

**IN THE MATTER OF  
THE PARAMEDICS ACT AND IN THE MATTER OF A COMPLAINT AGAINST  
SIMON KARDOS, A MEMBER OF THE SASKATCHEWAN COLLEGE OF  
PARAMEDICS**

**DECISION**

**Saskatchewan College of Paramedics**

**DISCIPLINE COMMITTEE**

In attendance:

Discipline Committee Members:

Joel Gritzfeld, MPA, BA Public Representative, Chair

Gilbert Maraboto, Advanced Care Paramedic (ACP)

Rachel Tyler, Advanced Care Paramedic (ACP)

Samantha Hill, Advanced Care Paramedic (ACP)

Scott Thomson, Advanced Care Paramedic (ACP)

Faith Baron, Stevenson Hood Thornton Beaubier LLP, counsel for the Discipline Committee

Jaime Carlson, Rasmussen & Co., counsel for the Professional Conduct Committee

Simon Kardos, member of the Saskatchewan College of Paramedics

Logan Marchand, Ward Mischuk Thomson LLP, counsel for the member

Jodi Edgeborn, Manager of Professional Conduct, Saskatchewan College of Paramedics

Jen Williams, Director of Professional Practice and Research, Saskatchewan College of Paramedics

**A. INTRODUCTION**

1. The Saskatchewan College of Paramedics (the “**College**”) received a complaint regarding the conduct of Simon Kardos, a member of the College (the “**Member**”). 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**”), dated January 18, 2023, 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 Appendix A of the Report (the “**Formal Complaint**”).
2. The Formal Complaint reads as follows:

Simon Kardos is alleged to be guilty of professional misconduct contrary to section 25

of *The Paramedics Act*, in that, on or about March 2, 2022, he acted in contravention of the Code of Professional Conduct contained in Appendix A to the Regulatory Bylaws of the Saskatchewan College of Paramedics, compliance with which is required by section 10 of those Bylaws, and, in particular, in contravention of items 2, 3, 5, 6, and 9 under the heading “Responsibilities to the Profession” and/or in contravention of the provisions of *The Saskatchewan Employment Act* relating to harassment and sexual harassment, in that he acted in the following manner while alone with a female colleague, AB:

a) while in a wash bay at a car wash where they were washing an ambulance, he swung a key card with the intention to hit AB with the key card and actually hit her on the buttocks;

b) while at the WPD Ambulance Service workplace, he asked AB if her buttocks still hurt and then touched her buttocks; and/or

c) while in the back of the ambulance at the WPD Ambulance Service workplace:

A) he leaned forward into AB while she was in a seated position in a corner seat, so that his abdomen was pressing into her head and chest;

B) he placed both hands around AB’s neck in a choking motion while she was seated in a corner; and/or

C) he placed his hands on AB’s shoulders with her back against the side of the ambulance; and/or

d) while AB was against the side of the ambulance at the WPD Ambulance Service workplace:

A) he grabbed both of her wrists and held her arms above her head; and/or

B) he leaned into AB and placed his left cheek against her left cheek and his right hand on her left breast.

3. Counsel for the PCC applied for a temporary suspension of the Member’s license and, with the Member’s consent on May 4, 2023, the Court of King’s Bench for Saskatchewan granted a Consent Order and such Consent Order was issued on May 10, 2023. The suspension was to expire pending the outcome of the hearing or 90 days from the date of the order. In the meantime, an amendment to the Act occurred that allowed the Executive Director of the College to suspend a member’s license in certain circumstances (rather than having to apply to Court) and so the Member’s suspension was ordered to continue by the Executive Director of the College until the Discipline Committee made a determination of the formal complaint, pursuant to a Temporary Suspension Order, dated August 17, 2023.
4. A Notice of Hearing, dated November 9, 2023, was delivered to counsel for the Member. The Notice of Hearing stated that the hearing would take place on November 24, 2023, at 9:00am

over video conferencing.

5. The Discipline Committee convened on November 24, 2023, *via* Teams videoconferencing, to hear and determine the Formal Complaint against the Member (the “**Hearing**”). Several members of the public observed the proceedings in addition to the attendees noted above.
6. Prior to the Hearing, the PCC submitted an Agreed Statement of Facts with Exhibits, and a Joint Submission on Penalty, both signed by counsel for the PCC and the Member (the “**Agreed Statement of Facts**” and “**Joint Penalty Submission**”, respectively). In it, the parties agreed that the contents of the Agreed Statement of Facts are proven and can be accepted by the Discipline Committee as evidence and agreed that the Discipline Committee is properly constituted and has jurisdiction to hear and determine the formal complaint.
7. The Agreed Statement of Facts referred to the following Exhibits (which were also entered as exhibits at the hearing):
  - a. Exhibit A: Report of Investigator, dated November 14, 2022;
  - b. Exhibit B: Report to the Discipline Committee, dated January 18, 2023;
  - c. Exhibit C: Notice of Hearing, dated November 9, 2023;
  - d. Exhibit D: Consent Order, issued May 10, 2023;
  - e. Exhibit E: Temporary Suspension Order, dated August 17, 2023; and
  - f. Exhibit F: Emails between the Member and the College, dated October 3 and 6, 2023.
8. Also submitted as exhibits at the hearing were the following:
  - a. Affidavit of Jennifer Williams, sworn November 14, 2023;
  - b. Letter of Support, dated April 14, 2023;
  - c. Letter of Support, dated April 15, 2023;
  - d. Letter of Recommendation, dated April 18, 2023; and
  - e. Certificate of Training: Workplace Sexual Harassment Awareness and Prevention, issued March 2, 2023.
9. The Agreed Statement of Facts reads as follows:

