

**IN THE MATTER OF** a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario held pursuant to the provisions of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 (“*Code*”) respecting one **DR. RANDALL EARL DAVEY**, of the City of Wellesley, in the Province of Ontario;

**AND IN THE MATTER OF** the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”).

**AND IN THE MATTER OF** the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended; 1993, Chapter 27; 1994, Chapter 27.

TO: **DR. RANDALL EARL DAVEY**  
(last known practice address)  
**653 2<sup>nd</sup> Ave East**  
**Owen Sound ON**

## **NOTICE OF HEARING**

### **TAKE NOTICE THAT IT IS ALLEGED THAT:**

1. You committed an act or acts of professional misconduct as provided by section 37(3)(b) of the *Health Disciplines Act, 1974*, S.O. 1974, c. 47, and section 37(3)(b) of the *Health Disciplines Act*, R.S.O. 1980, c. 196, and paragraph 34 of section 36 of Ontario Regulation 576-75, in that, during the years 1974, 1975,

1976, 1977, 1978, 1979, and/or 1980, you engaged in sexual impropriety with a patient, namely Patient A.

Particulars:

- Patient A was your patient from 1974 until 1980.
  - On more than one occasion during that period, you engaged in touching of a sexual nature with your patient, Patient A.
  - Further, during this time, you exhibited behaviour or made remarks of a sexual nature towards your patient, Patient A.
2. You committed an act or acts of professional misconduct as provided by s. 37(3)(b) of the *Health Disciplines Act*, 1974, S.O. 1974, c. 47, and s. 37(3)(b) of the *Health Disciplines Act*, R.S.O. 1980, c. 196, and paragraph 35 of section 36 of Ontario Regulation 576-75 in that, during the years 1974, 1975, 1976, 1977, 1978, 1979, and/or 1980, you abused a patient verbally or physically, namely Patient A.

Particulars:

- Patient A was your patient from 1974 until 1980.
  - On more than one occasion during that period, you engaged in touching of a sexual nature with your patient, Patient A.
  - Further, during this time, you exhibited behaviour or made remarks of a sexual nature towards your patient, Patient A.
3. You committed an act or acts of professional misconduct as provided by s. 37(3)(b) of the *Health Disciplines Act*, S.O. 1974, c. 47, and s. 37(3)(b) of the *Health Disciplines Act*, R.S.O. 1980, c. 196, and paragraph 38 of section 36 of Ontario Regulation 576-75, in that, during the years 1974, 1975, 1976, 1977, 1978, 1979, and/or 1980, you engaged in conduct or performed an act or acts relevant to the practice of dentistry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional relative to one of your patients, namely Patient A.

Particulars:

- Patient A was your patient from 1974 until 1980.
- On more than one occasion during that period, you engaged in touching of a sexual nature with your patient, Patient A.
- Further, during this time, you exhibited behaviour or made remarks of a sexual nature towards your patient, Patient A.

Such further and other particulars will be provided from time to time, as they become known.

**AND TAKE NOTICE THAT** the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1, or by electronic hearing as required. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;

- (4) requiring you to appear before the panel to be reprimanded;
  - (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;
- or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

- 1. the College's legal costs and expenses;
- 2. the College's costs and expenses incurred in investigating the matter; and
- 3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the solicitor for the College, Ms. Linda Rothstein, in this matter at:

**Ms. Linda Rothstein**  
**Paliare Roland Rosenberg Rothstein LLP**  
**155 Wellington Street West, 35<sup>th</sup> Floor**  
**Toronto ON M5V 3H1**  
**Telephone: (416) 646-4300**  
**Email: [linda.rothstein@paliareroland.com](mailto:linda.rothstein@paliareroland.com)**

You, or your legal representative, should familiarize yourself with your disclosure obligations under law, including section 42.1 of the *Code*.

DATED at Toronto, this 18<sup>th</sup> day of May, 2021.



Royal College of Dental Surgeons of Ontario

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## **N O T I C E   O F   H E A R I N G**

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### **ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

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