

**Report of a Judicial Inquiry**  
**Re: His Worship**  
**Richard Quon,**  
**A Justice of the Peace**

**The Honourable**  
**Mr. Justice Joseph Anthony De Filippis**  
**Commissioner**



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August 9, 2006

The Honourable James K. Bartleman  
Lieutenant Governor of the Province of Ontario  
Legislative Building  
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May it please Your Honour:

**Re: Report of the Commission of Inquiry into the conduct of  
His Worship Richard Quon  
A Justice of the Peace**

Further to my appointment by Order in Council No. 1697/2005 to inquire into the question of whether there has been misconduct by His Worship Richard Quon, a Justice of the Peace, and pursuant to s.12 of the *Justices of the Peace Act*, R.S.O. 1990, c.J.4 as amended, I have the honour to submit my report.

Joseph De Filippis  
Commissioner

Enclosures

# **Report of a Judicial Inquiry**

**Re: His Worship**

**Richard Quon**

**A Justice of the Peace**

**The Honourable Mr. Justice Joseph De Filippis, Commissioner**

**Mr. D. Stratus,  
Commission Counsel**

**Mr. M. Sandler,  
Counsel for Justice of the Peace  
Quon**

## **I. INTRODUCTION**

By Order in Council dated November 2, 2005, I was appointed to conduct an Inquiry to determine whether there has been misconduct by His Worship Richard Quon and to prepare a report, in accordance with s. 12 of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4. A copy of the Order in Council is attached as Appendix I to this report. Notice of the Inquiry was published in the *Toronto Star* on December 16, 2005. A copy of the Notice is attached as Appendix II to this report. The Inquiry was held on April 24 and 25, 2006. An Agreed Statement of Facts, with 19 exhibits, was filed at the Inquiry. A copy of that Statement, without the exhibits, is attached Appendix III to this report. In addition to the evidence set out in the Agreed Statement of Facts, I heard testimony from Justice of the Peace Quon and considered letters of support provided to the Inquiry.

His Worship Quon was appointed to the office of justice of the peace in 1993. He presides in Toronto.

## **II. THE STATUTORY FRAMEWORK**

The process for dealing with complaints against justices of the peace is set out in the *Justices of the Peace Act*. Section 9 establishes a Justices of the Peace Review Council which, amongst its other functions is to receive and investigate complaints against justices of the peace.

Pursuant to s. 11 (1), once the Review Council receives a complaint against a justice of the peace, it shall take such action to investigate the complaint including a review of it with the justice of peace, as it considers advisable. The proceedings of the Review Council are not public but it may inform the Attorney General that it has undertaken an investigation and the Attorney General may make that fact public (s. 11(3)). Upon the completion of its investigation, the Review Council may report its opinion regarding the complaint to the Attorney General and may recommend that an inquiry be held under s. 12 (s. 11(7) (a)).

If the Review Council recommends the holding of an inquiry, the Lieutenant Governor in Council may appoint a provincial judge to inquire into the question of whether there has been misconduct by a justice of the peace. The *Public Inquiries Act* applies to the inquiry (s. 12 (2)).

Upon the completion of the inquiry and in the event that misconduct is found, the report of the inquiry may recommend,

- (a) the Lieutenant Governor in Council remove the justice of the peace from office in accordance with section 8 (s.12 (3)) or
- (b) the Review Council implement a disposition under s. 12 (3.3).

A justice of the peace may be removed from office only by order of the Lieutenant Governor in Council s. 8 (1). Such an order can only be made if:

- (a) a complaint regarding the justice of the peace has been made to the Review Council and
- (b) the removal is recommended following an inquiry held under s. 12, on the

ground that the Justice of the Peace has become incapacitated or disabled from the due execution of his or her office by reason of,

- (i) infirmity,
- (ii) conduct that is incompatible with the execution of the duties of his or her office, or
- (iii) having failed to perform the duties of his or her office as assigned.

Where misconduct has been found and the report recommends that the Review Council implement a disposition under s. 12 (3.3) other than removal from office, the Review Council may,

- (a) warn the justice of the peace;
- (b) reprimand the justice of the peace;
- (c) order the justice of the peace to apologize to the complainant or to any other person;
- (d) order the justice of the peace to take specified measures, such as receiving education or treatment as a condition of continuing to sit as a justice of the peace;
- (e) suspend the justice of the peace with pay, for any period; or
- (f) suspend the justice of the peace without pay, but with benefits, for a period up to 30 days.

The report may recommend that the justice of the peace be compensated for all or part of the cost of the legal services incurred in connection with the inquiry (s. 12 (3.1)). Such an award may be made whether or not there is a finding of misconduct. The report shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

### **III. THE AGREED STATEMENT OF FACTS**

This Inquiry arises from two complaints concerning Justice of the Peace Quon as well as his failure to respond to the Justice of the Peace Review Council when contacted about those complaints. The Justices of the Peace Review Council conducted an inquiry and made a report on March 2, 2004. By letter dated May 17, 2004, Justice of the Peace Quon apologized to Mr. Hope, the first complainant. As already noted, most of the evidence pertaining to the alleged misconduct was received at this Inquiry by way of an Agreed Statement of Facts and accompanying exhibits. That evidence is summarized below.

### **1. The Complaint by Mr. Hope**

The first complaint arises from Justice of the Peace Quon's conduct in court on September 6, 2001 with respect to Mr. John P. Hope. Mr. Hope appeared before Justice of the Peace Quon at the Old City Hall in Toronto to plead "guilty with an explanation" to a parking infraction. Mr. Hope gave his explanation. Justice of the Peace Quon accepted the guilty plea and invited the Crown to make submissions on sentence. The Crown declined to make submissions. Mr. Hope then asked where he should pay his fine. Justice of the Peace Quon replied that the court had not yet imposed a fine. His Worship then stated, "In light of your guilty plea and explanation, the court will be lenient and will reduce your fine of \$60 down to \$20."

Mr. Hope asked whether he could pay his fine by post. Justice of the Peace Quon said, "You might get something in the mail, or else you can pay it at 55 John Street." Mr. Hope then replied, "Okay. Well, it's more inconvenience. You know, one is forced to plead guilty by this post system, or come down. I mean I really object to the whole process, but obviously this is not the forum to voice them. Thank you."

After hearing from Mr. Hope, Justice of the Peace Quon imposed an "additional court cost" of \$10 for "that last comment". Mr. Hope said, "I'm allowed to put my point of view across, surely" and asked how he could formally object. Justice of the Peace Quon

imposed “an additional court cost”, making the total fine \$40. Mr. Hope stated that this was not fair and asked to whom he could write and complain. Justice of the Peace Quon imposed a further \$10, making the total fine \$50. He asked Mr. Hope whether he wanted to continue. Mr. Hope expressed the view that he wanted to “represent [himself]... without this form of duress” and that this was “unreasonable”. Justice of the Peace Quon imposed a further \$10, making the total fine \$60. Mr. Hope replied, “I shall write to the Attorney General.” Justice of the Peace Quon imposed a further \$10, making the total fine \$70.

