

**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. JOSEPH STEPHEN BAKTY**, of the City of Timmins, 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.

**TO: Dr. Joseph Stephen Bakty**  
**1465 Riverside Drive, Suite C**  
**Timmins ON P4R 1M8**

### **NOTICE OF HEARING**

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

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2020, 2021, 2022 and/or 2023, you failed to abide by a written undertaking given by you to the College or to carry out an arrangement entered into with the College, contrary to paragraph 54 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Professional Misconduct Regulation*”).

#### Particulars:

- You failed to pay your annual membership fees for the years 2021, 2022 and 2023 on or before the date on which those fees are due, namely on or before December 15<sup>th</sup> the year prior, in breach of an undertaking you provided to the College on or about December 27, 2017:

- For the year 2021, you paid your fees on February 27, 2021, when you should have paid by December 15, 2020.
  - For the year 2022, you had not paid your fees as of January 20, 2022, when you should have paid by December 15, 2021.
  - For the year 2023, you paid your fees on January 23, 2023, when you should have paid by December 15, 2022.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2020, 2021, 2022 and/or 2023, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical, contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You repeatedly breached an undertaking to the College that you provided to assure the Registration Committee that you will display appropriate professionalism.
- You failed to pay your annual membership fees for the years 2021, 2022 and 2023 on or before the date on which those fees are due, namely on or before December 15<sup>th</sup> the year prior, in breach of an undertaking you provided to the College on or about December 27, 2017:
  - For the year 2021, you paid your fees on February 27, 2021, when you should have paid by December 15, 2020.
  - For the year 2022, you had not paid your fees as of January 20, 2022, when you should have paid by December 15, 2021.
  - For the year 2023, you paid your fees on January 23, 2023, when you should have paid by December 15, 2022.
- You failed to proactively contact the College's staff in advance of the December 15<sup>th</sup> deadline, for the years 2021, 2022 and 2023, to communicate about any difficulties with paying your annual membership fees in full by the deadline.

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 prosecutor for the College, [REDACTED], in this matter at:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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 27<sup>th</sup> day of February 2024.



Royal College of Dental Surgeons of Ontario

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**ROYAL COLLEGE OF DENTAL SURGEONS  
OF ONTARIO**

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