

**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. HELMUT RAGNITZ**, of the City of Ottawa, 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.

**Members in Attendance:**

Dr. Richard Bohay, Chair  
Dr. Nancy DiSanto  
Dr. David Mock  
Mr. Gregory Larsen  
Mr. Manohar Kanagamany – Public Member

**Appearances:**

Marie Henein on behalf of the  
Royal College of Dental Surgeons of Ontario  
  
Dr. Helmut Ragnitz, on his own behalf  
  
Brian Gover, Independent Legal Counsel  
on behalf of the Discipline Committee of the  
Royal College of Dental Surgeons of Ontario

**Hearing held on October 25 and 26, 2016**

## **DECISION AND REASONS**

### **Introduction**

On October 25 and 26, 2016, a panel of the Discipline Committee (the “Discipline Panel”) of the Royal College of Dental Surgeons of Ontario (the “College”) convened to hear allegations of professional misconduct made against Dr. Helmut Ragnitz (the “Member”). The allegations against Dr. Ragnitz were set out in Notice of Hearing H150014 (**Exhibit 1B**)

containing seven (7) allegations, and Notice of Hearing H160005 (**Exhibit 2**) containing four (4) allegations. Complete versions of **Exhibit 1B**<sup>1</sup> and **Exhibit 2** are attached as **Appendix “A”** and **Appendix “B”**, respectively.

At the outset of the hearing, the Panel made an order pursuant to subsection 45(3) of the *Health Professions Procedural Code*<sup>2</sup> (the “Code”), banning publication of any patients’ names and identifying information.

### **Exhibit 1A and B – Notice of Hearing H150014**

The hearing proceeded in relation to four (4) allegations of professional misconduct and associated particulars contained in Notice of Hearing H150014 (filed as **Exhibit 1A** and **B**). The Member admitted three (3) of those allegations (namely, Allegations 1, 4, and 6), but denied the remaining allegation (Allegation 5). Ultimately, the Panel found the Member guilty of professional misconduct in relation to each of these four (4) allegations. They are set out below:<sup>3</sup>

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code, in that, from September 29, 2014 onwards, you contravened a term, condition or limitation imposed on your certificate of registration relative to the following patients, contrary to paragraph 2 of Section 2 of the Dentistry Act Regulation.

#### **Particulars:**

- You contravened a term, condition or limitation on your certificate of registration.
- You breached the Undertaking/Agreement which you signed on September 29, 2014.
- You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment, to patients from September 29, 2014 onwards which was a breach of a term, condition or limitation on your certificate of registration.

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<sup>1</sup> This Notice of Hearing was filed in two parts because it was found that a page was missing in what was **Exhibit 1** (and became **Exhibit 1A**) after the hearing had commenced. However, there was no issue that the Member had been given notice of all of the allegations and associated particulars contained in it. **Exhibit 1B** is a complete version of Notice of Hearing H150014.

<sup>2</sup> Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c 18.

<sup>3</sup> Three other allegations that set out in this Notice of Hearing were withdrawn at the request of College Counsel. They appeared as allegations 2, 3 and 7 and alleged that the Member failed to keep records as required by the Regulations, failed to comply with Section 7 respecting the use of a practice name and engaged in improper advertising, respectively.

- You provided implant treatment to patients from September 29, 2014 onwards which was a breach of a term, condition or limitation on your certificate of registration.

Implant-Related Prosthodontic Procedures

<u>Patients</u>	<u>Date(s)</u>
A, N	December 12, 2014 and January 23 and 26, 2015
A, M	October 2 and 28 and 29, 2014
B, A	November 19, 2014 and December 4 and 27, 2014
H, M	February 24, 2015
H, N	September 30, 2014
M, A	February 3, 2015
M, D	November 12, 2014
M, J	December 17, 2014 and January 7 and 27, 2015
R, J	October 15 and 16, 2014 and November 12, 2014 and December 9, 2014
S, S	November 14, 2014
S, J	December 4 and 12, 2014
U, S	December 11, 2014 and January 12 and 27, 2015
Z, L	October 29, 2014 and December 19, 2014

Non-Implant Related Prosthodontic Procedures

<u>Patients</u>	<u>Date(s)</u>
A, W	November 10, 2014
A, S	December 2, 2014
A R, S	January 15, 2015
A, K	February 3, 2015

