

**IN THE MATTER OF THE PARAMEDICS ACT AND BYLAWS**

**-AND-**

**IN THE MATTER OF A COMPLAINT DATED MARCH 21, 2024,  
AGAINST DUSTIN VAN DAMME, PCP, A MEMBER OF THE  
SASKATCHEWAN COLLEGE OF PARAMEDICS**

**DECISION**

**Saskatchewan College of Paramedics**

**DISCIPLINE COMMITTEE**

Discipline Committee Members:

Joel Gritfeld, MPA, BA, Public Representative, Chair

Tyler Erker, Advanced Care Paramedic (ACP)

Nathan Ramsay, Advanced Care Paramedic (ACP)

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

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

Appearing for the Member: None

**A. INTRODUCTION**

1. The Saskatchewan College of Paramedics (the "College") received a complaint regarding the conduct of Dustin Van Damme (the "Member"). The Professional Conduct Committee ("PCC") investigated the complaint and submitted its findings and recommendations to the Discipline Committee. A formal hearing was conducted on January 21, 2025, via Zoom.
2. The hearing was attended by the Discipline Committee, legal counsel for the PCC, and representatives from the College. The Member did not attend or respond to the allegations.

**B. BACKGROUND**

3. The Member was licensed as a Primary Care Paramedic (PCP) in Saskatchewan. On or about March 21, 2024, Mr. Walter Hutchison of Hutch Ambulance Moosomin Inc.

contacted the College to report that the Member was holding himself out as an Intermediate Care Paramedic (**ICP**) when, in fact, he was only licensed as a PCP in Saskatchewan. On May 15, 2024, the College received another report that the Member was working as an ICP. The College was also provided with a copy of a certificate of licensure with an ICP endorsement, which did not appear to have been issued by the College. The College forwarded the complaint to the PCC.

4. The PCC hired an investigator, who submitted his findings in an investigation report, dated September 20, 2024. After review of the report, the PCC recommended that the Discipline Committee hear and determine the formal complaint against the Member, which reads as follows:

#### **Formal Complaint**

Dustin Van Damme is alleged to be guilty of professional incompetence or professional misconduct contrary to sections 24 and 25 of *The Paramedics Act*, in that:

1. between approximately March 1, 2023 and March 21, 2024, he held himself out to be an Intermediate Care Paramedic (“ICP”) in Saskatchewan, when he was only licensed as a Primary Care Paramedic (“PCP”) in Saskatchewan, and/or
2. he provided a Certificate of Licensure to his employer at Hutch Ambulance Moosomin Inc. that falsely indicated that he was licensed as an ICP in Saskatchewan.

#### **C. HEARING**

5. The Member did not appear at the hearing on January 21, 2025, and therefore the Discipline Committee considered whether the hearing would proceed in his absence.
6. Counsel for the PCC presented an Affidavit of Service, sworn by Cameron Sutherland on November 29, 2024, which provided that Dustin Van Damme had been personally served with the Notice of Hearing on November 20, 2024. The Affidavit of Service was marked and entered as **Exhibit 1**.
7. Subsection 30(11) of *The Paramedics Act*, SS 2007, c P-0.1 (the “**Act**”) states as follows:

(11) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.

8. Subsection 30(1) of the Act states as follows:

30(1) Where a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the executive director shall, at least 14 days before the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
- (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

9. Having been satisfied that the Member was personally served with the Notice of Hearing on November 20, 2024, and well in advance of the hearing date, the Discipline Committee decided to proceed with the hearing in the Member's absence.

#### **D. WITNESS TESTIMONIES**

10. Testimony at the hearing was provided by two key witnesses.

11. Jennifer Williams, Acting Registrar and Director of Professional Practice and Research for the College, appeared at the hearing to give evidence.

12. Ms. Williams identified the Notice of Hearing, dated November 18, 2024, which was attached to Exhibit 1, and the Professional Conduct Committee Report to the Discipline Committee, dated November 6, 2024, which was marked and entered as **Exhibit 2**. Ms. Williams confirmed that an investigator, Bill Rafoss, was hired to conduct an investigation and the Investigation Report of Bill Rafoss to the Professional Conduct Committee, dated September 20, 2024 (the "**Investigation Report**"), was marked and entered as **Exhibit 3**.

