

**IN THE MATTER OF
THE PARAMEDICS ACT AND IN THE MATTER OF A COMPLAINT AGAINST
KOLBY ELLIS, A MEMBER OF THE SASKATCHEWAN COLLEGE OF
PARAMEDICS**

DECISION

Saskatchewan College of Paramedics

DISCIPLINE COMMITTEE

Discipline Committee Members:

Joel Gritzfeld, MPA, BA Public Representative, Chair

Gilbert Maraboto, ACP

Sergio Silveria, ACP

Haley Spencer, ACP

Faith Baron, Legal Counsel for the Discipline Committee

Chris Clarke, Legal Counsel for the Professional Conduct Committee

Michael W. Owens, Legal Counsel for Kolby Ellis

A. INTRODUCTION

1. On or around December 14, 2019, the Saskatchewan College of Paramedics (the “**College**”) received a complaint regarding the conduct of Kolby Ellis, a member of the College (the “**Member**”). Additional information to the complaint was submitted to the College via email on January 20, 2020. As contemplated under section 27(1) of *The Paramedics Act* (the “**Act**”), the Professional Conduct Committee (“**PCC**”) conducted an investigation, and this culminated in the PCC issuing a written report (the “**Report**”) to the Discipline Committee of the College (“**Discipline Committee**”) recommending that the Discipline Committee hear and determine the formal complaint against the Member set out in Schedule A of the Report (the “**Formal Complaint**”).
2. The Formal Complaint alleges that:
 - a. The Member is guilty of professional misconduct contrary to section 25 of *The Paramedics Act*, in that she caused damage to a vehicle that was parked in the parking lot outside a bar in Biggar, Saskatchewan.

3. The Discipline Committee convened on May 16, 2022, *via Teams videoconferencing*, as agreed by the Parties, to hear and determine the Formal Complaint against the Member (the “**Hearing**”). Legal counsel for the Member as well as legal counsel for the PCC acknowledged that the Discipline Committee was properly constituted and had jurisdiction to conduct the Hearing.
4. At the Hearing, the Parties formally submitted an Agreed Statement of Facts, with Exhibits, and Joint Penalty Submissions signed by counsel for the PCC and counsel for the Member (the “**Agreed Statement of Facts and Joint Penalty Submission**”), and advised that the Member was admitting the charge contained in the Formal Complaint. The Agreed Statement of Facts and Joint Penalty Submission was entered as Exhibit A and is attached as Appendix A to this decision.
5. In light of the admission of the charge against the Member contained in the Formal Complaint, the Discipline Committee did not require further evidence at the Hearing. The Discipline Committee met briefly *in camera* and determined to accept the Agreed Statement of Facts as proven and also accepted the Joint Penalty Submission as appropriate. The Hearing was reconvened and the decision communicated to the parties, with this written decision and order to follow in due course.

B. FACTS

7. The Agreed Statement of Facts sets out the background facts of the events that led to the Formal Complaint, as agreed to by the Parties. As noted above, this document is attached as an appendix to this decision, hence there is no need to reproduce it here. Suffice to say, the Member agreed that her conduct regarding the events described in the Agreed Statement of Facts constitutes professional misconduct contrary to clause 25(c) of the Act, in that it breached items 2 and 5 under the heading “Principles of Ethical Behaviour for All Members” and items 2,3,5, and 9 under the heading “Responsibilities to the Profession” asset out in the Code of Professional Conduct, and thus a breach of the College’s Regulatory Bylaws.

C. ISSUES FOR DETERMINATION

8. The Discipline Committee identified the following issues for determination:
 - a. Whether, in light of the facts and circumstances of this case, the Discipline Committee finds the Member guilty of professional misconduct?
 - b. If the answer to the above is in the affirmative, whether the Discipline Committee accepts the joint penalty proposed in the Joint Penalty Submission as appropriate in the circumstances?

D. ANALYSIS

9. As noted above, the Member admitted the charge against her as contained in the Formal Complaint. In doing this, she admitted that her conduct regarding the events described in the Agreed Statement of Facts constituted professional misconduct contrary to 25(c) of the Act. The Discipline Committee accepts this and finds the Member guilty of professional misconduct.