A, Z	December 20, 2014
A, I	October 6 and 24, 2014 and November 7 and 25, 2014
A, F	January 14, 2015
A, Z	October 22, 2014 and November 25, 2014 and January 6, 2015
A, R	February 3, 2015
B, T	January 23, 2015
B, A	November 19 and 24, 2014 and December 4 and 19, 2014 and January 9, 2015
B, J	January 9, 2015
B, C	October 17, 2014
C, A	October 4 and 17, 2014 and November 1 and 22, 2014 and December 2 and 6, 2014
C, A	December 12, 2014
C-C, H	October 14 and 16 and 21 and 23, 2014 and November 10 and 20 and 27, 2014 and December 1 and 5, 2014
G, V	October 24, 2014 and November 18 and 25, 2014
C, D	October 6, 2014
D, C	December 20, 2014
D, O	December 18, 2014
D, J	December 9, 2014
D, J	December 3 and 22, 2014
D, P	October 1, 2014
F, J	November 14, 2014 and December 5, 2014
G, F	October 27, 2014 and November 10 and 14 and 26, 2014

H, A	January 26, 2015
H, V	September 30, 2014
H, J	January 24, 2015
H, S	November 13, 2014
H, E	November 1 and 22, 2014 and January 24, 2015
H, S	November 7 and 18 and 21, 2014
H, R	October 28, 2014
J, A	October 17, 2014
K, N	January 31, 2015
L, M	February 3, 2015
L, W	February 20, 2015
L, B	February 21, 2015
M, M	October 16, 2014
M, D	November 12, 2014
M, S	October 23, 2014
M, M	January 7, 2015
M, A	February 3, 2015
M, M	October 4 and 7 and 8 and 14 and 22 and 29 and 31, 2014
N, M	November 28, 2014
P, J	September 30, 2014
P, M	December 1 and 3 and 15, 2014
P, G	December 9, 2014 and January 20 and 27 and 29, 2015
R, W	December 31, 2014
R, H	October 16, 2014

R, D	January 26, 2015 and February 4 and 17 and 24, 2015
S, A	December 18, 2014
S, B	February 4 and 19, 2015
S, L	November 24, 2014 and December 18 and 22 and/or 23, 2014
S, L	October 7, 2014
S, A	December 16, 2014 and January 21, 2015
S, J	September 30, 2014 and November 13, 2014
S, L	January 19, 2015
T, A	November 15 and 17 and 24, 2014
T A, A	September 30, 2014
T, A	November 10, 2014, December 11 and 15 and 19, 2014
T, M	February 21, 2015
T, S	January 31, 2015
Z, L	October 7 and 29, 2014

4. 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) 2014 and 2015, you failed to abide by a written Undertaking/Agreement 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 the Dentistry Act Regulation.

Particulars:

- You contravened a term, condition or limitation on your certificate of registration.
- You breached the Undertaking/Agreement which you signed on September 29, 2014.

- You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment, to patients from September 29, 2014 onwards which was a breach of your term, condition or limitation as set out in your certificate of registration.
- You provided implant treatment to patients from September 29, 2014 onwards which was a breach of your term, condition or limitation as set out in your certificate of registration.

Implant-Related Prosthodontic Procedures

<u>Patients</u>	<u>Date(s)</u>
A, N	December 12, 2014 and January 23 and 26, 2015
A, M	October 2 and 28 and 29, 2014
B, A	November 19, 2014 and December 4 and 27, 2014
H, M	February 24, 2015
H, N	September 30, 2014
M, A	February 3, 2015
M, D	November 12, 2014
M, J	December 17, 2014 and January 7 and 27, 2015
R, J	October 15 and 16, 2014 and November 12, 2014 and December 9, 2014
S, S	November 14, 2014
S, J	December 4 and 12, 2014
U, S	December 11, 2014 and January 12 and 27, 2015
Z, L	October 29, 2014 and December 19, 2014

Non-Implant Related Prosthodontic Procedures

<u>Patients</u>	<u>Date(s)</u>
A, W	November 10, 2014
A, S	December 2, 2014
A R, S	January 15, 2015
A, K	February 3, 2015
A, Z	December 20, 2014
A, I	October 6 and 24, 2014 and November 7 and 25, 2014
A, F	January 14, 2015
A, Z	October 22, 2014 and November 25, 2014 and January 6, 2015
A, R	February 3, 2015
B, T	January 23, 2015
B, A	November 19 and 24, 2014 and December 4 and 19, 2014 and January 9, 2015
B, J	January 9, 2015
B, C	October 17, 2014
C, A	October 4 and 17, 2014 and November 1 and 22, 2014 and December 2 and 6, 2014
C, A	December 12, 2014
C-C, H	October 14 and 16 and 21 and 23, 2014 and November 10 and 20 and 27, 2014 and December 1 and 5, 2014
G, V	October 24, 2014 and November 18 and 25, 2014
C, D	October 6, 2014
D, C	December 20, 2014
D, O	December 18, 2014