13. Ms. Williams testified that on May 15, 2024, she received by email a copy of a Certificate of Licensure, issued on October 19, 2021, for the Member and confirmed that the document in question is attached to the Investigation Report at page 13. She testified that this certificate was not produced by the College and that this was the document referred to in the second charge of the Formal Complaint. For ease of reference, the Discipline Committee will refer to this document as the "**Impugned Certificate**".

14. Ms. Williams identified a copy of a Certificate of Licensure for the Member, issued on October 19, 2021 (the "**Authentic Certificate**"), which document was marked and entered as **Exhibit 4**. Ms. Williams confirmed that this Certificate of Licensure was

issued by the College and obtained from the Member's file. The Authentic Certificate has no further endorsement, ICP or otherwise.

15. An Application for Licensure for the Member was identified by Ms. Williams and marked and entered as **Exhibit 5**. She explained that this is the form required for anyone who is coming to Saskatchewan from another province where they are licensed as a paramedic.
16. Ms. Williams identified a number of emails between the Member and the College, which were marked and entered as **Exhibit 6**. Ms. Williams explained that these communications occurred when the Member first applied to become a member of the College. She noted that the Member asked if he could be licensed as an ICP in Saskatchewan because he was an ICP in Manitoba. She noted that he was told he could not, as the College was no longer issuing new licenses at the ICP level. She noted that the Member asked for that decision to be revisited.
17. Ms. Williams testified that the difference in practice level between a PCP and an ICP was reduced significantly in 2011, and so the College stopped issuing new licenses for the ICP level. Only those members who previously obtained an ICP designation in Saskatchewan are able to renew their licenses at that level.
18. Ms. Williams also testified that the difference between a PCP and ICP designation is minimal. An ICP can perform emergency tracheostomy tube replacements and can carry benzodiazepine medications on their person. When asked about the endorsement of "Intermediate Care LM -MB9374" that appears on the Impugned Certificate, Ms. Williams confirmed that the College does not endorse licenses with such a notation.
19. Ms. Williams confirmed that members of the College can access and download their license certificates through their member account at the College. Only the members can access their own accounts and copies of licenses are not available to the public.
20. Ms. Williams described that on March 21, 2024, she received a call from Walter Hutchinson, of Hutch Ambulance in Moosomin, Saskatchewan, who had a concern about the Member who was an employee at that time. Mr. Hutchinson explained that he had been recently notified that the Member was only licensed as a PCP in Saskatchewan but had told him that he was licensed as an ICP. Ms. Williams confirmed to Mr. Hutchinson that the Member was only licensed as a PCP in Saskatchewan.

21. A second report was received by Ms. Williams on May 15, 2024. Ms. Williams testified that she was informed that the Member was working as an ICP and would wear ICP epaulets and clothing. She was told that the Member was carrying benzodiazepines and had presented a license that they felt was not issued by the College. Ms. Williams received a copy of the Impugned License from that complainant.
22. Ms. Williams confirmed that the Member was initially registered in Saskatchewan as an Emergency Medical Technician (EMT) in 2009, which is the “older” language for PCP. His license lapsed on December 31, 2010, and then he re-registered in 2021 as a PCP, which also lapsed on December 31, 2024. The Member has not submitted an application for renewal. As well, the College suspended the Member’s license as a result of the Formal Complaint and the Member has not appealed the imposition of the suspension, which remains in place.
23. Ms. Williams then explained that paramedics are required to sign their name, record their paramedic number, and enter a two-digit code which indicates their license level on patient care reports (“PCRs”). A PCP has a code of 15. An ICP is 25.
24. The next witness was James McGinty, an Emergency Medical Responder (**EMR**) and employee at Hutch Ambulance. Mr. McGinty testified that he started working with the Member in January 2023. They worked together as partners regularly and Mr. McGinty observed that the Member wore a uniform with ICP epaulets, which were provided by their employer. Mr. McGinty recalled that sometime last year, the Member wore a civilian jacket over his uniform for a couple of days and refused to take it off even though it was hot outside.
25. Mr. McGinty explained that when their license expires and requires renewal, each of the employees log in to their own member account with the College and download a copy of their renewed license. The license is handed in to their employer. To his knowledge, no one else can access his member account with the College.
26. Mr. McGinty recalled that when he heard about the allegation that the Member was only a PCP, he checked on the website of the College and confirmed that the Member was licensed only as a PCP. Mr. McGinty looked in the folder where there are copies of all of the paramedic licenses and took a picture of the Impugned Certificate and sent it to the College. Mr. McGinty confirmed that the document attached to the Investigation Report at page 13 is the Impugned Certificate that he found and sent to the College. He stated that he did not alter the Impugned Certificate.