E. JOINT SUBMISSION ON DISPOSITION

10. As the Discipline Committee has accepted the Member's admission of the charge against her and found her guilty of professional misconduct, the next issue is that of the appropriate penalty. Subsection 31(1) of the Act sets out the different orders that the Discipline Committee can make where it finds a member guilty of professional misconduct. Clause 31(1)(f) of the Act allows the Discipline Committee to make "any other order that the discipline committee considers just."
11. The Joint Penalty Submission was as follows:
 - a. Successfully complete MacEwan University's Professional Responsibilities for Paramedics (course code HLST 0270), at the Member's own cost, within six months of the date of the DC Order;
 - b. Within two months of completing the course described in paragraph (a), submit to the chair of the PCC an essay of no less than 1,000 words and no fewer than three references describing professionalism as a paramedic, the role of the Code of Conduct, the impact the Member's actions had on the respect of the public for the profession, and the impact the Member's actions had on the Complainant; and
 - c. Costs are agreed upon and the parties jointly submit the amount shall be \$3,000.00 with time to pay of six months given Ms. Ellis' personal circumstances.
12. In *Rault v. Law Society of Saskatchewan* 2009 SKCA 81, the Saskatchewan Court of Appeal held that a discipline committee must consider joint submissions on penalty unless it can be demonstrated that they are unfit, inappropriate, unreasonable and/or contrary to the public interest. See also, *Pankiw v. Board of Chiropractors' Association of Saskatchewan* 2009 SKQB 268.
13. The Discipline Committee has carefully considered the Joint Penalty Submission as to disposition and is of the view that the proposed sanctions are reasonable and appropriate in the circumstances. While the conduct of the Member fell short of the standard of conduct required by the College, the Discipline Committee notes that the joint submission pertaining to penalty serve to protect the public interest in that it demonstrates to members of the College and the public that such conduct will not be condoned. Further, the sanctions serve as a general deterrent to dissuade other members from acting in a similar way. Also, by requiring the Member to take the Professional Responsibilities for Paramedics course, the penalty aims to provide a learning opportunity to the Member to guide future conduct.

14. The Discipline Committee therefore accepted the Joint Penalty Submission as appropriate and reasonable.

F. ORDER

15. The Member shall:

- a. Successfully complete MacEwan University's Professional Responsibilities for Paramedics (course code HLST 0270), at the Member's own cost, within six months of the date of the DC Order;
- b. Within two months of completing the course described in paragraph (a), submit to the chair of the PCC an essay of no less than 1,000 words and no fewer than three references describing professionalism as a paramedic, the role of the Code of Conduct, the impact the Member's actions had on the respect of the public for the profession, and the impact the Member's actions had on the Complainant; and
- c. Costs are agreed upon and the parties jointly submit the amount shall be \$3,000.00 with time to pay of six months given Ms. Ellis' personal circumstances.

16. The Discipline Committee commends the efforts of the parties to bring this matter to a satisfactory conclusion.

Dated at the City of Regina in the Province of Saskatchewan this 2nd day of June, 2022.



**JOEL GRITZFELD, MPA, BA,
Chair, Discipline Committee**

IN THE MATTER OF *THE PARAMEDICS ACT* AND BYLAWS
- and -
IN THE MATTER OF A COMPLAINT AGAINST KOLBY ELLIS, A MEMBER OF THE
SASKATCHEWAN COLLEGE OF PARAMEDICS

AGREED STATEMENT OF FACTS

I. INTRODUCTION

1. This Agreed Statement of Facts and Documents is jointly submitted by the Professional Conduct Committee of the Saskatchewan College of Paramedics (the "College") and Kolby Ellis, a Member of the College (the "Member"). It relates to a complaint made by [REDACTED] (the "Complainant") received by the College on December 14, 2019, regarding the conduct of the Member on January 26, 2019.
2. The parties hereby agree that the contents of this Statement are proven and can be accepted by the Discipline Committee as evidence.