## **INTRODUCTION**

1. This Agreed Statement of Facts and Documents and Joint Submission Regarding Penalty is jointly submitted by the Professional Conduct Committee of the Saskatchewan College of Paramedics (the “College”) and Simon Kardos, a member of the College (the “Member”). It relates to a complaint received by the College concerning the Member.
2. The complaint relates to incidents that occurred on or around March 2, 2022, during a shift worked by the Member for WPD Ambulance Care (“WPD Ambulance”) in North Battleford. The incidents were reported to the employer, who hired two external individuals to investigate the matter. Before that investigation was completed, the Member resigned from WPD Ambulance.

3. However, the manager of WPD Ambulance reported the matter to the College. The College hired Dan Fraser, a retired police officer to investigate the issues. As a result of Dan Fraser's findings, the Professional Conduct Committee provided its report recommending that the matter proceed to a hearing before the Discipline Committee to hear and determine the formal complaint.
4. The parties hereby agree that the contents of this Statement are proven and can be accepted by the Discipline Committee as evidence.

## **JURISDICTION**

5. Simon Kardos has been a member of the College since August 2018. During the period of time to which the complaint relates, the Member was employed by WPD Ambulance in North Battleford.
6. 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.
7. 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 recommending that either the subject matter of the complaint be referred for a discipline hearing or that no further action be taken.

## **BACKGROUND**

8. The PCC engaged Dan Fraser to investigate the complaint received by the College from WPD Ambulance and to report back to the PCC. The investigator interviewed the Member, Laurie-Anne Rusnak who was one of the individuals hired by WPD Ambulance to investigate the workplace complaints against the Member, and a former colleague of the Member who was a complainant in the workplace investigation. The interviews were all conducted over the telephone. Dan Fraser also obtained a statement, a suggested witness list, and an Unusual Incident Report filed on March 22, 2022 from the Member, a copy of a redacted Investigation Report prepared by Laurie-Anne Rusnak and Chad Sletten and copies of six still images provided by Laurie-Anne Rusnak, and copies of some correspondence with the College. Dan Fraser indicated that he attempted to contact WPD Ambulance on multiple occasions to seek access to video evidence that Ms Rusnak reported having viewed, but he was unable to obtain the video evidence.
9. Mr. Fraser provided his report to the PCC dated November 14, 2022. A copy of the report is attached as **Exhibit A**.

10. On the completion of its investigation, the PCC reported to the Discipline Committee and recommended a hearing. A copy of that report is attached as **Exhibit B** and includes the formal complaint that the Discipline Committee must hear and determine.
11. 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 by email on November 9, 2023. A copy of the Notice of Hearing is attached as **Exhibit C**.
12. The PCC and the Council of the College both approved for an application to be made to the Court of King's Bench pursuant to section 28 of the *Act* to obtain a temporary suspension of the Member's licence to practice pending the outcome of the hearing by the Discipline Committee. On May 4, 2023, the Court approved a temporary suspension order with the consent of the Member's counsel. A copy of that order is attached as **Exhibit D**.
13. Due to the expiration of the temporary suspension order obtained on May 4, 2023 and the PCC's desire to extend the temporary suspension and due to a change to section 28 of the *Act* during the intervening time, the Executive Director approved a further temporary suspension of the Member on August 17, 2023 and served a copy on the Member via his legal counsel on the same day. A copy of that order is attached as **Exhibit E**.
14. The Member and the PCC acknowledge that the Discipline Committee is properly constituted and has jurisdiction to hear and determine the formal complaint.

## **FACTS**

15. On March 2, 2022, the Member worked a shift with a female colleague ("AB") at WPD Ambulance. During that shift the Member and AB were washing an ambulance which involved driving to a car wash, washing down the exterior of the ambulance, returning to the ambulance bay, wiping down the interior and exterior of the ambulance at the wash bay and doing work in the patient compartment of the ambulance.
16. AB reported that the Member made inappropriate comments to her and that he also took several actions that were inappropriate, including the actions and comments listed in the formal complaint. AB reported that she did not consent to any of the actions or comments.
17. Within days of March 2, 2022, AB filed a report with WPD Ambulance alleging that she had been subjected to sexual harassment by the Member.