27. Mr. McGinty identified that an ICP can administer benzodiazepines and also sign for them at the pharmacy when they pick them up. Mr. McGinty did not ever see the Member administer such medications but he definitely recalled that they picked them up from the pharmacy and that the Member signed for them. When asked about the code the Member would enter on PCRs, Mr. McGinty recalled that the Member consistently omitted the code to identify his level of licensure, which was brought to his attention a few times, but he continued to omit the first two digits and was "pretty obstinate" about it. Mr. McGinty recalled that one time he filled out the Member's number on a PCR, including the code for an ICP designation, and when he asked the Member to sign it the Member corrected him and indicated that he was only a PCP now. Mr. McGinty recalls that the Member explained to him that there was a fee of \$100 to get the ICP notation. Mr. McGinty already knew what was going on at the time, so he just "played dumb". The Member quit sometime last fall which coincided with this issue coming to light. The Member said that he was looking for another job and had something lined up. Mr. McGinty indicated that he did not see the Member again after he quit.
28. Mr. McGinty clarified that he has no memory of ever seeing the Member administer benzodiazepines, but he cannot necessarily confirm either way if the Member did actually administer such medications or not. When asked if there is a difference in pay between PCPs and ICPs at Hutch Ambulance, Mr. McGinty was not able to say with certainty but said he knew that ICPs get a bit more.
29. After the hearing concluded, counsel for the PCC delivered written submissions to the Discipline Committee. In those submissions, the PCC noted that it must show on a balance of probabilities that the Member is guilty of misconduct and/or incompetence, which means that the Discipline Committee must find that it is more likely than not that the charges set out in the formal complaint are proven.
30. The PCC submitted that the Member breached the trust of his colleagues, his patients, other professionals he worked with, and the public generally.
31. With reference to the Member's response to the Formal Complaint, as contained in the Investigation Report, the PCC emphasized that the Member acknowledged himself that he was "well aware that [he] operated provincially on a PCP delegation and never operated outside of a PCP scope at any time."
32. The PCC also pointed out that the Member's explanation to the investigator that his employer misled him about being able to issue ICP status strains the bounds of reason. Further, the PCC urged the Discipline Committee to consider that there was

potential for the Member's conduct to harm patients, given that he was not licensed to administer benzodiazepine medications. In the event that he was in a situation that required him to administer such medications, he would not be permitted to do so.

33. The PCC clarified that the second charge is related to the Member providing the Impugned Certificate to his employer (and not necessarily that the Member altered the document). The PCC acknowledged that the Member stated to the investigator that he had not ever seen the Impugned Certificate and indicated that "There is no digital link between me and that document". However, the PCC noted that there is no evidence that anyone else provided the Impugned Certificate to the employer and there is no evidence that anyone else altered the Authentic Certificate or have any reason to do so.

#### **E. DECISION ON MISCONDUCT AND/OR INCOMPETENCE**

34. The Discipline Committee met *in camera* to deliberate the charges of misconduct and incompetence, pursuant to sections 24 and 25 of the Act, which read as follows:

##### **Professional incompetence**

24 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

##### **Professional misconduct**

25 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the bylaws; or
- (d) it is a failure to comply with an order of the professional conduct committee, the discipline committee or the council.

35. The Discipline Committee considered the evidence given at the hearing and the exhibits entered into the record.

36. The Discipline Committee was convinced that the Member knew he was not licensed as a PCP in Saskatchewan and that he was wrongfully and dishonestly holding himself out as an ICP. The evidence of his uniform epaulets and paramedic coding on PCRs was uncontested. As well, the evidence that the Impugned Certificate was found in the employer's paperwork and would have been submitted to the employer by the Member was also uncontested. The Discipline Committee was convinced that the Member knowingly misrepresented his license status to his colleagues, his employer, and his patients.
37. The Discipline Committee determined that these actions constituted professional misconduct under section 25 of the Act in that they are harmful to the best interests of the public and tends to harm the standing of the profession.
38. The Discipline Committee considered whether the actions of the Member constituted professional incompetence under section 24 of the Act. While it is apparent that the Member displayed a lack of judgment in that he intentionally misrepresented his license status, the Discipline Committee was not convinced on a balance of probabilities that he was unfit to practice in terms of his competence as a paramedic. The issue in this case is more appropriately characterized as misconduct.

