

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF DENTAL TECHNOLOGISTS OF ONTARIO**

PANEL:

Nawaz Pirani, Chairperson, Public Member
Franz Yagin, Professional Member
Tayla McGuckin, Public Member

BETWEEN:

COLLEGE OF DENTAL TECHNOLOGISTS	)	Jordan Stone for College
OF ONTARIO	)	of Dental Technologists of Ontario
	)	
- and -	)	
	)	
FRANK SMITH	)	John Annen
	)	Counsel for the Registrant
	)	
	)	
	)	Fredrick Schumann
	)	Independent Legal Counsel
	)	
	)	Heard: November 7, 2025

REASONS FOR DECISION

[1] This matter was heard by video conference before a panel of the Discipline Committee (the “**Panel**”) of the College of Dental Technologists of Ontario (the “**College**”) on November 7, 2025. The Panel announced its decision orally on the record at the hearing, finding that the Registrant, Frank Smith, engaged in professional misconduct and imposing a penalty and costs order. These are the Panel’s reasons for decision.

The allegations

[2] The allegations against the Registrant as set out in the Specified Allegations appended to the Notice of Hearing dated May 24, 2024, are as follows.

1. You committed an act or acts of professional misconduct as provided by subsection 51(1)(b.0.1) (failing to cooperate with the Quality Assurance Committee) of the Health Professions Procedural Code (the “Code”) of the Dental Technology Act, 1991, as amended, (the “Act”) when you:

a. did not complete the requisite 90 continuing quality improvement credits for the 2020-2023 cycle;

b. submitted a Summary Professional Development Profile (“SPDP”) that was incomplete for the 2020-2023 cycle; and/or

c. submitted a SPDP to the Quality Assurance Committee that contained false and/or misleading information.

2. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the Act and subsection 1(22) of Ontario Regulation 798/93, as amended, by falsifying a record relating to your practice, when you submitted a SPDP to the Quality Assurance Committee that contained false and/or misleading information.

3. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the Act and subsection 1(24) of Ontario Regulation 798/93, as amended by signing or issuing, in your professional capacity, a document that you knew contained a false or misleading statement, when you submitted a SPDP to the Quality Assurance Committee that contained false and/or misleading information.

4. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the Act and subsection 1(31) of Ontario Regulation 798/93, as amended by contravening Ontario Regulation 604/98 and, in particular, subsection 5(1) (obtaining 90 credits in a three-year period), when you did not complete the requisite 90 continuing quality improvement credits for the 2020-2023 cycle.

5. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the Act and subsection 1(34) of Ontario Regulation 798/93, as amended by engaging in conduct or performing an act or acts relevant to the practice of dental technology that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable and/or unprofessional when you:

a. did not complete the requisite 90 continuing quality improvement credits for the 2020-2023 cycle;

b. submitted a SPDP that was incomplete for the 2020-2023 cycle; and/or

c. submitted a SPDP to the Quality Assurance Committee that contained false and/or misleading information.

Registrant’s plea

[3] The Registrant admitted to each of the allegations specified in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Registrant’s admissions were voluntary, informed and unequivocal.

Agreed Statement of Facts

[4] Counsel for the College advised the Panel that the parties had reached an agreement on the facts. An Agreed Statement of Facts was presented to the Panel, the relevant portions of which are as follows.

1. At all times relevant, Mr. Frank Smith (the "**Member**") was a registered member of the College.
2. Members of the College are required to participate in the College's Quality Assurance Program. Ontario Regulation 604/98 to the *Dental Technology Act, 1991* requires, among other things, that a member must obtain at least 90 continuing quality improvement credits ("**Credits**") in every three-year period (a "**Cycle**"). The Credits reflect professional development activities and are required to be submitted by way of a "Summary of Professional Development Profile" ("**SPDP**") to the College before the end of each Cycle.
3. The Member was required to submit a SPDP for Credits received during the 2020-2023 Cycle by August 31, 2023.
4. The Member submitted a SPDP on September 1, 2023, but it did not demonstrate completion of the minimum 90 Credits. On February 21, 2024, the Member was referred to the Quality Assurance Committee. The Member was notified of the referral and provided an opportunity to make written submissions and provide additional professional development information to the Quality Assurance Committee.
5. On March 18, 2024, the Member submitted a second SPDP. The Member's additional SPDP indicated that he attended 12 seminars, each seminar lasting one hour (the "**Seminars**"). The Member claimed 36 Credits for the Seminars. The Member signed a declaration confirming that the information provided in his SPDP was true.
6. The Seminars that the Member included in his second SPDP were provided at Spectrum Day Toronto, an in-person conference held on October 20, 2023 (the "**Conference**"). The Conference was not held on October 21, 2023. The Seminars that the Member claimed to have attended on October 21, 2023 were only offered at the Conference on October 20, 2023. The Conference was only held in person and was not broadcasted virtually or recorded. The only way to participate in one of the Seminars was to attend in-person on October 20, 2023.
7. Many of the Seminars that the Member listed in his SPDP occurred at the same time as one another. As the Seminars were only conducted in-person and were not recorded, it would have been impossible to attend two Seminars that occurred at the same time.
8. Attendees of the Conference were required to sign in to attend the Conference. The Conference had no record of the Member signing in to the Conference or registering for the Conference.
9. The Member did not attend any of the Seminars at the Conference. He made a false and misleading statement to the Quality Assurance Committee by submitting a SPDP which stated that he had attended the Seminars.