D, J	December 9, 2014
D, J	December 3 and 22, 2014
D, P	October 1, 2014
F, J	November 14, 2014 and December 5, 2014
G, F	October 27, 2014 and November 10 and 14 and 26, 2014
H, A	January 26, 2015
H, V	September 30, 2014
H, J	January 24, 2015
H, S	November 13, 2014
H, E	November 1 and 22, 2014 and January 24, 2015
H, S	November 7 and 18 and 21, 2014
H, R	October 28, 2014
J, A	October 17, 2014
K, N	January 31, 2015
L, M	February 3, 2015
L, W	February 20, 2015
L, B	February 21, 2015
M, M	October 16, 2014
M, D	November 12, 2014
M, S	October 23, 2014
M, M	January 7, 2015
M, A	February 3, 2015
M, M	October 4 and 7 and 8 and 14 and 22 and 29 and 31, 2014

N, M	November 28, 2014
P, J	September 30, 2014
P, M	December 1 and 3 and 15, 2014
P, G	December 9, 2014 and January 20 and 27 and 29, 2015
R, W	December 31, 2014
R, H	October 16, 2014
R, D	January 26, 2015 and February 4 and 17 and 24, 2015
S, A	December 18, 2014
S, B	February 4 and 19, 2015
S, L	November 24, 2014 and December 18 and 22 and/or 23, 2014
S, L	October 7, 2014
S, A	December 16, 2014 and January 21, 2015
S, J	September 30, 2014 and November 13, 2014
S, L	January 19, 2015
T, A	November 15 and 17 and 24, 2014
T A, A	September 30, 2014
T, A	November 10, 2014, December 11 and 15 and 19, 2014
T, M	February 21, 2015
T, S	January 31, 2015
Z, L	October 7 and 29, 2014

5. 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) 2014 and 2015, you failed to take reasonable steps to ensure that any information

provided by you or on your behalf to the College was accurate, contrary to paragraph 57 of Section 2 of the Dentistry Act Regulation.

Particulars:<sup>4</sup>

- You provided inaccurate information to the College during the course of the investigation about the prosthodontic procedures, including implant-related procedures that you performed subsequent to signing the Undertaking/Agreement, specifically that you started new prosthodontic cases after the terms conditions and limitations took effect on your certificate of registration.
6. 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) 2014 and 2015, 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 relative to the following patients, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Particulars:

- You entered into an Undertaking/Agreement with the College on September 29, 2014 and on September 30, 2014, within one day; you breached this agreement by providing prosthodontic treatment subsequent to signing the Undertaking/Agreement.
- You held yourself out as being permitted to provide prosthodontic and implant treatment despite signing an Undertaking/Agreement which restricted your provision of these services.

Implant-Related Prosthodontic Procedures

<u>Patients</u>	<u>Date(s)</u>
A, N	December 12, 2014 and January 23 and 26, 2015
A, M	October 2 and 28 and 29, 2014
B, A	November 19, 2014 and December 4 and 27, 2014

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<sup>4</sup> A further particular in relation to this allegation was withdrawn by College Counsel. It had alleged as follows: "You failed to provide accurate information to the College as required related to your practice address."

H, M	February 24, 2015
H, N	September 30, 2014
M, A	February 3, 2015
M, D	November 12, 2014
M, J	December 17, 2014 and January 7 and 27, 2015
R, J	October 15 and 16, 2014 and November 12, 2014 and December 9, 2014
S, S	November 14, 2014
S, J	December 4 and 12, 2014
U, S	December 11, 2014 and January 12 and 27, 2015
Z, L	October 29, 2014 and December 19, 2014

Non-Implant Related Prosthodontic Procedures

<u>Patients</u>	<u>Date(s)</u>
A, W	November 10, 2014
A, S	December 2, 2014
A R, S	January 15, 2015
A, K	February 3, 2015
A, Z	December 20, 2014
A, I	October 6 and 24, 2014 and November 7 and 25, 2014
A, F	January 14, 2015
A, Z	October 22, 2014 and November 25, 2014 and January 6, 2015
A, R	February 3, 2015
B, T	January 23, 2015