18. WPD Ambulance hired Laurie-Anne Rusnak and Chad Sletten to investigate the allegations by AB and others. Before that investigation was complete the Member resigned from WPD Ambulance.
19. The General Manager from WPD Ambulance submitted a written complaint to the College as a result of the investigation into the allegations, which is how the College's PCC received a complaint.
20. The Member provided a written Statement about the sexual harassment allegations against him. A copy of his Statement is attached as **Exhibit F**.
21. In his Statement, the Member acknowledges the following actions with AB during the March 2, 2022, shift:
  - a. "While at the car wash, I put a lanyard around [AB]'s neck. She was still able to breathe."
  - b. "I also was swinging the lanyard around my finger, and it hit her on the butt which I apologized multiple times for at the car wash and at base."
  - c. "At the base while checking units, I held her wrists above her head against the unit."
  - d. "At one point I did place my hands on her neck, she was still able to breathe. While I did that, she made a comment saying, "you're into chocking are you?" while laughing. I replied with "sometimes, but you didn't say stop". And she continued to laugh."
  - e. "I asked her what size her breasts were."
  - f. "She asked me multiple times if her butt looked bigger on the side she carried her radio. One time she asked me to feel if her right butt is bigger than the left and tell her if I think it's bigger, which I did."
  - g. "While walking through base we ended up hugging while I was behind her. We fell into a chair with her on my lap, and my hand touched her breasts. I let go of her expecting her to get up, but she stayed sitting on my lap."

22. The Member advised in his Statement that he understood AB to be consenting to the actions he was taking because she never told him to stop or indicated to him that he should stop. He felt that she continued to flirt back with him. In addition, he states:

I want to also restate that I fully take responsibility of my actions and I understand the consequences of them. I understand these are not workplace behaviours and have learnt from this event. I was joking and being flirty as we do any other day. Again, I had no intent of harming her or making her feel unsafe. I truthfully believe that we were joking around and having a fun time. There is a chance that I have missed information and facts, but I am happy to answer any questions you might have to provide a clear picture.

23. In his interview with the PCC's investigator, the Member admits to some similar behaviour during the March 2, 2022, shift, but continues to state that he understood the actions to have been consented to by AB. According to the PCC's investigation report, the Member stated, ""My actions were not appropriate and not workplace behaviour. I understand what I did was wrong. I'm taking leadership courses at ACP school, and I've learned a lot." When asked what he had learned the Member stated, "To clearly not engage with employees. I just stick to myself. You have to be careful of who you let into your life."

24. The PCC's investigator also describes the evidence provided by AB:

The effect that this incident has had on [AB] cannot be understated. She states that she no longer likes being around people, especially men. "Even a friend like Ryan would hand something to me and I would flinch." As a result of this incident, she has high anxiety. She has been under the care of both her family doctor and a therapist. She is now on medication for anxiety. She took some time off in March after the incident because of a stress-induced fever.

[AB] continues to suffer as a result of [the Member's] behaviour. She stated that she "almost threw up" before this interview.

[AB] decided to cooperate with this investigation because she would like to see [the Member] face some consequences and discipline. She stated, "I don't want what happened to me to happen to other people." She has opted not to go to the police with this complaint as she feels it would revictimize her and cause her further stress through their investigative and court process.

25. The Member has cooperated with the investigation and work of the College.

## **DISPOSITION**

26. The Member pleads guilty to the formal complaint as set out in the report by the PCC to the Discipline Committee.

27. The parties have negotiated a Joint Submission Regarding Penalty for this matter that will be provided separately. In addition, there are two aspects of the penalty that remain in dispute and must be determined by the Discipline Committee.

10. The Agreed Statement of Facts was signed by counsel for the PCC on November 9, 2023, and by counsel for the Member on November 22, 2023.

11. The Joint Penalty Submission is attached as **Schedule A** to this decision.

12. 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.

13. However, counsel advised that while the Joint Penalty Submission contains a number of agreed upon terms, there were two additional issues that the parties could not agree on and the parties therefore requested that this Discipline Committee hear and determine those issues.
14. Pursuant to section 31 of the Act, the Discipline Committee has the authority to make a number of different orders and has discretion to make any order it considers just. It may also order the Member to pay the costs of the investigation and hearing, including the expenses of the PCC and the Discipline Committee and costs of legal services and witnesses.
15. The PCC submitted that an additional condition on the Member should be imposed, such that he would not be permitted to work alone with female colleagues for a period of one year. The PCC also submitted that the Member pay costs in an amount equal to half of the actual costs to the College.
16. To determine an appropriate order, the PCC referred the Discipline Committee to *Camgoz v College of Physicians and Surgeons (Sask)*, 114 Sask R 161, wherein at paragraph 49, the Court stated the following:

[49] In my respectful view, in determining an appropriate sentence to be imposed on a member of the medical profession found guilty of unbecoming, improper, unprofessional and discreditable conduct, the factors which the respondent ought to take into account include:

1. The nature and gravity of the proven allegations;
2. The age of the offending physician;
3. The age of the offended patient;
4. Evidence of the frequency of the commission of the particular acts of misconduct within particularly, and without generally, the Province;
5. The presence or absence of mitigating circumstances, if any.
6. Specific deterrence;
7. General deterrence;
8. Previous record, if any, for the same, or similar, misconduct; the length of time that has elapsed between the date of any previous misconduct and conviction thereon; and, the member's (properly considered) conduct since that time;
9. Ensuring that the penalty imposed will, as mandated by s. 69.1 of the Act, protect the public and ensure the safe and proper practice of medicine;
10. The need to maintain the public's confidence in the integrity of the respondent's ability to properly supervise the professional conduct of its members;
11. Ensuring that the penalty imposed is not disparate with penalties previously imposed in this jurisdiction, particularly, and in other jurisdictions in general, for the same, or similar acts of misconduct.

[50] The above factors are not to be considered as being an exhaustive list of the factors to be considered by the respondent in its future considerations of like matters. Nor are the factors identified by me listed in order of their importance. The noted factors identified by me are those which I consider to be generally applicable to the



consideration of a proper penalty to be imposed following conviction of a member for unbecoming, improper, unprofessional and discreditable conduct. The factors to be considered in a particular case will of course vary, as will their particular relevance, in each case under consideration.

17. In support of the order restricting the member from working with female colleagues for one year, the PCC submitted that this was appropriate because the several incidents described in the Formal Complaint occurred during one shift with a female colleague. The complaint is very serious. The incidents were harmful to the victim and she has been significantly affected. In addition, two other complaints had been received by other female colleagues of the Member (but those complaints were subsequently withdrawn by the complainants). The Member's colleagues deserve a safe workplace. There is a need to protect the public and the reputation of the College.
18. The parties both discussed and submitted to the Discipline Committee that several factors mitigate against the additional restriction. He has no previous record and he is only 25 years old. An additional restriction might limit the Member's ability to find employment and/or to be assigned shifts regularly. This administrative burden might be alleviated if an exception could be made for female colleagues who consent, but a balance between protecting female colleagues and the Member's ability to work must be struck.
19. The Member referred to the letters of support he submitted, which contain glowing recommendations. The Member submitted that he is a dedicated and motivated professional, that he is extremely remorseful, and that he is committed to demonstrating his trustworthiness in the future. The Member indicated that he cooperated with the process and should not be subjected to this further restriction, which might seriously affect his ability to work when his license is reinstated. The Member submitted that the two other complaints were withdrawn, not proven, and should not be considered by the Discipline Committee.
20. With respect to the request for an order as to costs, the PCC referred the Discipline Committee to *Abrametz v The Law Society of Saskatchewan*, 2018 SKCA 37, wherein at paragraphs 41 to 46 the Court of Appeal outlined the following considerations for a costs order against a member who is the subject of a professional discipline investigation and hearing. In that case, the Court noted that the approach is different in a professional discipline setting. The focus is not to indemnify the opposing party but rather to ensure that the other members of the profession do not bear the full costs of their misconduct. It should not be so prohibitive that it prevents a member from defending or disputing the misconduct charges. The Court of Appeal quoted from *Hills v Nova Scotia (Provincial Dental Board)*, 2009 NSCA 13, 307 DLR (4<sup>th</sup>) 341, for a concise statement of factors to consider:
  - a. The balance between the effect of a cost award on the Appellant and the need for the Provincial Dental Board to be able to effectively administer the disciplinary process;
  - b. The respective degrees of success of the parties;
  - c. Costs awards ought not to be punitive;
  - d. The other sanctions imposed and the expenses associated therewith;

- e. The relative time and expense of the investigation and hearing associated with each of the charges and *in particular those on which guilt were entered and those where the Appellant was found not guilty.*

[emphasis in original]

21. The parties both acknowledged that a costs award should not be punitive and should not affect the Member's ability to defend himself and recover financially. The total quantum should be considered as well as the Member's ability to pay.
22. The PCC submitted that the Member should be ordered to pay half of the costs of the College and estimated that amount at more than \$40,000.00. They referred to the Affidavit of Jen Williams, sworn November 14, 2023, which outlined a number of expenses incurred by the College thus far. While the Member did cooperate and eventually agreed to the Agreed Statement of Facts and Joint Submission on Penalty, the Member initially alleged that the incidents were consensual. An investigation was necessary. Further, the PCC submitted that the allegations are very serious and it was necessary to apply for a temporary suspension of his license. The PCC said that the Member's financial situation is unknown and he has provided no evidence of his ability to pay. The PCC did not have an issue allowing the Member to have ample time to pay the costs award.
23. The Member submitted that he is a student right now and has no source of income at present. He cooperated with the process and agreed to the Agreed Statement of Facts and this eliminated the need for an evidentiary hearing. The Member stated this process has had a significant impact on his life. The Member requested the Discipline Committee to impose a costs award of \$8,000.00 and that he be granted 18 months from the date of the decision to pay.
24. The hearing was concluded and the Discipline Committee met *in camera* to deliberate.

