



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 Association's 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 **Alex C. Fok, Architect**

Richard Dabrus, Member)
David Landry, Member)
Robert Sirman, Lieutenant)
Governor in Council)
Appointee)

WEDNESDAY, THE 14TH DAY
OF OCTOBER, 2015

REASONS FOR THE DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

The Discipline Committee of the Ontario Association of Architects (Association) met on Wednesday, October 14, 2015 to determine allegations of professional misconduct against Alex C. Fok, a Member of the Association.

The evidence at this written hearing consisted of documents submitted by the Association and written submissions from the Association. There were no written submissions from the Member.

At its December 9, 2014 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 (2012-2014) set out in Section 54 of Regulation 27 under *the Architects Act*.

It was alleged that Alex C. Fok committed the following act of professional misconduct, as set out in the Notice of Hearing dated July 21, 2015:

That in the period July 1, 2012 to June 30, 2014, (2012-2014 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).

To assist Members in meeting the requirements of the Program, the Association continued its information strategy throughout the 2012-2014 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.

The 2012 -2014 Cycle included a transition where the Association changed its reporting cycle period to line up with the other Canadian regulators so that Members who are licensed in multiple Canadian jurisdictions might elect one jurisdiction as the "reporting jurisdiction". Compliance in the "reporting jurisdiction" would be shared in each jurisdiction identified by the individual as a place he or she holds a licence. To that end the Association provided each Member with a 6 month grace period at the beginning of the educational cycle from January 1, 2012 to June 30 2012. During that time continuing education programs attended would be counted towards the 2012-2014 cycle.

Structured continuing education activities were planned for each of the Association's annual conferences held during the 2012-2014 Cycle. To bring the program into line nationally the eligible learning period was extended to thirty (30) months from January 1, 2012 through June 30, 2014. This time period included three Annual Conferences in each of May 2012, May 2013 and May 2014.

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 2012-2014 Cycle Program requirements.

FINDINGS

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

THIS COMMITTEE FINDS that Alex C. Fok is guilty of professional misconduct in that the Member during the period July 1, 2012 to June 30, 2014, failed to spend the required number of hours in the Association's mandatory Continuing Education Program (2012-2014 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, with the reprimand being placed on the Register, that the Member be suspended for three (3) months and that the suspension 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; that the Member complete the Continuing Education Program requirements of the 2012-2014 Cycle within the three (3) month period of the suspension; that in the event that the Continuing Education Program requirements of the 2012-2014 Cycle are not completed within three (3) month, the suspension of the Member's Licence will continue to December 7, 2017, a maximum of twenty-four (24) months, after which, if the requirements have not been completed, the Member's Licence will automatically be revoked; and that the Member pay a portion of the costs of these proceedings hereby fixed at \$750.00 on or before March 5, 2016. Failure to pay the costs by March 5, 2016 will result in the suspension of the Member's Licence until the costs of the proceedings have been paid in full.

DATED AT TORONTO THIS 14TH DAY OF OCTOBER, 2015.