#### **F. REQUEST FOR WRITTEN SUBMISSION ON PENALTY**

39. The decision was communicated to counsel for the PCC and the Member on February 4, 2025, and the Discipline Committee invited evidence and submissions regarding penalty. The Member did not respond to this request or at all.
40. The PCC subsequently submitted the Affidavit of Jennifer Williams, sworn February 27, 2025 (the "**Williams Affidavit**"), and written submissions on penalty.
41. The Williams Affidavit confirmed that the Member does not have any prior disciplinary record with the College, save and except for the suspension order that was issued by the College against the Member in relation to the Formal Complaint. Ms. Williams also confirmed that the Member did not contact the College after the suspension order was delivered to him, nor did he respond to the PCC Report to the Discipline Committee, or the Notice of Hearing. Finally, Ms. Williams confirmed that costs so far have been incurred by the College, as follows:
  - a) \$1,580.00 for the investigator;
  - b) \$1,523.81 for the transcripts of the hearing;

- c) \$21,407.60 for legal counsel to the PCC.

42. In its written submissions on penalty, the PCC acknowledged that the Member has no prior record of discipline in Saskatchewan but submitted that the Member's misconduct is serious. The Member acknowledged that he knew he was not licensed as an ICP in Saskatchewan, yet he continued to represent himself as an ICP. His claim that his employer said it could license him as an ICP strains the bounds of reason and cannot be accepted as a reasonable explanation for the Member's actions.

43. The PCC submitted that the Member is not inexperienced or a new paramedic. The misconduct was repeated and occurred over a lengthy period of more than one year.

44. The PCC acknowledged that there is no evidence that the Member acted outside of his scope of practice as a PCP in terms of administering restricted medications to a patient or performing a restricted procedure on a patient. However, the PCC noted that there was evidence that he signed for and carried the restricted medications. It was only luck that no circumstances arose where there was a conflict between what the Member could do as a PCP and what his employer believed he could do as an ICP.

45. The PCC acknowledged that the Member initially responded to the College and the investigator, but did not cooperate further. He did not plead guilty or otherwise work with the College to eliminate the need for a hearing. He did not attend the hearing and made no attempt to contact counsel or the College as to whether he would attend or not. He gave no explanation for his misconduct and made no apology and expressed no remorse.

46. The PCC also submitted to the Discipline Committee that it should find the Member ungovernable.

47. In support of that submission, the PCC highlighted certain portions of the Member's initial response to the College, as exhibited at the hearing, including the following:

... I had previously resigned from Hutch as I'm leaving EMS regardless and I start a new job outside of health care August 5th. That's been in the works for 8 months and everyone knew I was leaving for the past year, excluding Walter. ...

... I've already left EMS and left health care entirely which was a decision in the making for the past 4 years, and have no reservations about what the college does with my license. ...

... I have left EMS and have no interest in maintaining licensure anyway, so I really have no stake in this decision and may not even revisit the conclusion ...

... You can't harm me, Hutch certainly can. ...

48. The PCC characterized the Member's responses as having an element of disdain for the College and demonstrating his unwillingness to be governed by the College or comply with the College's rules.

49. The PCC also highlighted that the College has incurred significant expenses due to the Member's non-responsiveness and non-participation in these discipline proceedings. The costs of these proceedings could have been avoided, especially given the Member's expressed indifference as to what the College does with his license.

50. The PCC therefore submitted that the Discipline Committee find the Member ungovernable, expel him from the College, and require that any reinstatement of his license be subject to the condition that he complete ethics coursework and pay to the College the total amount of costs of the investigation and hearing. In the alternative, the PCC submitted that the Member be indefinitely suspended with the same conditions for reinstatement.

## **G. DECISION ON PENALTY**

51. Section 31 of the Act provides that the Discipline Committee has the authority to make one or more of the following orders:

### **Disciplinary powers**

31(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the college and that the member's name be struck from the register;
- (b) an order that the member's licence be suspended for a specified period;

(c) an order that the member's licence be suspended pending the satisfaction and completion of any conditions specified in the order;

(d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain medical or other treatment or counselling or both;

(e) an order reprimanding the member;

(f) any other order that the discipline committee considers just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

(a) that the member pay to the college, within a fixed period:

(i) a fine in a specified amount not exceeding \$5,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and

(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.