## **B. ISSUES FOR DETERMINATION**

25. The Discipline Committee identified the following issues for determination:
  1. Whether, in light of the facts and circumstances of this case, the Discipline Committee finds the Member guilty of professional incompetence and professional misconduct?
  2. 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 these circumstances?
  3. Whether the Member can work alone with female colleagues for a period of one year?
  4. What amount of costs should be paid to the College by the Member?

## **C. ADMISSION OF CHARGES**

26. As noted above, the Member admitted the charges as contained in the Formal Complaint. In

doing this, he admitted that his conduct constituted professional misconduct contrary to section 25 of the Act. The Discipline Committee accepts this and finds the Member guilty of professional misconduct.

#### **D. JOINT SUBMISSION ON PENALTY**

27. As the Discipline Committee has accepted the Member's admission of the charge against him and found him guilty of professional incompetence and professional misconduct, the next issue is that of the appropriate penalty.
28. The Joint Penalty Submission contained orders regarding coursework completion and an essay requirement, to be completed in order to have his license reinstated. As well, and for two years, the Member's conduct in the workplace will be monitored and reported to the College at 6 months, 1 year, 18 months, and 2 years.
29. As described above, the Discipline Committee was also asked to determine whether an additional restriction against working alone with female colleagues for one year is an appropriate order, as well as the amount of costs to be ordered against the Member.
30. 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 such that the administration of justice would be undermined. See also *Pankiw v. Board of Chiropractors' Association of Saskatchewan*, 2009 SKQB 268, and *Nanson v Saskatchewan College of Psychologists*, 2013 SKQB 191.
31. The Discipline Committee was mindful of its obligation to carefully and seriously consider the Joint Penalty Submission and to only question and/or reject it if it would be contrary to the public interest or undermine the administration of justice.
32. However, the Discipline Committee had serious concerns that the Joint Penalty Submission was unduly lenient.
33. The allegations in the Formal Complaint and the description of the incidents in the Agreed Statement of Facts are egregious. The Member repeatedly touched his colleague in a sexual way while working alone with her. The Member has admitted that he: intentionally hit his colleague with a key card on the buttocks, that he touched her buttocks, that he pressed his abdomen into his colleague's head and chest while she was seated, that he placed his hands around her neck in a choking motion, that he put his hands on his colleague's shoulders while her back was against the side of the ambulance, that he held her hands above her head by her wrists, and that he put his cheek against hers while holding her breast. All of this occurred in a single shift while he was working alone with his colleague.
34. The Discipline Committee was also concerned as to how the incidents have affected the victim. The victim suffered serious harm and her psychological wellbeing continues to be affected.

35. The Discipline Committee had serious doubts about the Member's level of remorse and understanding of the seriousness of his actions and conduct. While counsel for the Member submitted the Member is extremely remorseful and that he takes full responsibility, the Discipline Committee noted that the investigator's report recorded the Member's response to a question as to what he has learned. The Member stated that he learned to "clearly not engage with employees. I just stick to myself. You have to be careful of who you let into your life. Just say hello and goodbye. I learned about that people may want something from you and to just keep things professional." He stated that the investigation process felt like it was "me against the world" and that he was "always warned that [his workplace] was a toxic environment, and now here I am." He stated that he is "scared to engage with other females as I'm worried this is going to occur again in the future. I know what I did was not appropriate and professional but I was never given an opportunity to improve and become a better person and medic." The Discipline Committee had serious doubts that the Member understands the gravity of his misconduct.
36. The members of the Discipline Committee also turned their minds to the precedent-setting nature of an order such as this. Egregious conduct deserves a serious sanction. The Joint Penalty Submission does not specifically address the suspension that was granted in May 2023 as warranted and as part of the penalty. Rather, it merely provides the conditions the Member needs to fulfill in order to have his license reinstated, after having consented to the initial suspension. The Discipline Committee was worried that other members would look upon the order as too lenient and that the perception would be that the College does not take these matters seriously. Sanctions ordered by the Discipline Committee serve as a reminder and deterrence to all members that engaging in similar activities will not be tolerated. A lengthy suspension (and possibly longer than the length of the suspension the Member will have endured by the time he has completed his coursework) was thought appropriate by the Discipline Committee. At the very least, the suspension needs to be asserted as the most significant part of the penalty, even if it was a "time-served" suspension.
37. The Discipline Committee considered the supervisory aspect of the Joint Penalty Submission and had concerns about this as well. The requirement that a supervisor would report every six months to the College about his workplace conduct was considered insufficient. The incidents took place while the victim and the Member were alone. That is, simply having a supervisor observe the Member in the workplace generally is not likely to detect problems or adequately address them. The infrequency of the reporting periods was also of concern.
38. The Discipline Committee's overall concerns of undue leniency were not alleviated by the idea that they could impose the additional restriction requested by the PCC. That is, a restriction against working alone with female colleagues for one year did not alleviate the concerns. Further, the Discipline Committee concluded that this restriction would impose significant administrative and scheduling difficulties on the employer, such that the Member may not be able to find employment at all, which is not the goal of the order. Placing an exception for a female colleague's consent to working alone with him would further complicate things and there was a concern that making such an exception would place unwarranted pressure on the Member's female colleagues to consent. It is the Member's conduct that is the problem and his obligation to correct. The burden of the consequences should be borne predominantly by the Member, not his female colleagues. One of the goals of this order is to encourage improvement. If the Member is not working with female colleagues at all, it is difficult to tell