On September 5, 2001, Mr. Hope complained, in writing, to the federal Department of Justice. Two days later he wrote to provincial Ministry of the Attorney General and the Ontario Judicial Council. Mr. Hope suggested that Justice of the Peace Quon be asked to explain his conduct. His Worship Quon did not respond to the Review Council’s invitation to comment.

## **2. The Complaint by Mr. Haghparast-Rad**

The second complaint arises from Justice Peace Quon’s refusal to recognize Mr. Haghparast-Rad as an agent in court, without offering him a reasonable opportunity to respond.

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### (a) The proceedings before Quon, J.P.

On July 15, 2002 Mr. Haghparast-Rad appeared before Justice of the Peace Quon, in Court at the Old City Hall in Toronto, as agent for the defendant in the matter of *R. v. Azin Baharlo*. Justice of the Peace Quon requested that Mr. Haghparast-Rad produce identification such as a ‘driver’s license’ or ‘Picture I.D’. This request was complied with. Justice of the Peace Quon appeared to make a note of his name in his book before returning his identification document(s) to him.

On October 29, 2002 Mr. Haghparast-Rad appeared before Justice of the Peace Quon, in

Court at the Old City Hall in Toronto, as agent for the defendant in the matter of *R. v. Ali Gheisari*. He indicated that he was ready to proceed with a trial on behalf of the defendant. The Crown was also ready to proceed. Justice of the Peace Quon told Mr. Haghparast-Rad that he was not prepared to allow him to represent anybody in his Court because, "It has come to this Court's attention that you are presently being charged with criminal offences, is that correct?" Mr. Haghparast-Rad advised Justice of the Peace Quon, *inter alia*, that "no, that is incorrect. For the record, I have not been charged. There is no pending charge. And as it stands, I do not have a criminal record." Justice of the Peace Quon told Mr. Haghparast-Rad that, "...You are going to have to provide proof to this Court that you have no criminal charges before the Court" and added, "The Court has been informed by a police officer that you have criminal charges before the Court... before the Ontario Court of Justice." Mr. Haghparast-Rad stated he would bring documents to disprove the allegations. Justice of the Peace Quon then stated that, "I have also been informed by a few of my colleagues that Mr. Haghparast-Rad has been banned from other courts..." Mr. Haghparast-Rad stated he had never been banned from any court in Ontario. The following exchange then occurred:

THE COURT: The Court is also aware that you have been using Commissioner for Taking Affidavits stamp improperly. The Court has seen physical evidence of that. The Court has contacted the Registrar in charge of Commissioners for Taking Affidavits, and you have been improperly using the Commissioners stamp to swear affidavits that you have no jurisdiction to swear affidavits.

MR. RAD: Well, Your Worship, that is a matter that, obviously, I don't have any documents to bring forward or neither does Your Worship to bring anything forward. This, as you are indicating, could be allegations, facts, statements, you've received from...

THE COURT: There are not allegations. The Court has physically seen your Affidavit stamp that is improper. The Court has knowledge from the Registrar.



Justice of the Peace Quon advised Mr. Haghparast-Rad that he would not have standing in his Court, nor would he for the foreseeable future. He adjourned the trial matter and asked the investigating officer to notify the defendant of the new date. After Mr. Haghparast-Rad left the courtroom, Justice of the Peace Quon addressed those present and stated;

All right. This Court apologizes to any civilian witnesses that have had to appear today. The person that is representing Mr. Gheisari, the Court has been informed that he has been charged with criminal offences, therefore this person is not proper to represent anyone before this Court as it effects [sic] credibility. Mr. Rad has been told or informed that he can no longer represent anyone before this Court. The Court again apologizes to any civilian witnesses that had to appear today.

#### (b) Other Background Information

Mr. Haghparast-Rad was convicted on December 14, 1995 of use of a credit card obtained by crime (two charges), and possession of a credit card obtained by crime (one charge). In February 2002, he received a pardon in respect of these convictions.

In the summer of 2002 Justice of the Peace Cresswell advised Justice of the Peace Quon that he was aware of a newspaper article identifying Mr. Haghparast-Rad as a person arrested at York University on weapons charges. A *Toronto Sun* article dated September 12, 1996 shows Mr. Haghparast-Rad being arrested by a Toronto police officer on weapons charges. Justice of the Peace Cresswell also advised Justice of the Peace Quon that he did not know what had what happened to Mr. Haghparast-Rad in relation to those charges.

In August of 2002, Justice of the Peace Quon suspected that Mr. Haghparast-Rad had presented an affidavit bearing an improper commissioner's stamp. He referred the affidavit in question to the Legal Appointments Office of the Ministry of the Attorney General. The Ministry advised His Worship that Mr. Haghparast-Rad was not authorized

to commission the affidavit and that the Commissioner's stamp did not reflect the restrictions upon his right to commission affidavits.

Constable Graham Philipson was in the courtroom on the day Justice of the Peace Quon banned Mr. Haghparast-Rad. After the sittings that day, Constable Philipson approached Justice of the Peace Quon regarding Mr. Haghparast-Rad's alleged improper use of his Commissioner's stamp. Constable Philipson was of the view that there was merit to the issues raised regarding the Commissioner's stamp and conducted an investigation. Constable Philipson learned through an interview with one of Mr. Haghparast-Rad's former employees that a secretary in his office occasionally used the stamp. He also learned that certain paperwork from Mr. Haghparast-Rad's office involved unauthorized use of signatures, and the filing of "false" affidavits.

### (c) Subsequent Developments

By letter dated September 14, 2004, Mr. Mark Sandler, counsel for Justice of the Peace Quon, wrote the Attorney General, and advised that Mr. Haghparast-Rad had been detained in Japan in July 2004 and charged with importation of amphetamines. By letter dated March 1, 2005, Mr. Sandler also advised that Mr. Haghparast-Rad had been convicted on February 4, 2005 of the drug importation offence in Japan. This fact was reported in *Japan Today*. The newspaper report in question was enclosed in Mr. Sandler's letter. Both counsel at this Inquiry are content that I consider the newspaper report to be accurate.

### **3. The Failure to Respond to the Justice of the Peace Review Council**

On September 23, 2002, the Justices of the Peace Review Council wrote Justice of the Peace Quon requesting a response to Mr. Hope's complaint. The Review Council's letter reflected (as it was believed at the time) that the quality of the audiotapes of the relevant court proceeding was such that they could not be transcribed but were available to be listened to. On November 13, 2002, the Review Council wrote again since Justice of the

Peace Quon had not responded to the first letter. His Worship did not respond. On April 2, 2003, the Review Council wrote a third letter about the complaint made by Mr. Hope. The Review Council also advised that a second complaint had been received from Mr. Haghparast-Rad. The Review Council invited Justice of the Peace Quon to respond by April 30, 2003. Justice of the Peace Quon did not respond in a timely way to the above letters.

#### **IV. THE TESTIMONY OF JUSTICE OF THE PEACE QUON**

Justice of the Peace Quon received his Bachelor of Laws from McGill University in 1986. He was called to the Bar of Ontario in March 1989 and was appointed as a justice of the peace in August 1993. In 2006, he received his Master of Laws from Osgoode Hall Law School. Justice of the Peace Quon presides, *inter alia*, over trials of offences under the provincial statutes and municipal bylaws, over bail hearings under the *Criminal Code*, applications for search warrants under various statutes, proceedings involving young persons, and *Mental Health Act* applications. He has written extensively on a variety of legal issues, and has been cited on a number of occasions with approval by higher courts. He has continued to preside as a justice of the peace, without incident, since the matters that are the subject matter of these proceedings.