(3) The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) Where a member is expelled from the college or a member's licence is suspended, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

(5) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

52. The Discipline Committee carefully reviewed the evidence and submissions of the PCC.

53. In *Camgoz v College of Physicians and Surgeons*, 1993 CanLII 8952 (SKKB), the Court provided a list of factors to consider when determining an appropriate penalty:

[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.

54. The Discipline Committee also reviewed prior cases submitted by the PCC where misrepresentation of credentials led to disciplinary action and considered these precedents to ensure consistency and proportionality in its penalty decision.
55. The Discipline Committee agreed with the PCC that the Member's deliberate misrepresentation of his licensure status seriously undermined the trust that employers, colleagues, and the public place in paramedics. Trust is a foundational pillar of the profession and this violation significantly damaged the integrity of the profession. The Member's misconduct was deliberate and continued for more than a year.
56. The Discipline Committee also agreed that the Member was not new or inexperienced as a paramedic.
57. While there was no evidence that the Member performed a restricted procedure on a patient or that he administered restricted medications to a patient, there was evidence that he signed for and carried restricted medications. The Discipline Committee shared the concern expressed by the PCC that the Member could have been called upon to perform a restricted procedure or administer restricted medication in an emergent situation and, if that had happened, the consequences could have been very serious for the patient, the Member, and the College. The Committee determined that this deception was not only an ethical violation but a direct threat to public trust and safety. The Member was merely lucky such a situation did not occur.
58. The Discipline Committee was also concerned about the lack of remorse displayed by the Member and the disrespect he showed towards his employer. The Discipline Committee agreed that his initial response also demonstrated disdain for the College. He appeared to have no concern for the expense and time incurred by the College in pursuing the Formal Complaint and discipline procedures. His lack of cooperation and failure to attend the hearing or make any submissions on his own behalf further demonstrates his lack of respect for the College and the profession in general. This lack of accountability was a significant factor for the Discipline Committee.
59. The Discipline Committee considered the motivation of the Member and noted that there was very little evidence pertaining to why the Member misrepresented himself and submitted a false document to his employer. The only evidence is that the Member may have received a slightly higher rate of pay as an ICP rather than a PCP. The Discipline Committee considered that the financial benefit he may have received seemed disproportionate to the misconduct committed. In that respect, the Discipline Committee felt the Member's actions displayed serious disregard for his professional

duties and obligations towards his patients, his colleagues, the College, and the public generally.

60. The Discipline Committee also considered the PCC's submissions on ungovernability.

61. In *Law Society of Upper Canada v David Harris*, 2011 ONLHP 190, the discipline committee summarized the law regarding ungovernability as follows:

... The following authorities assist in understanding the nature and significance of governability and the lack thereof.

[53] In *Salomaa*, the hearing panel underscored the importance of governability to governance of the profession in the public interest and stated at para. 27 that:

The Law Society exists to govern the profession in the public interest. If lawyers will not abide by the authority of the Law Society, and demonstrate that they abide by that authority, the Law Society cannot fulfill its mandate. That is the essence of what governability means.

[54] In *Vance*, the hearing panel noted the significance of governability stating:

The Lawyer's failure to co-operate with the Law Society and the prior orders of hearing panels ...demonstrates his unwillingness to live by the governance structure of the Law Society, which is fundamental to the privilege of each and every lawyer to practise law and to the self-governance of the legal profession.

[55] In *Shivarattan*, the hearing panel highlighted the importance of cooperation in Law Society investigations:

Every licensee is obliged to co-operate with the Society in an investigation of him or her and must comply with any specific order, or orders, made against him or her.

A licensee's co-operation is a fundamental component of the arsenal that the Society calls upon to protect the public interest. Mr. Shivarattan's failure to cooperate depleted that arsenal.

[56] According to the hearing panels in *Salomaa* and *Vance*, where ungovernability is found, revocation will be the usual result, although permission to resign may be permitted in unusual cases.