if any improvement has been made – one could easily conclude that he simply did not have the opportunity to display further misconduct of the same nature.

39. Similarly, imposing a costs award against the Member, even for the amount requested by the PCC, did not alleviate the minds of the Discipline Committee members.
40. In short, the Discipline Committee had serious reservations about accepting the Joint Penalty Submission as it was submitted. Members of the public and the profession would look upon this order and question whether the College takes these situations seriously. Other members might not report misconduct when it occurs because they have no confidence that justice will be served.
41. The Discipline Committee was advised that rejecting a Joint Penalty Submission is a decision not to be made lightly. The procedure to be followed in such circumstances was provided by the Supreme Court of Canada in *R v Anthony-Cook*, 2016 SCC 43, and can be summarized as follows:
  - a. Approach the joint submission on an “as-is” basis.
  - b. Apply the public interest test when considering “jumping” or “under-cutting” a joint submission;
  - c. Consider the circumstances leading to the joint submission;
  - d. If the joint submission is not satisfactory, fairness dictates that counsel have an opportunity to address the concerns before a decision is made;
  - e. If the concerns are not alleviated, the accused may be permitted to withdraw his or her guilty plea;
  - f. If the decision-maker determines that a departure from the joint submission is necessary, they should provide clear and cogent reasons.
42. The Discipline Committee was of the view that the concerns were significant enough to possibly reject the Joint Penalty Submission and so, on November 30, 2023, the Chair of the Discipline Committee wrote to counsel for the PCC and for the Member and requested additional submissions to address the concern that the submission is unduly lenient. In particular, the Chair asked counsel to provide more information as to the circumstances leading to the joint submission, if any can be disclosed to the Discipline Committee, and make further submissions as to why the submission did not include a formal reprimand, a suspension, or a fine. The Chair also asked counsel to make submissions as to the appropriateness of the reporting requirements and why they should not be more frequent and/or require the supervisor to not only report their observations but also to make inquiries to those female colleagues who work with the member alone.
43. Counsel for both parties responded promptly with further submissions on December 6, 2023.
44. The PCC urged the Discipline Committee to accept the Joint Penalty Submission. In its view, it is not clear that the Member would have consented to plead guilty or to agree to the legitimacy of the temporary suspension order that was already imposed since May 4, 2023, if the Joint Penalty Submission is rejected. The PCC submitted that implicit in the proposed order is that the suspension was appropriate and is a penalty in and of itself. The PCC reiterated its view that this is one of the most serious and grave complaints the College has examined. The

incidents were multiple and occurred in one shift. Specific and general deterrence were of significant importance to the PCC. Protection of the public was also considered – in particular with respect to the request for an order that the Member not be permitted to work alone with a female colleague for one year. The public’s confidence in the PCC’s role in supervising the conduct of its members must be maintained. Finally, the victim was significantly harmed.

45. However, the PCC also emphasized that the Member is relatively young and at the beginning of his career. The outcome should focus on his rehabilitation and an opportunity to improve. There is no evidence that the misconduct was repeated on multiple shifts. The Member cooperated and consented to the temporary suspension of his license. He did not appeal the extension of that suspension by the Executive Director of the College. The guilty plea shortened the proceedings, which saved everyone involved time and legal fees. The PCC submitted that the Member has expressed regret and remorse for his actions and that he lacks any previous record for similar or any misconduct.
46. Perhaps most importantly, the PCC emphasized that the guilty plea relieved the victim from providing testimony and being subjected to cross-examination. She had already endured two investigations into the Formal Complaint.
47. The PCC submitted that the Joint Penalty Submission may not be perfect, but it does address the Member’s misconduct. A lengthy suspension has already been served. The coursework and essay requirements must be completed before the College can reinstate his license. The supervisory and reporting terms ensure that his behaviour is monitored in order to protect the public and his colleagues.
48. The PCC also submitted that it had agreed with counsel for the Member that the supervisory terms could be modified to include more frequent reports every three months instead of six, and that the supervisor should inquire with the Member’s colleagues as to his behaviour in the workplace. Counsel for the Member indicated his agreement with these adjustments.
49. The Member also urged this Discipline Committee to accept the Joint Penalty Submission and agreed with the PCC’s submissions. In addition, the Member advised that there was a “significant degree of *quid pro quo*” between the parties in arriving at the Joint Penalty Submission. The Member advised that if the Joint Penalty Submission is not accepted, he would seek to retract his guilty plea on the basis that there are frailties in the evidence. The Member suggested that there is evidence of consensual behaviour that led to the Member’s subjective belief that the impugned incidents were purely consensual.
50. The Member submitted that he has admitted wrongdoing, accepted the complainant’s feelings as valid, and spared her the hardship of testifying in a full hearing. Counsel for the Member indicated that the Members accepted the inherent wrongness of his actions, issued a full-throated apology to the complainant, and spared her any further hardship. For this, the Member should receive the benefit of certainty as to how these proceedings would unfold.
51. The Member submitted that the threshold to reject a Joint Penalty Submission is very high and that there are many benefits to accepting them. The Member is not the only one who benefits from acceptance. The victim, the witnesses, and the system as a whole also benefit. Upsetting these benefits must not be done lightly and only when, as the Supreme Court of Canada in *R v*