Justice of the Peace Quon estimated that on an average day there are 50 to 125 cases on his docket and that every year at least 5,000 litigants appear before him. Many are routine matters that can be quickly disposed of. Some can be complex and require greater attention. The latter are reflected in two volumes of judgments written by Justice of the Peace Quon that were filed at the Inquiry.

Justice of the Peace Quon tried to read the letter of apology he sent to Mr. Hope. He found it difficult to control his emotions and his counsel finished the task. His Worship testified that he was wrong to impose costs against Mr. Hope, as the latter had done nothing to merit this sanction. Justice of the Peace Quon stated that he “acted inappropriately” and acknowledged that his conduct was, as alleged by Mr. Hope,

“arbitrary and arrogant”. His Worship also testified that his conduct is “not what Ontarians expect of a judicial officer”.

Justice of the Peace Quon testified that in dealing with Mr. Haghparast-Rad, he intended to proceed in accordance with section 50 of the *Provincial Offences Act*. It provides that a defendant may appear personally, by counsel, or by agent. The section also states that the court may bar a person who appears as agent, but is not a lawyer, if that person is not competent to properly represent the defendant. Justice of the Peace Quon stated that he was concerned about Mr. Haghparast-Rad because of information received that he had a criminal record and had abused his authority to be a commissioner. In addition, he was not impressed with Mr. Haghparast-Rad’s explanation about the latter. Justice of the Peace Quon stated he did not understand there to be an established procedure governing “section 50 inquiries”. Nevertheless, His Worship conceded that he denied due process to Mr. Haghparast-Rad because he made a finding of misconduct without giving the agent an opportunity to defend himself.

Justice of the Peace Quon testified that the Justice of the Peace Review Council is an important institution charged with the responsibility to address public concerns about the administration of justice. Although noting that he was distracted by the volume of work His Worship stated it was “totally wrong” and “arrogant” not to respond to the Review Council.

Justice of the Peace Quon testified that this Inquiry has had a great impact upon him. He stated that his conduct had adversely affected, not only his own reputation, but also that of all judicial officers. He recognizes the role of this Inquiry in restoring any loss of public confidence. In discussing these matters, Justice of the Peace Quon, once again, had difficulty in controlling his emotions.

## **V. OTHER EVIDENCE**

In response to the Notice of Inquiry, numerous letters were received by persons wishing to support Justice of the Peace Quon. Included are letters from other justices of the peace, lawyers, and agents. One of the lawyers who wrote to the Inquiry also showed her support by attending this hearing. The letters show that Justice of the Peace Quon is respected as a thoughtful and fair judicial officer.

## **VI. ANALYSIS**

### **1. The Context**

Misconduct by a judicial officer can occur in or out of the courtroom. Misconduct in the courtroom will almost always involve errors of fact and/or law. However, such errors do not usually amount to misconduct. It is important to distinguish between the two. The appeal courts properly deal with errors of fact or law. On the other hand, the harm to the administration of justice caused by judicial misconduct is not curable by the appellate process.

The sole purpose of this Inquiry is to determine if there has been misconduct on the part of Justice of the Peace Quon in his treatment of Mr. Hope and Mr. Haghparast-Rad and for his failure to respond to the Justice of the Peace Review Council. If so, it is my duty to recommend a disposition. I also have the discretion to recommend that His Worship's legal costs be paid.

In conducting this Inquiry, I have not forgotten that judicial officers are human and liable to make mistakes. I have also kept in mind that public confidence in the administration of justice is of paramount importance. The rule of law – an integral part of our democratic system of government - is based upon such confidence.

## 2. A Uniform Test

Many people who appear in a courtroom do so before a justice of the peace. Indeed, Justice of the Peace Quon attested to the daily volume of cases in his court. In addition to trials of parking tags, speeding tickets, by-law infractions, and other provincial offences, justices of the peace also preside in bail hearings in criminal matters and decide whether to issue search warrants in aid of investigations. There can be no doubt that justices of the peace have a significant impact on public perception of the administration of justice.

In the *Report of a Judicial Inquiry Re: His Worship R. Romain, A Justice of the Peace (Ontario: 17 July 2003)*, the Honourable Justice R. Otter, considered whether there should be a different standard of conduct applied to justices of the peace and judges. He noted that, unlike judges, justices of the peace are not required to be lawyers with at least 10 years experience prior to appointment. Commissioner Otter found that “the jurisprudence does not adumbrate different standards of conduct for judges of different levels of court, whether provincial or federal, trial or appellate”. He concluded, “given the critically important role of justice of the peace at the gateway to our judicial system, I am of the view that there is no reason that a justice of the peace should not be held to the same high standard of conduct as all other judicial officers.” Justice of the Peace Romain challenged this ruling in an application for judicial review. In response to the question “did the Commissioner raise the bar too high”, O’Driscoll, J, writing for the Divisional Court, stated, “this question is in the abstract and defies an answer”. He added that the Commissioner was required to hear evidence and make findings and “it was reasonable for the Commissioner to consider authorities relating to the behavioural standards of other judicial officers”.

In my view, all judicial officers must be held to the same standard of conduct. The different environment in which justices of the peace, trial judges, and appellate judges discharge their duties, may be relevant to a consideration of whether there has been misconduct in a given case. However, the test to be applied must be the same. To do

otherwise would be wrong in principle and diminish the important work performed by those subject to lesser standard.

### **3. The Standard of Conduct**

In *Re Douglas* [2006] LAWNET 1, the Ontario Judicial Council considered the meaning of judicial misconduct by reference to two leading decisions of the Supreme Court of Canada: *Therrien v Minister of Justice* [2001] 2 S.C.R. 3 and *Moreau-Berube v New Brunswick (Judicial Council)*, [2002] 1 S.C.R. 249. The Ontario Judicial Council began by acknowledging the conflicting principles inherent in the process:

The Supreme Court discussed the tension between judicial accountability and judicial independence. Judges must be accountable for their judicial and extra-judicial conduct so that the public has [sic] confidence in their capacity to perform their the duties of office impartially, independently, and with integrity. When public confidence is undermined by a judge's conduct there must be a process for remedying the harm that has been occasioned by that conduct. It is important to recognize, however, that the manner in which complaints of judicial misconduct are addressed can have an inhibiting or chilling effect on judicial action. The process for reviewing allegations of judicial misconduct must therefore provide for accountability without inappropriately curtailing the independence or integrity of judicial thought and decision-making.

The Ontario Judicial Council described the standard of conduct as follows:

Paraphrasing the test set out by the Supreme Court in *Therrien* and *Moreau-Berube*, the question is....whether the impugned conduct is so seriously contrary to the impartiality, integrity, and independence of the judiciary that it has undermined the public's confidence in the ability of the judge to perform the duties of office or in the administration of justice generally and that it is necessary for the Judicial Council to make one of the dispositions referred to in the section in order to restore that

confidence. It is only when the conduct complained of crosses this threshold that the range of dispositions...is to be considered.