II. BACKGROUND AND JURISDICTION

3. Kolby Ellis has been a member of the College since June 21, 2018, and is registered as a primary care paramedic ("PCP"). After she first registered with the College, she worked as a PCP for Parkland Ambulance in Prince Albert until September 25, 2021. Since September 29, 2021, she has worked as a PCP with Medavie Health Services West, in Saskatoon.
4. Membership in the College, and the conduct of members, is governed by *The Paramedics Act* (the "Act") and the Bylaws made pursuant to the Act, which bylaws include a Code of Professional Conduct (the "Code"). As a self-regulating profession, the College is authorized by the Act to discipline its members for failure to adhere to the requirements of the Act or Bylaws.
5. Pursuant to section 27 of the Act, the Professional Conduct Committee (the "PCC") is required to investigate allegations of professional misconduct and/or professional incompetence received in the form of a written complaint and, on the completion of its investigation, to make a written report to the Discipline Committee (the "DC")

recommending that either the subject matter of the complaint be referred for a discipline hearing or that no further action be taken.

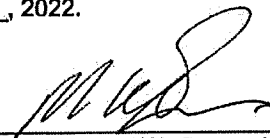
6. The written complaint of the Complainant was received by the College on December 14, 2019. The College requested more details from the complainant, and they were provided by the Complainant in an e-mail dated January 20, 2020. Copies of the written complaint and the e-mail are attached as **Exhibit "A"**. The matter was referred to the PCC for investigation. The PCC's Investigator investigated the Complainant by interviewing the Complainant, the Member, and the Director of Operations for Parkland Ambulance.
7. On the completion of its investigation, the PCC recommended a resolution of the complaint by consent but neither the Member nor the Complainant would agree. As a result, the PCC reported to the DC and recommended a hearing. A copy of that report is attached as **Exhibit "B"** and includes the formal complaint that the DC must hear and determine.
8. The Notice of Hearing required to be served on the Member pursuant to subsection 30(1) of the Act was forwarded to the Member's legal counsel on April 28, 2022. A copy of the Notice of Hearing and Acknowledgment of Service is attached as **Exhibit "C"**.
9. The Member and the PCC acknowledge that the DC is properly constituted and has jurisdiction to hear and determine the formal complaint.

III. **FACTS**


10. The Member was not acting in her professional capacity as a paramedic when she was engaged in any way with the Complainant as set out.
11. The Member and the Complainant grew up in the same small town of Biggar, Saskatchewan and were, many years ago, in the same group of friends but had a falling out before Kolby Ellis became a Member and moved away from Biggar, Saskatchewan. Attached hereto as **Exhibit "D"** is a copy of the Statement of Kolby Ellis in this matter dated February 28, 2020, and provided to the Saskatchewan College of Paramedics on February 28, 2020.
12. On January 26, 2019, the Member and the Complainant were in attendance at the West Winds bar in Biggar, following a local hockey game.
13. On the Member leaving the establishment with her sister-in-law, the Member noticed that the Complainant's car remained parked at the establishment.

14. The Member then caused damage to the Complainant's vehicle, specifically: bent the Complainant's license plate upwards, but did not detach it from the vehicle. The Member's sister-in-law caused other damage to the Complainant's vehicle.
15. The Member acknowledges that many of the other patrons of the establishment would have known that she was a paramedic.
16. The Member regretted her actions, and the next morning telephoned the Complainant's home to apologize. She spoke to the Complainant's mother who informed her that the RCMP would be contacted. When the Member had not heard from the RCMP, she contacted them, admitted what she had done, and made a voluntary statement about the incident. Ultimately, no criminal charges were laid.
17. The matter was dealt with through SGI, whereby the Member paid the costs to SGI when she received their invoice. The Member and the Complainant no longer have contact or communicate with each other when at public events held in the community.
18. The Member has cooperated with the investigation.
19. The Member's previous employer, Parkland Ambulance, remained confident that regardless of any personal issues between her and the Complainant or who might be in the Member's care, the Member would be professional and do her job well and according to her training. The employer discussed the incident with the Member, and she took responsibility for it. No discipline was deemed to be required by the employer.

DATED at Saskatoon, Saskatchewan, this 9 day of May, 2022.

Per: 
Michael W. Owens, Michael W. Owens Legal
P.C. Ltd., Solicitor for Kolby Ellis

DATED at Regina, Saskatchewan, this 10th day of May, 2022.

Per: 
Chris J. Clarke, Rasmussen & Co.,
Solicitors for the Professional Conduct Committee,
Saskatchewan College of Paramedics