*Anthony, supra*, put it at paragraph 34 of its decision, “so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.”

52. The Discipline Committee reconvened to consider these additional submissions and ultimately accepted the Joint Penalty Submission for the reasons as set out below.
53. While there were still some lingering concerns, the Discipline Committee was satisfied that the Joint Penalty Submission was within the range of a reasonable order, given the additional submissions of counsel. In particular, the Discipline Committee appreciated that the victim had already gone through two investigations and that a Joint Penalty Submission would alleviate the burden of testifying and subjection to cross-examination. A guilty plea is therefore advantageous to the victim. It is also advantageous to the College and to the Discipline Committee in terms of costs and efforts to have a full hearing in the event the Member was successful in applying to retract his guilty plea.
54. The Discipline Committee confirms that, in their view, a lengthy suspension of the Member’s license is warranted and emphasizes that the Joint Penalty Submission must be taken as implicitly confirming that the suspension is part of the penalty.
55. The Discipline Committee appreciated that counsel expressed agreement to adjust the reporting requirement to every 3 months and that the supervisor should make inquiries of his colleagues about the Member’s conduct in the workplace. This satisfied the concerns about the reporting requirement.
56. The Discipline Committee reconsidered the additional order requested by the PCC that would restrict the Member from working alone with female colleagues for one year. The Discipline Committee was still not inclined to add this restriction for the same reasons outlined above. As well, the point of this part of the order is to rehabilitate and monitor so that the Member improves his behaviour, particularly around his female colleagues. The additional reporting timelines and requirement on the supervisor to inquire with his colleagues will serve that purpose. Additionally, if there is any behaviour of concern, his colleagues will not have to take independent action to speak up and/or report the Member; they will be specifically asked about his conduct. The Discipline Committee therefore declined to add the additional restriction requested by the PCC.
57. In terms of a costs award, the Discipline Committee thought that the Member should pay \$16,000.00 to the College in contribution to the costs incurred, which is not quite half of the estimated costs incurred by the College. Mindful of the non-punitive nature of a costs award and that it is not meant to fully indemnify the College, the Discipline Committee also considered how much time and money has been spent, and not all by people who were being compensated to do so. While the Member was cooperative to a certain extent, the Discipline Committee considered that it was the Member’s conduct that gave rise to the Formal Complaint, the suspension order, and the hearing. He should contribute significantly to the costs of dealing with it.

58. In terms of time to pay the costs amount, the Discipline Committee thought that ample time should be granted and set the deadline at 24 months from the date of the Order.
59. The Discipline Committee would like to thank counsel for each party for their helpful submissions.

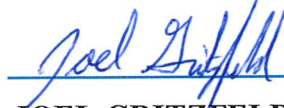
#### **E. ORDER**

60. The Joint Penalty Submission, which was adjusted by agreement of the parties (as noted above), was accepted by the Discipline Committee and the following is ordered:
- a. As a result of the guilty plea and his acknowledgment that the behaviours of the Member during his shift with AB on March 2, 2022, were not appropriate workplace conduct, the Member agrees to have his license remain suspended pending the following:
    - i. He shall successfully complete, at his own cost, the following courses, to be completed within 6 months of the signing of this agreement:
      1. Sexual Harassment Prevention Class 2 hours (for Supervisors) found at <https://courseforsexualharassment.com/canada/SK>; and
      2. MacEwan University Professional Responsibilities for Paramedicine (HLST 0270) course found at: <https://www.macewan.ca/wcm/SchoolsFaculties/SchoolofContinuingEducation/Courses/HLST0270>
    - ii. Within two months of completing the courses described in paragraph 26.a., submit to the chair of the PCC a reflective essay of no less than 2,000 words and with no fewer than three references describing professionalism as a paramedic, the role of the Code of Conduct, the Member's understanding of what constitutes sexual harassment, the impact the Member's actions had on the Complainant and the impact the Member's actions had on the respect of the public for the profession.
    - iii. Restriction will be placed on the Member's license:
      1. The Member's supervisor will speak to the Member's colleagues about the Member's professionalism in the workplace and submit progress reports to the Director of Professional Practice, Jen Williams, reporting on the Member's conduct with female staff and overall professionalism in the workplace every 3 months from the date this agreement is signed.
      2. The restrictions listed in this part shall extend in time if the Member is not employed as a paramedic for any part of the time frames listed above, such that these restrictions shall apply for the full length of the time frame set out while the Member is actively employed as a paramedic.