10. The Member has not completed the minimum 90 Credits for the 2020-2023 Cycle.

ADMISSIONS

11. By virtue of the conduct admitted to above, the Member admits to having committed professional misconduct as alleged in paragraphs 1-5 of the Statement of Allegations to the Notice of Hearing.

12. In particular, the Member admits that:

- (a) he failed to cooperate with the Quality Assurance Committee, as alleged in paragraph 1 of the Statement of Allegations to the Notice of Hearing;
- (b) he falsified a record relating his practice, as alleged in paragraph 2 of the Statement of Allegations to the Notice of Hearing;
- (c) he signed or issued, in his professional capacity, a document he knew contained a false or misleading statement, as alleged in paragraph 3 of the Statement of Allegations to the Notice of Hearing;
- (d) he contravened subsection 5(1) of Ontario Regulation 798/93, as alleged in paragraph 4 of the Statement of Allegations to the Notice of Hearing; and
- (e) he engaged in conduct or performed an act relevant to the practice of dental technology that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable, and unprofessional, as alleged in paragraph 5 of the Statement of Allegations to the Notice of Hearing.

[5] The parties advised us at the hearing that the reference to Ontario Regulation 798/93 in subparagraph 12(d) of the Agreed Statement of Facts was intended to refer to Ontario Regulation 604/98.

Decision on professional misconduct

[6] The Panel accepted the Registrant's admissions. We found that the Registrant committed all acts of professional misconduct alleged in the Notice of Hearing.

Reasons for decision

[7] The Panel found that the College met its burden of proving the allegations of professional misconduct against the Registrant on a balance of probabilities. The Panel considered the evidence in the Agreed Statement of Facts, as well as the relevant legislation, regulations, standards, and practice advisories in reaching its conclusions.

- a. Submitting a false statement to the Quality Assurance Committee is a clear failure to cooperate with that committee.

- b. By creating and submitting a false SPDP, the Registrant falsified a record relating to his practice.
- c. By the same token, the Registrant signed or issued a document that he knew contained a false or misleading statement.
- d. Subsection 5(1) of Ontario Regulation 604/98 requires members to obtain at least 90 continuing quality improvement credits in every three-year period. The Registrant admitted not having obtained the required number of credits.
- e. The member's conduct in failing to complete the required quality assurance credits and then effectively lying about it to the Quality Assurance Committee are disgraceful, dishonourable, and unprofessional.

[8] Accordingly, by finding that the Registrant engaged in acts of professional misconduct as defined in the Professional Misconduct Regulation, the Panel found that the Registrant committed acts of professional misconduct under s. 51(1)(c) of the *Health Professions Procedural Code*.

Penalty submissions

[9] Counsel for the College advised the Panel that the parties had arrived at a Joint Submission on Order. The Joint Submission was presented to the Panel and requested that the Panel make an order as follows:

- 1. Directing the Member to appear before the panel to be reprimanded, which shall be delivered immediately following the hearing, and for the fact of the reprimand to be recorded on the Public Register of the College;
- 2. Directing the Registrar to revoke the Member's Certificate of Registration; and
- 3. Directing the Member to pay the College's costs fixed in the amount of \$2,500 to be paid on the date of the hearing.

[10] The Joint Submission also reflected the Registrant's understanding that pursuant to section 56 of the *Health Professions Procedural Code*, the Panel's decision and reasons, or a summary thereof, will be published in the College's annual report and may be published in any other publication of the College with the Registrant's name.

[11] Counsel for both parties made submissions in support of the Joint Submission.

[12] Subsection 51(2) of the *Health Professions Procedural Code* authorizes the Panel to make a range of orders upon a finding of professional misconduct, and s. 53.1, which permits the Panel to order payment of costs and expenses in appropriate circumstances.

[13] College counsel submitted that Panel's decision on the joint submission was that in *R. v. Anthony-Cook*, 2016 SCC 43. *Anthony-Cook* applies to professional discipline matters: see

Bradley v. Ontario College of Teachers, 2021 ONSC 2303 at para 9. In *Anthony-Cook*, the Supreme Court held at paragraph 34 that a joint submission should be imposed unless it is “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.”

[14] College counsel submitted that the proposed penalty would serve the purposes of discipline. He submitted that there were aggravating factors, namely that the Member’s conduct had been dishonest towards his regulator and the Member had still not completed the required quality improvement credits. He observed that the Member is of advanced years and had decided, by accepting the revocation of his certificate of registration, to end his career at this time.