The Ontario Judicial Council stated that a finding of misconduct requires “clear and convincing proof based on cogent evidence”.

Counsel for Justice of the Peace Quon suggests that *Re Douglas* provides for a two part standard for misconduct, namely, (1) conduct that is so seriously contrary to the impartiality, integrity, and independence of the judiciary that it has undermined the public’s confidence in the ability of the judge or the administration of justice generally and (2) that it is necessary for the Judicial council to make a disposition to restore that confidence. Counsel argues that if a judicial officer has acted in a way that undermines public confidence but has taken steps to restore that confidence (such as, for example, by way of apology, counseling, or further education), there can be no finding of misconduct. Counsel for Justice of the Peace Quon suggests this formulation of the test is implicit in prior jurisprudence but acknowledges it may not have been expressly stated in these terms before *Re Douglas*. He also points out that while I am not bound to follow *Re Douglas*, I should bear in mind that it is a decision of a four person panel that included the Associate Chief Justice of the Ontario Court of Justice and a Justice of the Court of Appeal for Ontario.

Commission counsel rejects the aforementioned interpretation of *Re Douglas*. In any event, he submits that section 12 of the *Justices of the Peace Act* contemplates two separate steps, namely, an inquiry to determine if there has been misconduct and, if so, a recommended disposition. This, Commission counsel suggests, is also good public policy in that it requires that conduct that falls below the standard of conduct be so labeled, without regard to the consideration of what, if anything, is needed to repair the harm thereby caused to the administration of justice. Commission counsel argues that to the extent *Re Douglas* states otherwise, I should decline to follow it.



I recognize the tension between judicial accountability and judicial independence. I accept that a finding of misconduct requires clear and convincing proof that a judicial officer has engaged in conduct that is so seriously contrary to the impartiality, integrity, and independence of the judiciary that it has undermined the public's confidence in the ability of that officer or the administration of justice. However, I need not decide whether such a finding can be made notwithstanding that a disposition is not needed to restore such confidence. For the reasons that follow, I am of the view that the treatment of Mr. Hope by Justice of the Peace Quon undermined public confidence and that a disposition is necessary to restore it. I am also of the view that, in any event, there is no misconduct with respect to the other two complaints.

#### **4. Findings with Respect to the Three Complaints**

The exchange between Mr. Hope and Justice of the Peace Quon involved a routine case in a busy courtroom. A fair reading of the transcript of proceedings leads me to conclude that Justice of the Peace Quon misinterpreted Mr. Hope's questions as a challenge to his authority. The matter quickly deteriorated and His Worship became petty and abusive. This is especially aggravating since Mr. Hope was a self represented litigant who had acted appropriately at all times. He was humiliated before a large group of people by the repeated award of costs each time he addressed the court. Such conduct is so seriously contrary to the impartiality, integrity, and independence of the judiciary that it could only undermine public confidence in the ability of Justice of the Peace Quon to perform the duties of office or in the administration of justice generally. I am also of the view that a disposition is needed to restore public confidence. I have considered the context within which the incident occurred, His Worship's good reputation, and his expressions of remorse. Notwithstanding this, a disposition is required.

I take a different view of the second complaint. It is not in dispute that Justice of the Peace Quon made a finding against Mr. Haghparast-Rad without giving him an opportunity to be heard. Due process is of fundamental importance to the administration

of justice. This does not mean that every denial of due process amounts to judicial misconduct. In many cases, it is a matter that is properly corrected through the appellate process. The actions of Justice of the Peace Quon are properly characterized as a misunderstanding or misapprehension of the law. He acted out of concern that Mr. Haghparast-Rad had conducted himself in a manner that made him an unsuitable agent. His Worship intended to protect the rights of the defendant represented by that agent and also preserve the integrity of the court. His actions were neither arrogant nor arbitrary. Rather, he made a mistake in the process undertaken to address his valid concerns. In these circumstances, Justice of the Peace Quon did nothing, in his treatment of Mr. Haghparast-Rad, to undermine public confidence in his ability to discharge his duties or in the administration of justice generally.

The failure of Justice of the Peace Quon to respond to the Review Council was neither in his interest nor the public interest. It is difficult to imagine a case in which it would be advisable for a justice of the peace to refuse to respond to the Review Council. Indeed, the failure to do so might be relevant to a determination of whether the original complaint amounts to misconduct. For example, the failure to respond might be seen to reflect a lack of insight into inappropriate behaviour. In this case, much mischief might have been avoided had Justice of the Peace Quon communicated with the Review Council in a timely manner. At the very least, he would have understood the gravity of the situation and the otherwise sincere apology to Mr. Hope would have been sent much earlier. In any event, unlike lawyers who are required to respond to law society investigations into alleged misconduct, the *Justices of the Peace Act* does not create such an obligation. Counsel for Justice of the Peace Quon submits that it follows that a failure to respond to the Review Council can never, in itself, be grounds for a finding of misconduct. I would not go that far. In extraordinary circumstances it may do so. In this case, it is clear that His Worship failed to respond to the Review Council, not out of disrespect or a desire to frustrate the complaint process, but because he was busy and did not appreciate the seriousness of the matter. This was a mistake and one he now bitterly regrets. It does not constitute judicial misconduct.

## VII. RECOMMENDATIONS

### 1. Disposition

Having found that there has been misconduct, within the meaning of section 12 (1) of the *Justices of the Peace Act*, by Justice of the Peace Quon in his treatment of Mr. Hope, it is my duty to recommend removal from office pursuant to section 8.1 or one of the dispositions provided in section 12(3.3) of the *Act*.

Even if all three complaints had resulted in a finding of misconduct, a recommendation that Justice of the Peace be removed from office would not be appropriate. Such a recommendation can only be made on the ground that the justice of the peace has become incapacitated or disabled from the due execution of his or her office by reason of conduct that is incompatible with the execution of his duties or his office. That is not the case here.

The dispositions set out in the *Act* range from a warning to the justice of the peace to suspension without pay for a period of up to 30 days. In recommending a disposition, I am mindful that the purpose of judicial discipline in the *Act* is to rectify misconduct and restore public confidence in the administration of justice.

The evidence at this Inquiry establishes that Justice of the Peace Quon is a committed, industrious, and conscientious judicial officer. The incidents giving rise to the complaints are not reflective of his work, and his misconduct with respect to Mr. Hope, is an isolated event. This Inquiry has had a significant impact on him. Justice of the Peace Quon is aware of his errors and embarrassed by his conduct. He has learned from this experience and will continue to make a positive contribution to the work of the court. In my opinion, the most lenient disposition will suffice to rectify the misconduct and restore public confidence. Accordingly, I recommend that the Review Council warn Justice of the Peace Quon.

## **2. Costs**

Justice of the Peace Quon is genuinely sorry for his actions that lead to this Inquiry. By proceeding with an Agreed Statement of Facts these proceedings were considerably shortened. I have found one isolated act of misconduct. The disposition I have recommended reflects the minimal steps required to repair the harm done. Pursuant to s.12 (3.1) of the *Justices of the Peace Act*, I recommend that Justice of the Peace Quon be compensated for all of his legal costs incurred in connection with this Inquiry.