6l. The Discipline Committee orders that the Member pay \$16,000.00 in costs to the College and that he do so within 24 months of the date of this order.

Dated at the City of Moose Jaw in the Province of Saskatchewan this 14<sup>th</sup> day of February, 2024.

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

## **Schedule A**

Joint Submission Regarding Penalty

CANADA )  
PROVINCE OF SASKATCHEWAN )  
TO WIT )

IN THE MATTER OF *THE PARAMEDICS ACT* AND BYLAWS  
- and -  
IN THE MATTER OF A FORMAL COMPLAINT DATED JANUARY 18, 2023 AGAINST SIMON  
KARDOS, A MEMBER OF THE SASKATCHEWAN COLLEGE OF PARAMEDICS

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**JOINT SUBMISSION REGARDING PENALTY**

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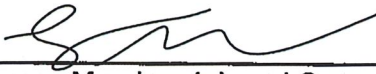
**INTRODUCTION**

1. This Joint Submission Regarding Penalty is jointly submitted by the Professional Conduct Committee of the Saskatchewan College of Paramedics (the “College”) and Simon Kardos, a member of the College (the “Member”), along with an Agreed Statement of Facts and Documents. It relates to a complaint received by the College concerning the Member.
2. The complaint relates to incidents that occurred on or around March 2, 2022, during a shift worked by the Member for WPD Ambulance Care (“WPD Ambulance”) in North Battleford. The incidents were reported to the employer, who hired two external individuals to investigate the matter. Before that investigation was completed, the Member resigned from WPD Ambulance.
3. However, the manager of WPD Ambulance reported the matter to the College. The College hired Dan Fraser, a retired police officer to investigate the issues. As a result of Dan Fraser's findings, the Professional Conduct Committee provided its report recommending that the matter proceed to a hearing before the Discipline Committee to hear and determine the formal complaint.
4. Along with the Agreed Statement of Facts and Documents as submitted and the guilty plea by the Member, the parties substantially agree to the appropriate penalty in this matter.

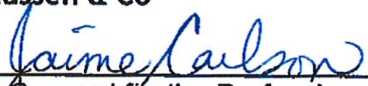
## PENALTY AND COSTS

5. As a result of the guilty plea and his acknowledgment that the behaviours of the Member during his shift with AB on March 2, 2022, were not appropriate workplace conduct, the Member agrees to have his license remain suspended pending the following:
- a. He shall successfully complete, at his own cost, the following courses, to be completed within 6 months of the signing of this agreement:
    - i. Sexual Harassment Prevention Class 2 hours (for Supervisors) found at <https://courseforsexualharassment.com/canada/SK>; and
    - ii. MacEwan University Professional Responsibilities for Paramedicine (HLST 0270) course found at: [https://www.macewan.ca/wcm/SchoolsFaculties/SchoolofContinuing Education/Courses/HLST0270](https://www.macewan.ca/wcm/SchoolsFaculties/SchoolofContinuingEducation/Courses/HLST0270)
  - b. Within two months of completing the courses described in paragraph 26.a., submit to the chair of the PCC a reflective essay of no less than 2,000 words and with no fewer than three references describing professionalism as a paramedic, the role of the Code of Conduct, the Member's understanding of what constitutes sexual harassment, the impact the Member's actions had on the Complainant and the impact the Member's actions had on the respect of the public for the profession.
  - c. Restrictions will be placed on the Member's license:
    - i. The Member's supervisor will submit progress reports to the Director of Professional Practice, Jen Williams, reporting on the Member's conduct with female staff and overall professionalism in the workplace at 6 months, 1 year, 18 months and 2 years from the date this agreement is signed.
    - ii. The restrictions listed in this part shall extend in time if the Member is not employed as a paramedic for any part of the time frames listed above, such that these restrictions shall apply for the full length of the time frame set out while the Member is actively employed as a paramedic.

DATED at Saskatoon, Saskatchewan, this 22nd day of November, 2023.

  
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Logan Marchand, Legal Counsel for  
the Member

DATED at Regina, Saskatchewan, this 9<sup>th</sup> day of November, 2023.

**Rasmussen & Co**  
Per:   
\_\_\_\_\_  
Legal Counsel for the Professional  
Conduct Committee  
Saskatchewan College of  
Paramedics