid by the Member to the Minister of Finance within six (6) months of the date of this Order, pursuant to section 46(5)2 of the Act;
- b. Require the Member be reprimanded by the Panel and directing the fact of the reprimand be recorded on the register of the Ontario College of Trades for a period of one (1) year commencing July 17, 2017, pursuant to section 46(5)1 of the Act; and
- c. Directing that 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 Ontario College of Trades, pursuant to section 46(5)3 of the Act.

REASONS FOR PENALTY DECISION

20. In arriving at the above penalties, the Panel 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.
 - a. The fine of \$1000 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.
 - b. The reprimand and the fact of the reprimand address the principles of specific deterrence, general deterrence and remediation. A reprimand is not a pleasant experience. However, in this matter the reprimand sent a clear message to the Member, that the Panel took his misconduct seriously and to the profession, about the importance of upholding high ethical and technical standards. The Panel was of the opinion that the reprimand also provided a remedial message for the Member.
 - c. Further, publishing the name of the Member and the name and address of the Member's

business addresses the principles of specific and general deterrence. Publishing the Member's name and the name and address of his business sends a strong and clear message to both the Member and to the profession.

21. The Panel considered the following mitigating factors: (i) the fact that the Member has no prior disciplinary history with the College; (ii) the fact that the Member cooperated with the College throughout this matter; and (iii) 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. The Panel also considered the fact that the Member had attended and successfully completed a counselling course, which in its view, addressed the principle of remediation.
22. However, as a result of the Panel's 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, ensuring minimum standards are being met by regulated trades' professionals and those who work under their supervision. Serving and protecting the public's confidence in both the College and the trades is paramount. It was the view of the Panel, that all aspects of the *Joint Submission on Penalty & Costs* did just that. As previously stated, the fine, the reprimand and the publication of the Member's name are both specific and general deterrents. However, the fact of the fine, the reprimand and the publication of the Member's name addresses the issue of public confidence. The above information is in the public domain and readily available, thereby assuring the public that the College takes very seriously issues of professional misconduct and acts fairly and appropriately when such matters come before it.
23. The Panel believes that the penalties above will deter the Member from engaging in the same or similar conduct in future; will serve as a deterrent to other members of the College from engaging in the same or similar conduct; and will reduce the risk of harm to other workers and members of the public who retain the services of skilled tradespersons like the Member and his employees.

COSTS SUBMISSIONS

24. The parties also submitted a proposal in their *Joint Submission on Penalty & Costs* that the Member pay costs to the College in the amount of \$1,500 within one (1) year of the date of the Panel's Order in this matter.

COSTS DECISION

25. 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 \$1,500 within one (1) year of July 17, 2017, 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 a penalty or sanction.

REASONS FOR COSTS DECISION

26. Although it represents only a portion of the College's costs incurred to date in relation to this matter, the Panel was of the view that \$1,500 was reasonable in the circumstances, particularly in light of the fact that the Member admitted all of the allegations and was prepared to make a joint submission on penalty and costs, which he did. The Panel understands that 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.
27. The Panel is satisfied that the penalty is fair, considered and appropriate. It speaks to all four principles of sanctioning and ensures the public's trust in the profession, the College and the College's disciplinary process.
28. I, Hanno Weinberger, sign these Reasons for Decision as Chair of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below.

Date: August 1, 2017

"Hanno Weinberger"
Hanno Weinberger
Chair, Discipline Panel

Pauline Faubert
Member, Discipline Panel

Don Gosen
Member, Discipline Panel

End.