## **VIII. CONCLUSION**

I find that there has been misconduct by Justice of the Peace Quon in his treatment of Mr. Hope. I do not find misconduct with respect to his dealings with Mr. Haghparast-Rad or in his failure to respond to the Justice of the Peace Review Council. I recommend that the Review Council warn Justice of the Peace Quon. I also recommend that his Worship be compensated for all legal costs incurred in connection with this Inquiry.

My role as Commissioner of this Inquiry was made considerably easier by the skill and efforts of Mr. Stratus, Commission counsel, and Mr. Sandler, Counsel to Justice of the Peace Quon. I thank both of them.

## **LIST OF APPENDICES**

1. Order in Council No. 1697/2005
2. Notice of Inquiry
3. Notice of Public Hearing
4. Agreed Statement of Facts

**The following document is Exhibit #1  
to the Agreed Statement of Facts**



Ontario  
Executive Council  
Conseil des ministres

Order in Council  
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS pursuant to subsection 12(1) of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4, as amended, the Lieutenant Governor in Council may appoint a provincial judge to inquire into the question whether there has been misconduct by a justice of the peace;

AND WHEREAS the Justices of the Peace Review Council has, pursuant to subsection 11(7) of the *Justices of the Peace Act*, made a report dated March 2, 2004 to the Attorney General regarding His Worship Richard Quon, a Justice of the Peace, in which the Justices of the Peace Review Council recommended that an inquiry regarding His Worship Richard Quon be held under section 12 of the *Act*;

NOW THEREFORE, pursuant to subsection 12(1) of the *Justices of the Peace Act*, the Honourable Mr. Justice Joseph Anthony De Filippis of the Ontario Court of Justice be appointed to inquire into the question of whether there has been misconduct by His Worship Richard Quon and to prepare a report in accordance with section 12 of the *Act*.

Recommended   
Attorney General

Concurred   
Chair of Cabinet

Approved and Ordered NOV 2 - 2005  
Date

  
Lieutenant Governor

O.C./Décret 1697/2005

## **NOTICE**

Subsections 11(3) and 11(4) of the *Justices of the Peace Act*, R.S.O. 1990, c.J.4, provide, *inter alia*, that the proceedings of the Justices of the Peace Review Council shall not be public.

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## **C O N F I D E N T I A L**

### **REPORT OF THE OPINION OF THE JUSTICES OF THE PEACE REVIEW COUNCIL TO THE ATTORNEY GENERAL OF ONTARIO RESPECTING AN INVESTIGATION INTO THE COMPLAINTS OF JOHN P. HOPE and SAM HAGHPARAST-RAD AGAINST JUSTICE OF THE PEACE RICHARD QUON**

The Justices of the Peace Review Council hereby makes the following report to the Attorney General for Ontario, pursuant to subsection 11(7) of the *Justices of the Peace Act*, R.S.O. 1990:

1. The Justices of the Peace Review Council convened on September 12, 2002 at which time the complaint of Mr. John P. Hope of the City of Toronto was reviewed by the members present. After discussion, Council decided to ask His Worship for a response to the complaint.  
  
On November 13, 2002 the Review Council sent another letter to His Worship requesting a response to Mr. Hope's complaint.
2. On February 17, 2003, the Review Council received a letter of complaint from Mr. Haghparast-Rad of the City of Toronto, together with copies of transcripts of two court appearances made by Mr. Rad.
3. On April 1, 2003, the Review Council convened and reviewed the outstanding complaints against His Worship. It was the consensus of the members present that His Worship be reminded that a response to Mr. Hope's complaint was required and a response to Mr. Haghparast-Rad's complaint was also required by April 30, 2003. A letter to that effect was directed to His Worship on April 2, 2003.

(Cont'd)



**C O N F I D E N T I A L**

4. As no response was received to either complaint, the Review Council directed a Notice of Inquiry, dated May 16, 2003, with Particulars (a copy of which is attached) to Justice of the Peace Richard Quon, alleging that he conducted himself in a manner that is incompatible with the execution of the duties of his office and that by reason thereof he had become incapacitated or disabled from the due execution of his office. The Notice of Inquiry was returnable to May 27<sup>th</sup>, 2003 to set a date for the s. 11 inquiry and deal with any preliminary matters.
5. The Justices of the Peace Review Council convened on May 27<sup>th</sup>, 2003 and His Worship Quon appeared without counsel and requested additional time to submit his response to these complaints. The Review Council agreed to provide His Worship with additional time to submit his response and the matter was adjourned to July 9<sup>th</sup>, 2003 at which time the Council would consider His Worship's response and set a date for the s. 11 inquiry if necessary.
6. The Justices of the Peace Review Council convened on July 9<sup>th</sup>, 2003 to consider the complaints and His Worship's response thereto. After discussion, the consensus of the Review Council was to proceed with setting the date for the s. 11 inquiry.
7. The section 11 inquiry was commenced on October 22, 2003, continued on November 27, 2003 and concluded on February 12, 2004.
8. Mr. Doug Hunt, Q.C., Barrister and Solicitor, acted as counsel to the Justices of the Peace Review Council.

Justice of the Peace Richard Quon was present at the investigation and was represented by counsel, Mr. Robert M. Geurts on the November 27, 2003 and February 12, 2004 hearing dates.

Copies of transcripts of the s. 11 inquiry form part of this Report and are attached hereto.

9. After considering the sworn testimony of witnesses called and submissions made by counsel, the Justices of the Peace Review Council recommends that an inquiry be held under section 12 of the *Justices of the Peace Act*, R.S.O. 1990 to inquire into the question of whether Justice of the Peace Richard Quon should be removed from office.

**C O N F I D E N T I A L**

10. The *Justices of the Peace Act*, R.S.O. 1990, provides, *inter alia*, that “the proceeding of the Review Council shall not be public...”. However, subsection 11(8) of the aforementioned Act provides that “...a copy of the report shall be given to the justice of the peace”.

Accordingly, a copy of this report will be conveyed to Justice of the Peace Quon.

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Dated at Toronto, Ontario

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Valerie P. Sharp, LL.B.  
A/Registrar  
Justices of the Peace Review Council

**STRICTLY PRIVATE & CONFIDENTIAL**

March 2, 2004

His Worship Richard Quon  
Justice of the Peace  
Ontario Court of Justice  
Old City Hall  
60 Queen Street West, Room 159  
Toronto, Ontario  
M5H 2M4

Your Worship:

Pursuant to the instructions of the Justices of the Peace Review Council, and pursuant to subsections 11(6), (11(7) and 11(8) of the *Justices of the Peace Act*, R.S.O. 1990, I am writing to inform you of the disposition of the complaints made against you.

You will find enclosed a copy of the Report made to the Attorney General.

It is your decision as to whether to provide a copy of the Report to your counsel.

Yours truly,

Valerie P. Sharp, LL.B.  
A/Registrar  
Justices of the Peace Review Council

Enclosure

**STRICTLY PRIVATE & CONFIDENTIAL**

March 2, 2004

The Honourable Michael Bryant  
Attorney General for Ontario  
Ministry of the Attorney General  
720 Bay Street, 11<sup>th</sup> Floor  
Toronto, Ontario  
M5G 2K1

Dear Mr. Attorney:

I enclose a copy of the Report of the Justices of the Peace Review Council, pursuant to subsection 11(7) of the *Justices of the Peace Act*, R.S.O. 1990 with respect to its investigation of complaints against Justice of the Peace Richard Quon.