B, A	November 19 and 24, 2014 and December 4 and 19, 2014 and January 9, 2015
B, J	January 9, 2015
B, C	October 17, 2014
C, A	October 4 and 17, 2014 and November 1 and 22, 2014 and December 2 and 6, 2014
C, A	December 12, 2014
C-C, H	October 14 and 16 and 21 and 23, 2014 and November 10 and 20 and 27, 2014 and December 1 and 5, 2014
G, V	October 24, 2014 and November 18 and 25, 2014
C, D	October 6, 2014
D, C	December 20, 2014
D, O	December 18, 2014
D, J	December 9, 2014
D, J	December 3 and 22, 2014
D, P	October 1, 2014
F, J	November 14, 2014 and December 5, 2014
G, F	October 27, 2014 and November 10 and 14 and 26, 2014
H, A	January 26, 2015
H, V	September 30, 2014
H, J	January 24, 2015
H, S	November 13, 2014
H, E	November 1 and 22, 2014 and January 24, 2015
H, S	November 7 and 18 and 21, 2014
H, R	October 28, 2014

J, A	October 17, 2014
K, N	January 31, 2015
L, M	February 3, 2015
L, W	February 20, 2015
L, B	February 21, 2015
M, M	October 16, 2014
M, D	November 12, 2014
M, S	October 23, 2014
M, M	January 7, 2015
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M, M	October 4 and 7 and 8 and 14 and 22 and 29 and 31, 2014
N, M	November 28, 2014
P, J	September 30, 2014
P, M	December 1 and 3 and 15, 2014
P, G	December 9, 2014 and January 20 and 27 and 29, 2015
R, W	December 31, 2014
R, H	October 16, 2014
R, D	January 26, 2015 and February 4 and 17 and 24, 2015
S, A	December 18, 2014
S, B	February 4 and 19, 2015
S, L	November 24, 2014 and December 18 and 22 and/or 23, 2014
S, L	October 7, 2014
S, A	December 16, 2014 and January 21, 2015

S, J	September 30, 2014 and November 13, 2014
S, L	January 19, 2015
T, A	November 15 and 17 and 24, 2014
T A, A	September 30, 2014
T, A	November 10, 2014, December 11 and 15 and 19, 2014
T, M	February 21, 2015
T, S	January 31, 2015
Z, L	October 7 and 29, 2014

**Reasons for Findings of Professional Misconduct – Exhibit 1B, Allegations 1, 4, 5 and 6**

The Panel was satisfied that although the Member was self-represented, his admissions of professional misconduct in relation to Allegations 1 (contravening a term, limitation or condition imposed on the Member’s certificate of registration), 4 (failing to abide by a written undertaking or agreement given to the College) and 6 (engaging in conduct or an act or acts that having regard to all the circumstances would be reasonably viewed by members as disgraceful, dishonourable, unprofessional or unethical) were voluntary, informed and unequivocal. In addition, because those admissions were made after the College began leading its evidence, the Panel had the unusual advantage of having heard testimony in relation to those allegations. Dr. Helene Goldberg, the College’s Senior Dental Consultant gave evidence concerning the Registrar’s investigation, in which she became involved in December, 2014. The Panel was satisfied that the Member’s admissions, together with t Dr. Goldberg’s evidence and the exhibits tendered during her testimony provided sufficient foundation for it to make findings of professional misconduct concerning Allegations 1, 4 and 6.

More specifically, the evidence of Dr. Goldberg showed that the Member initiated 16 prosthodontic cases after the Member had voluntarily signed an undertaking restricting his practice in implant placement and prosthodontic treatment. The Member presented no evidence to the contrary and ultimately did plead guilty to these allegations.

As noted above, the Member denied Allegation 5 (failing to take reasonable steps to ensure that any information provided by him or on his behalf to the College was accurate), but the Panel found him guilty of professional misconduct with respect to that allegation. In making

this finding, the Panel applied the standard of proof on a balance of probabilities, with the proviso that evidence must be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test.<sup>5</sup>

The Panel's reasons for finding that the Member guilty of professional misconduct in relation to the allegation that he failed to take reasonable steps to ensure that the accuracy of information he provided or that was provided on his behalf to the College are as follows. The Panel accepted the sworn testimony of the College's investigator, Dr. Goldberg. It was Dr. Goldberg's evidence that she spoke to the Member in January 2015 and again in February 2015, that on both of those occasions the Member told her that he was not performing any surgery and that he was treating about 12 cases that were started before the undertaking was signed. Dr. Goldberg testified that the records did not support the Member's statements. Exhibit 7 identified 16 cases that were initiated after the undertaking had been voluntarily signed by the Member. The College's evidence establishing that the Member failed to take reasonable steps to ensure the accuracy of information provided to the College was uncontradicted.