Penalty decision

[15] The Panel accepted the Joint Submission and made the following order:

1. The Registrant shall appear before the Panel to be reprimanded.
2. The Registrar shall revoke the Registrant’s certificate of registration.
3. The Registrant shall pay the College’s costs fixed in the amount of \$2,500, to be paid on the date of the hearing.

Reasons for penalty decision

[16] A penalty order should protect the public and enhance public confidence in the ability of the College to regulate dental technologists. These purposes are achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation.

[17] As the parties presented the Panel with a Joint Submission, the Panel was required to accept the Joint Submission unless it fell so far outside the range of an appropriate sanction that accepting it would bring the administration of justice at the College into disrepute, or be otherwise contrary to the public interest.

[18] College counsel drew the panel’s attention to two prior cases of this College’s Discipline Committee, *CDTO v. Chan* and *CDTO v. van Hooydonk*.

[19] In *Chan*, the member did not complete required professional development activities, did not submit a SPDP when required to do so, then then his ex-wife submitted a non-compliant SPDP. He received a suspension of nine months by way of a joint submission.

[20] In *van Hooydonk*, the member did not complete the required number of quality improvement credits and did not submit his SPDP when required. He also received a suspension of nine months by way of a joint submission.

[21] Perhaps because revocation was not ordered in either *Chan* or *van Hooydonk*, College counsel also referred to two cases from other health profession colleges, *Royal College of Dental Surgeons of Ontario v. Miller*, 2021 ONRCDSO 9, and *College of Dental Hygienists of Ontario v. McIntosh*, 2024 ONCDHO 1. In both of those cases, revocation was ordered.

[22] In *Miller*, the member did not appear at the hearing and it proceeded in his absence. Dr. Miller did not complete the required number of continuing education points for the three-year cycle from 2011 to 2014, and failed to provide any documentation evidencing his attendance at and participation in continuing education activities totalling at least 90 points for the 2014 to 2017 cycle. He also failed to respond to the College, and he renewed his membership with the college by declaring that he was in compliance with the Quality Assurance Program, when he had been told numerous times that he did not comply with those requirements.

[23] The Discipline Committee panel revoked Dr. Miller's certificate of registration. It found that Dr. Miller had exhibited a "blatant disregard" towards the College which showed "disdain" towards the College and its regulatory responsibilities. It found that this was effectively a "refusal to be governed."

[24] In *McIntosh*, as in *Miller*, the member did not attend the discipline hearing and it proceeded in her absence. The panel found that, over a period of three years, the Member failed to fulfill her Quality Assurance requirements, despite numerous opportunities to do so. She also failed to respond to written inquiries from the College, failed to follow an order of the Quality Assurance Committee, and failed to cooperate with the College's investigation. The panel found that she was ungovernable, having demonstrated a "total neglect of her duties and obligations towards the College." As such, revocation was the only penalty that protected the public and achieved general and specific deterrence.

[25] Our case, as College counsel fairly conceded, is different in that it does not involve a finding of ungovernability. The question, of course, is not what penalty we would order if we were considering the matter in the absence of a joint submission; it is, to paraphrase *Anthony-Cook*, whether the agreed penalty is so unhinged from the circumstances of the Registrant and the professional misconduct that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances to believe that the proper functioning of the professional discipline system had broken down.

[26] We do not regard this agreed penalty as meeting that high threshold, and so we adopt it.

[27] Reinforcing our conclusion that the penalty does not rise to the *Anthony-Cook* threshold are the following:

- a. The Registrant's conduct was very serious, involving deliberate dishonesty with his professional regulator on a matter material to his continuing eligibility to practice.

- b. The evidence before us (the Agreed Statement of Facts) contains no explanation for the Registrant's conduct or mitigating facts.
- c. The Registrant's wishes to end his career and so revocation will not have the same impact on him that it would on a differently situated dental technologist.

[28] We observe that the decision about what penalty to impose is very individualistic. A case with different facts and a registrant in different circumstances might well lead to a different conclusion, especially if the penalty hearing was contested. College counsel agreed at the hearing that this decision should not be regarded as setting a precedent: it was driven by the specific facts in this matter.

[29] Finally, the Panel was satisfied that the agreed costs order is appropriate. The costs award is not punitive, but rather reflects a reasonable contribution to the College's expenses in investigating and prosecuting the matter, in accordance with section 53.1 of the *Code*.

Reprimand

[30] At the conclusion of the hearing, the Registrant indicated that he was prepared to receive the reprimand ordered by the Panel. The Registrant confirmed orally, on the record, that he waived his right of appeal. Accordingly, the Panel delivered the reprimand electronically, by video conference.

I, Nawaz Pirani, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below:



Nawaz Pirani, Chairperson
 Franz Yagin
 Tayla McGuckin

November 13, 2025

Date