Yours truly,

Valerie P. Sharp, LL.B.  
A/Registrar  
Justices of the Peace Review Council

cc: Murray Segal  
A/Deputy Attorney General

Enclosure



**COMMISSION OF INQUIRY INTO THE CONDUCT OF  
HIS WORSHIP RICHARD QUON, A JUSTICE OF THE PEACE**

**NOTICE OF PUBLIC HEARING**

Pursuant to subsection 12(1) of the *Justices of the Peace Act*, R.S.O. 1990, c.J.4, as amended, the Honourable Justice Joseph DeFilippis of the Ontario Court of Justice has been appointed to inquire into the question whether a recommendation should be made that the Lieutenant-Governor in Council should remove His Worship Richard Quon, a Justice of the Peace, from office, or whether a recommendation should be made that the Justices of the Peace Review Council implement a decision to:

- (a) warn the Justice of the Peace;
- (b) reprimand the Justice of the Peace;
- (c) order the Justice of the Peace to apologize to the complainant or to any other person;
- (d) order the Justice of the Peace to take specified measures, such as receiving education or treatment as a condition of continuing to sit as a Justice of the Peace;
- (e) suspend the Justice of the Peace with pay for any period; or
- (f) suspend the Justice of the Peace without pay, but with benefits for a period up to thirty days.

The inquiry will consider:

1. Whether Justice of the Peace Quon, having reduced from \$60 to \$20 the fine of a defendant who pleaded guilty with an explanation to a parking infraction, increased the amount payable by the defendant to \$30, then \$40, then \$50, then \$60, then \$70, as a result of (i) the defendant's objecting to having to pay the fine in person, (ii) the defendant's objecting to the amount payable being increased as a result of his objection, (iii) the defendant's inquiring to whom he may complain about his not being able to voice an opinion in a court of law, and (iv) the defendant's stating that he would write to the Attorney General.
2. Whether Justice of the Peace Quon ordered that an agent who appeared before him on behalf of a defendant not be allowed to represent anyone in Justice of the Peace Quon's courtroom, in spite of the agent's denial of the allegations against him that formed the basis of Justice of the Peace Quon's order, without affording the agent a reasonable opportunity to respond.
3. Whether Justice of the Peace Quon repeatedly failed to respond to correspondence from the Justice of the Peace Review Council requesting written comments concerning complaints about his conduct.

The public hearing will commence on **April 24, 2006** at 10:00 a.m. at the **JPR Meeting Rooms, 390 Bay Street, Hearing Room A, Third Floor, Toronto, Ontario, M5H 2Y2**, and will continue daily at the same time and place until completed.

Any person who wishes to give evidence at the inquiry or who has information he or she believes will be of interest to the inquiry or who wishes to bring a preliminary motion is requested to contact Gavin MacKenzie, Commission Counsel, no later than **February 15, 2006** at the address below.

**Gavin MacKenzie**  
Commission Counsel  
Heenan Blaikie LLP  
Suite 2600, 200 Bay Street, South Tower  
P.O. Box 185, Royal Bank Plaza  
Toronto, Ontario M5J 2J4  
Tel: (416) 360-2892  
Fax: 1-866-687-9883  
E-mail: [gmackenzie@heenan.ca](mailto:gmackenzie@heenan.ca)

**The Honourable Mr. Justice Joseph DeFilippis**  
Commissioner  
Ontario Court of Justice  
Criminal Division  
242 King Street East  
Oshawa, Ontario L1H 3Z8

**IN THE MATTER OF complaints respecting  
Justice of the Peace Richard Quon  
Justice of the Peace in the Toronto Region**

**AGREED STATEMENT OF FACTS**

**Introduction**

1. This Inquiry arises from two complaints concerning Justice of the Peace Richard Quon. The Inquiry is being conducted pursuant to s. 12 of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4. Section 12 provides as follows:

*Inquiry*

12. (1) The Lieutenant Governor in Council may appoint a provincial judge to inquire into the question whether there has been misconduct by a justice of the peace. 1994, c. 12, s. 53.

*Powers*

(2) The Public Inquiries Act applies to the inquiry. R.S.O. 1990, c. J.4, s. 12 (2).

*Report*

(3) The report of the inquiry may recommend that the Lieutenant Governor in Council remove the justice of the peace from office in accordance with section 8, or that the Review Council implement a disposition under subsection (3.3). 1994, c. 12, s. 53.

*Same*

(3.1) The report may recommend that the justice of the peace be compensated for all or part of the cost of legal services incurred in connection with the inquiry. 1994, c. 12, s. 53.

*Maximum*

(3.2) The amount of compensation recommended under subsection (3.1) shall be based on a rate for legal services that does not exceed the maximum rate normally paid by the Government of Ontario for similar services. 1994, c. 12, s. 53.

*Dispositions by Review Council*

(3.3) If the report recommends that the Review Council implement a disposition under this subsection, the Council may,

(a) warn the justice of the peace;

(b) reprimand the justice of the peace;

(c) order the justice of the peace to apologize to the complainant or to any other person;

(d) order the justice of the peace to take specified measures, such as receiving education or treatment, as a condition of continuing to sit as a justice of the peace;

(e) suspend the justice of the peace with pay, for any period; or

(f) suspend the justice of the peace without pay, but with benefits, for a period up to 30 days.

*Tabling of report*

(4) The report shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next session.

2. Order in Council 1697/2005, dated November 2, 2005, established this Inquiry. A copy of the Order in Council is attached as Exhibit #1 to this Agreed Statement of Facts. It appointed the Honourable Mr. Justice Joseph Anthony DeFilippis of the Ontario Court of Justice to inquire into the question of whether there has been misconduct by His Worship Richard Quon and to prepare a report, all in accordance with s. 12 of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4.

### **The first complaint**

3. The first complaint arises from Justice of the Peace Quon's conduct in court on September 6, 2001 with respect to Mr. John P. Hope. The relevant portions of transcript (being pp. 18-21 of the transcript of proceedings before Justice of the Peace Quon on September 6, 2001) are attached as Exhibit #2 to this Agreed Statement of Facts.

4. On September 6, 2001, John P. Hope attended in Court before Justice of the Peace Quon at the Old City Hall in Toronto to plead "guilty with an explanation" to a parking infraction. Mr. Hope gave his explanation. Justice of the Peace Quon accepted Mr. Hope's guilty plea and invited the Crown to make submissions on sentence. The Crown declined to make submissions. Mr. Hope then asked where he should pay his fine. Justice of the Peace Quon replied that the court had not yet imposed a fine. Justice of the Peace Quon then stated, "[I]n light of your guilty plea and explanation, the court will be lenient and will reduce your fine of \$60 down to \$20."

5. Mr. Hope asked Justice of the Peace Quon whether he could pay his fine by post. Justice of the Peace Quon, J.P. said he was not sure, stating:

You might get something in the mail, or else you can pay it at 55 John Street.”

