



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 **Ramesh Khosla, Architect**

Denis G. Rioux, Member)
Paul Hastings, Member)
Wayne Medford, Lieutenant Governor)
Appointee)

THURSDAY, 18TH DAY
OF NOVEMBER, 2010

REASONS FOR THE DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

The Discipline Committee of the Ontario Association of Architects (Association) met on Thursday, November 18, 2010 to determine allegations of professional misconduct against Ramesh Khosla, 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 May 18, 2010 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 (Cycle Five) set out in Section 54 of Regulation 27 under the *Architects Act*.

It was alleged that Ramesh Khosla committed the following act of professional misconduct, as set out in the Notice of Hearing dated September 23, 2010:

That, in the period January 1, 2008 to December 31, 2009, (Cycle Five), 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 CORE learning" and "Self-Directed learning" with a requirement that 15 hours of the activities be of the former type and 55 hours of the latter.

To assist Members in meeting the requirements of the Program, the Association continued throughout Cycle Five its information strategy, initially

established in Cycle One to advise all Members through regular mailings and distribution as to the requirements of the Program through bi-monthly "e-bulletins" and letters from the Association's President explaining the Program's progress, urging compliance and informing of learning opportunities, and an interactive Web site where continuing education opportunities are posted, and on which activities can be reported directly by Members. CORE activities were planned for each of the Association's annual conferences held during Cycle Five. Sufficient activities were provided to enable a Member to obtain full credit for the Cycle Five of CORE learning at a single annual conference. For all Members, and particularly for those Members who did not have the opportunity or perhaps could not afford to attend the annual conferences, the Web site has learning modules available where the full complement of CORE hours can be accessed remotely by downloading articles, by ordering workbooks or by completing an online course.

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

Documents made available to the Discipline Committee indicate that the Member reported completing the requirements of the Continuing Education Program (Cycle Five) on August 20, 2010.

FINDINGS

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

THIS COMMITTEE FINDS that Ramesh Khosla is guilty of professional misconduct in that the Member, during the period January 1, 2008 to December 31, 2009, failed to spend the required number of hours in the Association's mandatory Continuing Education Program (Cycle Five), 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 written submission of the Association with respect to penalty suggests that, notwithstanding the Member meeting the requirements of the Program for Cycle Five, it remains that the Member had two (2) years in which the requirements could have been completed, thereby avoiding referral to the Discipline Committee. Therefore, an appropriate penalty is that the Member should receive a reprimand which should be recorded on the Register; that

the Member's Licence should be suspended for a minimum of two (2) months; that the Decision and Order of the Discipline Committee, and the Reasons therefor, should be published in an official publication of the Association, including the name of the Member, and that the Member should contribute a portion of the costs related to the hearing.

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 Member be suspended for one (1) month 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; and that the Member pay a portion of the costs of these proceedings hereby fixed at \$500.00, plus the Harmonized Sales Tax, on or before February 8, 2011. Failure to pay the costs by February 8, 2011 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 18TH DAY OF NOVEMBER, 2010