62. In *Law Society of Upper Canada v Fenik*, 2005 ONLSHP 0025 (CanLII), the committee outlined the following relevant factors:

[84] Factors which inform the determination whether a member is ungovernable include the following:

- (a) the nature, duration and repetitive character of the misconduct;
- (b) any prior discipline history;
- (c) any character evidence;
- (d) the existence or lack of remorse. Remorse includes a recognition and understanding of the seriousness of the misconduct;
- (e) the degree of willingness to be governed by the Society;
- (f) medical or other evidence that explains (though does not excuse) the misconduct;
- (g) the likelihood of future misconduct, having regard to any treatment being undertaken, or other remedial efforts;
- (h) the member's ongoing co-operation with the Society in addressing the outstanding matters that are the subject of the misconduct.

63. In *Law Society of Saskatchewan v Adsit*, 2016 SKLSS 7 (CanLII), the committee considered the failure of the member to cooperate with the regulator. The committee found at para 12:

Furthermore, for the member to aggravate the situation once confronted with the infraction by Law Society staff is especially troubling and is deserving of its own additional sanction. A profession that is invested with the authority to govern itself must demonstrate that its members conduct themselves to the highest standards. Misleading the regulator is a hallmark of ungovernability and the member must accept that another occasion of similar conduct is likely to have much more dire consequences.

64. While the Discipline Committee appreciated the concerns expressed by the PCC, it was not convinced that a finding of ungovernability was warranted in this matter.

65. On the one hand, the misrepresentation was of a serious nature that could have led to significant harm to a patient. The disrespect he displayed for the College and his employer were readily apparent. His complete lack of cooperation with the College following the investigation demonstrated his indignance and dismissive attitude.

66. However, the Member has no prior record of discipline and there is no evidence that he threatened another violation or expressed an intent to not abide by the Discipline

Committee's decision. While the misrepresentation of his license status was repeated over the course of more than a year, there is no evidence that he committed other forms of misconduct or dishonesty. The Discipline Committee was therefore not convinced that a finding of ungovernability was appropriate in this matter and was not prepared to elevate the penalty to an expulsion based on that finding.

67. The Discipline Committee determined that a suspension is appropriate, but the members of the committee were not convinced that the suspension be indefinite in nature. The Discipline Committee determined that a three-month suspension is warranted in these circumstances. Given the length of time that has passed since his license was suspended without appeal and the fact that the Member does not appear to be residing in Saskatchewan, this does not matter much in terms of practicalities but it is an appropriate penalty.
68. The Discipline Committee agreed with the PCC that any reinstatement of the license of the Member be conditional on the completion of the PROBE Ethics & Boundaries Course (or an equivalent course as determined by the Registrar) at his own cost, and the payment of a significant costs amount, given the lack of cooperation displayed by the Member which resulted in increased costs incurred by the College.
69. The Discipline Committee turned its mind to the other options open to it in terms of penalty. In particular, the Discipline Committee thought that a fine in the maximum amount of \$5,000.00 should be paid by the Member, given that his misconduct appears to have financially benefited him in some way.
70. In considering a costs order, the Discipline Committee considered that a costs award is not to be punitive in nature. It is, rather, to partially indemnify the College for the costs of the proceedings. In this case, the Discipline Committee thought a significant costs award was warranted because the Member did not cooperate after the investigation occurred. Much of these proceedings could have been avoided altogether had the Member been responsive and participated in the process. Nonetheless, the Discipline Committee was also cognizant of not imposing a costs award that might be impossible for the Member to pay in full, let alone in a short period of time.

#### **H. ORDER**

71. The Discipline Committee therefore orders the following:
  - a) The Member is suspended for a period of three (3) months, which is deemed already served;

- b) The Member is ordered to pay a fine of \$5,000.00, which must be paid prior to any reinstatement of his license.
- c) The Member shall complete the PROBE Ethics & Boundaries Course (or an equivalent course approved by the College), at his own expense, which must be completed prior to any reinstatement of his license.
- d) If the Member is reinstated following the payment of the fine and the completion of the coursework, the Member shall be subject to the condition that he pay costs to the College equal to 50% of the total investigation and hearing costs, to a maximum of \$25,000.00 and that such costs be paid within 36 months of the Member's reinstatement. The total costs of these proceedings shall be certified by the Executive Director of the College within one month of this decision being finalized.

DATED at the City of Moose Jaw in the Province of Saskatchewan this 27<sup>th</sup> day of June, 2025.



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