Mr. Hope then replied,

“Okay. Well, it’s more inconvenience. You know, one is forced to plead guilty by this post system, or come down. I mean I really object to the whole process, but obviously this is not the forum to voice them. Thank you.”

6. Justice of the Peace Quon then imposed an “additional court cost” of \$10 for “that last comment”. Mr. Hope said, “I’m allowed to put my point of view across, surely” and objected to that. Mr. Hope asked how he can voice his objection formally. Justice of the Peace Quon imposed “an additional court cost”, making the total fine \$40. Mr. Hope indicated that this was not fair and Justice of the Peace Quon reflected that the original fine was \$60 and had been reduced to \$20. Mr. Hope asked to whom he could write and complain about this. Justice of the Peace Quon imposed a further \$10, making the total fine \$50. He asked Mr. Hope whether he wanted to continue. Mr. Hope expressed the view that he wanted to “represent [himself]... without this form of duress” and that this was “unreasonable”. Justice of the Peace Quon imposed a further \$10, making the total fine \$60. Mr. Hope replied, “I shall write to the Attorney General.” Justice of the Peace Quon imposed a further \$10, making the total fine \$70.

7. Mr. Hope wrote letters of complaint to the Department of Justice (Canada) (letter dated September 6, 2001 and attached as Exhibit #3 to this Agreed Statement of Facts) and to the Office of the Attorney General and the Ontario Judicial Council (letter dated September 8, 2001 and attached as Exhibit #4 to this Agreed Statement of Facts).

8. By letter dated September 23, 2002, the Justices of the Peace Review Council wrote Justice of the Peace Quon requesting a response to Mr. Hope’s complaint. This letter is attached as Exhibit #5 to this Agreed Statement of Facts. The Council’s letter reflected (as it was believed at the time) that the quality of the audiotapes of the relevant court proceeding was such that they could not be transcribed. It was indicated that they were available to be listened to.

9. By letter dated November 13, 2002, the Justices of the Peace Review Council wrote Justice of the Peace Quon by way of follow up, since Justice of the Peace Quon had not responded to the letter of September 23, 2002. This letter dated November 13, 2002 is attached as Exhibit #6 to this Agreed Statement of Facts. The Council’s letter reflected, inter alia, that “If you do not wish to comment, or if you have any questions, please contact Thomas Glassford, Assistant Registrar at [the specified number.]

10. By letter dated April 2, 2003, the Justices of the Peace Review Council wrote Justice of the Peace Quon by way of follow up, since Justice of the Peace Quon had not responded to the letter of September 23, 2002 or the letter of November 13, 2002. This letter dated April 2, 2003 is attached as Exhibit #7 to this Agreed Statement of Facts. The second complaint together with



related transcripts were also provided in this letter, and Justice of the Peace Quon was invited to provide comments to both complaints by April 30, 2003.

11. Justice of the Peace Quon did not respond in a timely way to the above letters.

### **The second complaint**

12. This complaint, by Mr. Sam Haghparast-Rad, concerns Justice of the Peace Quon's conduct in refusing to recognize Mr. Sam Haghparast-Rad as an agent in court.

13. Transcripts of the relevant court proceedings on July 15, 2002 and October 29, 2002 that gave rise to the complaint are attached to this Agreed Statement of Facts as Exhibits #8 and #9, respectively.

#### **(a) The proceedings before Quon, J.P.**

14. On July 15, 2002 Mr. Haghparast-Rad appeared before Justice of the Peace Quon in Court at the Old City Hall in Toronto. He was appearing as agent for the defendant in the matter of *R. v. Azin Baharlo*. Justice of the Peace Quon requested that Mr. Haghparast-Rad produce identification such as a 'driver's licence' or 'Picture I.D'. He complied with Justice of the Peace Quon's request and Justice of the Peace Quon appeared to make a note of his name in his book before returning his identification document(s) to him. Mr. Haghparast-Rad was thanked by Justice of the Peace Quon and he then appeared on the matter before the Court.

15. On October 29, 2002 Mr. Haghparast-Rad appeared before Justice of the Peace Quon in Court at the Old City Hall in Toronto. Mr. Haghparast-Rad advised Justice of the Peace Quon that he was appearing as agent for the defendant in the matter of *R. v. Ali Gheisari*. He indicated that he was ready to proceed with a trial on behalf of the defendant. The Crown was also ready to proceed. Justice of the Peace Quon advised Mr. Haghparast-Rad that he was not prepared to allow him to represent anybody in his Court because, "It has come to this Court's attention that you are presently being charged with criminal offences, is that correct?" Mr. Haghparast-Rad advised Justice of the Peace Quon, *inter alia*, that "no, that is incorrect. For the record, I have not been charged. There is no pending charge. And as it stands, I do not have a criminal record." Justice of the Peace Quon advised Mr. Haghparast-Rad that, "...You are going to have to provide proof to this Court that you have no criminal charges before the Court." Justice of the Peace Quon advised Mr. Haghparast-Rad that, "The Court has been informed by a police officer that you have criminal charges before the Court... before the Ontario Court of Justice." Mr. Haghparast-Rad indicated that he will bring documents to prove the contrary. There is discussion about what should be done with the defendant Gheisari's case. Justice of the Peace Quon agrees that the matter will be placed into "C" Court to have the matter set down (that is, to set a new date rather than proceed to trial that day).

16. Justice of the Peace Quon then stated that, "I have also been informed by a few of my colleagues that Mr. Haghparast-Rad has been banned from other courts...". Mr. Haghparast-Rad

advised Justice of the Peace Quon that he had never been banned by any of Justice of the Peace Quon's colleagues in any jurisdiction in Toronto or in Ontario.

17. Justice of the Peace Quon further advised Mr. Haghparast-Rad that, "[T]he Court is also aware that you have been using Commissioner for Taking Affidavits stamp improperly. The Court has seen physical evidence of that. The Court has contacted the Registrar in charge of Commissioners for Taking Affidavits, and you have been improperly using the Commissioners stamp to swear affidavits that you have no jurisdiction to swear affidavits." The following exchange takes place:

MR. RAD: Well, that is a separate proceeding. The affidavits that I've been swearing as by Commissioners, by the Registrars that I have been appointed as a Commissioner of...

THE COURT: Only for the Landlord Tenant Protection Act or for Affidavits of Service.

MR. RAD: ... of person servings.

THE COURT: That is right. You, yourself have not even been using a proper Commissioners stamp. You do not even here have the restrictions on your stamp, which you are required.

MR. RAD: Well, Your Worship, that is a matter that, obviously, I don't have any documents to bring forward or neither does Your Worship to bring anything forward. This, as you are indicating, could be allegations, facts, statements, you've received from...

THE COURT: There are not allegations. The Court has physically seen your Affidavit stamp that is improper. The Court has knowledge from the Registrar.

Justice of the Peace Quon advised Mr. Haghparast-Rad that he would not have standing in his Court, nor would he for the foreseeable future.

18. Justice of the Peace Quon advised Mr. Haghparast-Rad that "you are not properly before this Court. I do not recognize your standing in this courtroom... I am not letting you speak to this matter... Mr. Rad, you no longer have standing in this courtroom, so you may leave." Justice of the Peace Quon remanded the matter to another date to be spoken to only (not for trial), and asked the investigating officer to notify the defendant to attend.

