

IN THE MATTER OF the Architects Act, R.S.O.
1990 c.A.26

AND IN THE MATTER OF *the Statutory Powers
Procedure Act*, R.S.O. 1990 C. S.22

AND IN THE MATTER OF the Rules of Practice
and Procedure of the Discipline Committee of the
Ontario Association of Architects made pursuant to
Section 25(1) of the Statutory Powers Procedure
Act respecting written hearings to determine
allegations of professional misconduct arising out of
non-compliance with the Associations Mandatory
Continuing Education Program;

AND IN THE MATTER OF a proceeding before the
Discipline Committee of the Ontario Association of
Architects pursuant to Sections 34 and 35 of The
Architects Act to hear and determine allegations of
professional misconduct against **Ben Embir,
Architect**

Amirreza Sadeghi, Member)	
)	
Brad Green, Member)	WEDNESDAY, THE 25 TH DAY OF
)	OCTOBER, 2017
Robert Sirman, Lieutenant Governor Appointee)	

REASONS FOR THE DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

The Discipline Committee of the Ontario Association of Architects (Association) met on Wednesday, October 25, 2017 to determine allegations of professional misconduct against Ben Embir, a Member of the Association.

The evidence at this written hearing consisted of documents submitted by the Association and written submissions from the Association and the Member.

At its December 10, 2016 meeting, the Complaints Committee referred this matter to the Discipline Committee to conduct a hearing to determine an allegation of professional misconduct on the part of the Member by reason of his non-compliance with the mandatory Continuing Education Program (2014 – 2016) set out in Section 54 of Regulation 27 under *the Architects Act*.

It was alleged that Ben Embir committed the following act of professional misconduct, as set out in the Notice of Hearing dated July 18, 2017:

That, in the period July 1, 2014 to June 30, 2016, (2014 – 2016 Cycle), the Member failed to spend the required number of hours in Continuing Education Program activities consisting of courses of study, seminars, workshops, self-directed learning and professional activities approved by Council, contrary to Section 54(3) of the Regulation made under the *Architects Act*.

The Notice of Hearing advised the Member of the manner in which the hearing would be conducted and of the Rules of Practice and Procedure of the Discipline Committee with respect to a written hearing. The Member was also advised that he could make submission to the Committee to hold an oral or electronic hearing dependent on the Member providing good reason to do so.

FACTS

On January 1, 1999, the Association initiated a mandatory Continuing Education Program (hereinafter referred to as the Program).

The authority for the Program is set out in Section 54 of Regulation 27 under the *Architects Act* as amended, and requires that all Members “spend 70 hours in continuing education activities approved by Council” within each two (2) year Cycle of the Program. The activities are comprised of structured and unstructured learning. The requirement includes both attending and reporting of educational activities. In addition a minimum of 25 hours must be in the structured learning category.

To assist Members in meeting the requirements of the Program, the Association continued its information strategy throughout the 2014 – 2016 Cycle. The information strategy includes but is not limited to advising all Members through the website, the Association’s electronic newsletter, and direct e-mail about the importance of compliance and the available continuing education activities. Members who have identified a preference for regular mail receive communication via Canada Post. Continuing education reporting is done through the online portal for Members. There are staff available during regular office hours to assist in the assessment of learning hours and help access the reporting portal.

Structured continuing education activities were planned for each of the Association’s annual conferences held during the 2014 – 2016 Cycle.

For all Members, and particularly for those Members who did not have the opportunity or perhaps could not afford to attend the annual conferences, there are links on the Website to continuing education modules where the full complement of hours can be accessed remotely by downloading articles, by

ordering workbooks or by completing an online course. There are no limits to online structured learning for Members. Continuing education opportunities that are provided by local societies, practices and other jurisdiction's official providers may also count towards the Ontario requirements. As an example, the American Institute of Architects (AIA) offers some programs online which the Association may accept as structured learning hours.

Each Member was personally contacted by letters and e-mail and encouraged to complete the 2014 – 2016 Cycle Program requirements.

Documents made available to the Discipline Committee indicate that the Member reported completing the requirements of the Continuing Education Program (2014 – 2016) on June 20, 2017.

FINDINGS

The Discipline Committee made the following finding, based on the facts and evidence presented:

THIS COMMITTEE FINDS that Ben Embir is guilty of professional misconduct in that the Member, during the period July 1, 2014 to June 30, 2016, failed to spend the required number of hours in the Association's mandatory Continuing Education Program (2014 – 2016 Cycle), consisting of courses of study, seminars, workshops, self-directed learning and professional activities approved by Council contrary to Section 54(3) of the Regulation made under the *Architects Act*.

PENALTY

The Committee was unanimous in its opinion that the Program is an extremely important initiative of the Association and that failure to meet its requirements is sufficiently serious to warrant a reprimand, and that the reprimand be recorded on the Register; that the Decision and Order of the Discipline Committee, and the Reasons therefor, be published in an official publication of the Association, including the name of the Member; and that the Member pay a portion of the costs of these proceedings hereby fixed at \$750.00 on or before February 1, 2018. Failure to pay the costs by February 1, 2018 will result in the suspension of the Member's Licence until the costs of the proceedings have been paid in full.