### **Exhibit 2 – Notice of Hearing H160005**

**Exhibit 2** contained four (4) further allegations of professional misconduct and associated particulars. The Member denied each of these allegations, but after deliberation, the Panel found that the Member had engaged in professional misconduct in relation to each of them. The allegations in **Exhibit 2** were as follows:

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the Regulated Health Professions Act, 1991, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2014, you contravened a term, condition or limitation imposed on your certificate of registration relative to one of your patients, namely T, N., contrary to paragraph 2 of Section 2 of the Dentistry Act Regulation.

#### Particulars:

- You contravened a term, condition or limitation on your certificate of registration.
- You breached the Undertaking/Agreement that you signed on September 29, 2014.
- You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment to T, N from September 29, 2014, onwards, which was a breach of a

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<sup>5</sup> *F.H. v. McDougall*, [2008] 3 SCR 41, 2008 SCC 53 at para. 46.



term, condition or limitation on your certificate of registration. You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment to T, N on or about:

- October 2, 2014
- November 4, 2014
- November 5, 2014
- November 7, 2014
- November 8, 2014
- November 12, 2014

2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2014, 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 the Dentistry Act Regulation.

Particulars:

- You contravened a term, condition or limitation on your certificate of registration.
- You breached the Undertaking/Agreement that you signed on September 29, 2014.
- You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment to T, N from September 29, 2014, onwards, which was a breach of a term, condition or limitation on your certificate of registration. You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment to T, N on or about:
  - October 2, 2014
  - November 4, 2014
  - November 5, 2014
  - November 7, 2014
  - November 8, 2014
  - November 12, 2014

3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2015, you failed to reply appropriately or within a reasonable time to a written enquiry made by the College, contrary to paragraph 58 of Section 2 of the Dentistry Act Regulation.

Particulars:

- The College's investigator sent you a letter on or about October 21, 2015, following a conversation with you on the same date, requesting financial records, documentation regarding your treatment plan, and any and all models for the patient. The College did not receive any of the requested records from you, and you did not otherwise respond to this letter.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2014, 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 relative to one of your patients, namely T, N, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Particulars:

- You contravened a term, condition or limitation on your certificate of registration.
- You breached the Undertaking/Agreement that you signed on September 29, 2014.
- You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment to T, N from September 29, 2014, onwards, which was a breach of a term, condition or limitation on your certificate of registration. You provided prosthodontic treatment and/or performed procedures related to the execution of prosthodontic treatment to T, N on or about:
  - October 2, 2014
  - November 4, 2014

- November 5, 2014
  - November 7, 2014
  - November 8, 2014
  - November 12, 2014
- You are ungovernable in that you contravened a term, condition or limitation on your certificate of registration and breached the Undertaking/Agreement you entered into with the College.

**Reasons for Findings of Professional Misconduct – Exhibit 2, Allegations 1 – 4**

As previously noted, the Panel found the Member guilty in relation to each of these allegations. The Panel’s reasons for doing so are as follows. The evidence clearly showed that prosthodontic treatment for T, N was initiated after the Member had signed the undertaking that restricted the Member from initiating any implant placement or providing prosthodontic treatment including prosthetic treatment (crowns, bridges). The Member argued that because the denture was attached with screws rather than cement this made the prosthesis a removable denture and therefore, was not included in the undertaking. The Panel did not accept this argument. The undertaking explicitly stated that the Member “will not initiate any implant placement or provide any prosthodontic treatment, including prosthetic treatment (crowns, bridges)”. It is clear to the Panel that the Member should have reasonably understood that a denture attached by screws to an implant supported structure would contravene the practice restriction related to implants and prosthodontic treatment. The Panel noted that the fee code used was related to fixed rather than removable prosthodontics.


With respect to Allegation 3, Exhibit 4 (a bound volume entitled, “Documents Relating to T,N”) and Exhibits 5A and 5C (the electronic notes of the College investigator, Mr. Siqueira, following his October 20, 2015 telephone call to the Member’s office manager and his October 21, 2015 telephone call to the Member) and Mr. Sequeira’s testimony of clearly outlined the efforts the College made to obtain records from the Member. While the Member stated that models were sent to the College, he did not provide any evidence or documents to support this.

The Panel found the evidence of the College investigators both reliable and credible. The exhibits supported their testimony.

In making these findings, the Panel once again applied the standard of proof on a balance of probabilities, with the proviso that evidence must be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test.<sup>6</sup>

The Panel understands that a Penalty Hearing has been scheduled for February 23, 2017 in connection with this matter.

**February 7, 2017**

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**Dr. Richard Bohay, Chair**  
**On behalf of the Panel:**

Dr. Nancy DiSanto

Dr. David Mock

Mr. Gregory Larsen

Mr. Manohar Kanagamany – Public Member

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<sup>6</sup> See note 5, above.