19. After Mr. Haghparast-Rad left the courtroom, Justice of the Peace Quon addressed those present and stated, "All right. This Court apologizes to any civilian witnesses that have had to appear today. The person that is representing Mr. Gheisari, the Court has been informed that he has been charged with criminal offences, therefore this person is not proper to represent anyone before this Court as it effects [sic] credibility. Mr. Rad has been told or informed that he can no

longer represent anyone before this Court. The Court again apologizes to any civilian witnesses that had to appear today.”

**(b) Other background information**

20. Mr. Haghparast-Rad had been convicted on December 14, 1995 of use of credit card obtained by crime (two charges), and possession of a credit card obtained by crime (one charge). In February 2002, he had received a pardon in respect of these charges.

21. In the summer of 2002, Justice of the Peace Cresswell was aware of a newspaper article identifying Mr. Haghparast-Rad as a person arrested at York University on weapons charges. A Toronto Sun article dated September 12, 1996 shows Mr. Haghparast-Rad being arrested by a Toronto police officer on weapons charges. This article is attached as Exhibit “10” to this Agreed Statement of Facts.

22. In August of 2002, Justice of the Peace Quon advised Justice of the Peace Cresswell that Mr. Haghparast-Rad had presented an affidavit bearing an improper commissioner’s stamp. The affidavit referred to is attached as Exhibit “11” to this Agreed Statement of Facts. Justice of the Peace Quon’s August 8, 2002 letter to the Legal Appointments Office of the Ministry of the Attorney General is attached as Exhibit “12” to this Agreed Statement of Facts. A fax from the Legal Appointments Office to Mark Nichol, Provincial Prosecutor dated February 21, 2003, is attached as Exhibit “13” to this Agreed Statement of Facts. The documentation shows that Mr. Haghparast-Rad was not authorized to commission the affidavit referred to above, which relates to the reopening of a *Highway Traffic Act* conviction. As well, his Commissioner’s stamp does not reflect the restrictions upon his right to commission affidavits.

23. Upon hearing Mr. Haghparast-Rad’s name being mentioned, Justice of the Peace Cresswell advised Justice of the Peace Quon of the 1996 weapons charges against Mr. Haghparast-Rad.

24. Justice of the Peace Cresswell advised Justice of the Peace Quon that he did not know what happened to Mr. Haghparast-Rad in relation to the weapons charges.

25. In or about the spring of 2003, Justice of the Peace Quon advised Justice of the Peace Leslie Brown that Mr. Haghparast-Rad had made a complaint about him. Justice of the Peace Leslie Brown replied “Oh, isn’t he the one facing charges?” or words to that effect.

26. She may have made this remark to Justice of the Peace Quon on prior occasions, but she has no specific recollection now of a discussion about Mr. Haghparast-Rad facing charges prior to the spring 2003 discussion.

27. She must have heard or read of these charges. She did not learn of them as a result of Mr. Haghparast-Rad appearing before her. She does not know the nature of the charges.

28. Constable Graham Philipson was in the courtroom on the day Justice of the Peace Quon banned Mr. Haghparast-Rad. After the sittings that day, Constable Philipson approached Justice of the Peace Quon regarding Mr. Haghparast-Rad's alleged improper use of his Commissioner's stamp.

29. Constable Philipson was of the view that there was some merit to the issues raised regarding the Commissioner's stamp, and proceeded to conduct an investigation into Mr. Haghparast-Rad's misuse of his Commissioner's stamp.

30. Constable Philipson learned through an interview with one of Mr. Haghparast-Rad's former employees that a secretary in his office occasionally used the stamp. He also learned that certain of the paperwork coming out of Mr. Haghparast-Rad's office involved unauthorized use of signatures, and the filing of "false" affidavits.

**(c) Subsequent developments concerning the second complaint**

31. By letter dated September 14, 2004, Mr. Mark Sandler, counsel for Justice of the Peace Quon, wrote the Attorney General, requesting that this matter be referred back to the Justices of the Peace Review Council for reconsideration. In his letter, Mr. Sandler advised that Mr. Haghparast-Rad was detained in Japan in early July, 2004 and that charges had been brought against Mr. Haghparast-Rad in Japan for importation of amphetamines into Japan. Mr. Sandler's letter dated September 14, 2004 is attached as Exhibit #14 to this Agreed Statement of Facts. There is no evidence suggesting that the facts reported by Mr. Sandler are untrue.

32. By letter dated March 1, 2005, Mr. Sandler again wrote Mr. Segal, offering information additional to that which he provided in his September 14, 2004 letter. That information was to the effect that Mr. Haghparast-Rad was convicted on February 4, 2005 of the drug importation offence in Japan. Mr. Sandler's letter of March 1, 2005, with an enclosed news item entitled "Japan Today", is attached as Exhibit #15 to this Agreed Statement of Facts. There is no evidence suggesting that the facts reported by Mr. Sandler or "Japan Today" are untrue.

**Proceedings before the Justices of the Peace Review Council**

33. The Justices of the Peace Review Council conducted an inquiry and made a report on March 2, 2004 pursuant to section 11 of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4. That inquiry and report is confidential pursuant to section 11 of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4.

**The apology**

34. By letter dated May 17, 2004, Justice of the Peace Quon apologized to Mr. Hope. A copy of this letter is attached as Exhibit #16 to this Agreed Statement of Facts.

**This Inquiry**

35. As mentioned in paragraph 2, above, on November 2, 2005, this Inquiry was established.

**The Notice of this Inquiry**

36. Notice of this Inquiry was duly given. A copy of the Notice of this Inquiry is attached as Exhibit #17 to this Agreed Statement of Facts.

**Letters in response to the Notice of this Inquiry**

37. Letters concerning Justice of the Peace Quon have been received and may be taken by this Inquiry as expressing the genuine views of their authors. These are collectively attached as Exhibit #18 to this Agreed Statement of Facts.

**Background and Subsequent conduct of Justice of the Peace Quon**

38. Justice of the Peace Quon received his Bachelor of Laws from McGill University in 1986. He was called to the Bar of Ontario in March 1989 and was appointed as a Justice of the Peace in August 1993. In 2006, he received his Master of Laws from Osgoode Hall Law School. His curriculum vitae is attached as Exhibit "19" to this Agreed Statement of Facts.

39. Justice of the Peace Quon presides, *inter alia*, over trials of offences under the provincial statutes and municipal bylaws, over bail hearings under the Criminal Code, applications for search warrants under various statutes, young offender proceedings, and *Mental Health Act* applications. He has written extensively on a variety of legal issues, and has been cited on a number of occasions with approval by higher courts. A brief containing a number of his judgments has been provided under separate cover to the Inquiry.

40. He has continued to preside as a Justice of the Peace, without incident, since the matters that are the subject matter of these proceedings.

41. Justice of the Peace Quon acknowledges that before signing this Agreed Statement of Facts he reviewed it carefully and obtained the advice of his counsel, Mr. Mark Sandler.

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David Stratas  
Commission of Inquiry Counsel  
Heenan Blaikie LLP  
P.O. Box 185, Suite 2600  
South Tower, Royal Bank Plaza  
Toronto, Ontario  
M5J 2J4

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Justice of the Peace Richard Quon