

IN THE MATTER OF A HEARING BY THE DISCIPLINE COMMITTEE OF THE BRITISH
COLUMBIA COLLEGE OF ORAL HEALTH PROFESSIONALS PURSUANT TO THE
HEALTH PROFESSIONS ACT, RSBC 1996, C. 183

BETWEEN:

THE BRITISH COLUMBIA COLLEGE OF ORAL HEALTH PROFESSIONALS

AND:

ROBERT KNIGHT

DECISION AND REASONS OF THE DISCIPLINE PANEL

Hearing Date:	January 23, 2025 (by videoconference)
Discipline Committee Panel:	Isabelle Gauthier, Chair Christopher McIntosh Amanda Wagman
Counsel for the College:	Nazio Filice
Robert Knight:	appearing in person
Independent Counsel for the Panel:	Amy M. Nathanson

A. INTRODUCTION

1. A panel of the Discipline Committee (the **Panel**) of the British Columbia College of Oral Health Professionals (the **BCCOHP**) conducted a hearing pursuant to s. 38 of the *Health Professions Act* (the **HPA**), to hear and determine allegations in the Citation dated December 10, 2024 (the **Citation**) against Robert Knight (the **Respondent**).
2. The allegations against the Respondent are set out in paragraphs 1-9 of the Citation. The BCCOHP alleges that the Respondent failed to respond to its communications relating to its investigation into a complaint against the Respondent (the **Complaint**) and failed to provide the BCCOHP with updated contact information.

3. A hearing (the **Hearing**) took place via video conference on January 23, 2025. The College called two witnesses: Julie Boyce and Farica Lyte. The Respondent attended the Hearing and gave evidence on his own behalf.
4. For the reasons set out below, the Panel finds that the BCCOHP has proven the allegations in the Citation to the requisite standard and the Respondent's conduct constitutes professional misconduct.

B. PRELIMINARY ISSUES

The Respondent's Attendance

5. When the Hearing first came to order, the Respondent was not in attendance. Counsel for the BCCOHP advised that he had just received an email from the Respondent and asked for a brief adjournment to allow him to join the Hearing.
6. The Panel adjourned the Hearing and the Respondent was in attendance when it re-convened the Hearing. The Panel reminded the Respondent of his right to be represented by counsel at the Hearing. The Respondent's response was that he was aware that he was being coerced into spending money on a lawyer.
7. The Hearing proceeded with the Respondent appearing on his own behalf.

Service of the Citation and Hearing Materials

8. The BCCOHP tendered into evidence the affidavit of Arvind Singh, who deposed that he personally served the Citation on the Respondent on December 14, 2024. Mr. Singh also served the Respondent with copies of the *HPA*, the BCCOHP Bylaws, the documents the BCCOHP intended to rely on at the Hearing and the names and anticipated evidence of its witnesses.
9. The Panel is satisfied that the Respondent was served with the Citation in accordance with s. 37(2) of the *HPA* and was provided with the BCCOHP's documents in accordance with s. 38(4.1) of the *HPA*.
10. The hearing date was set out in the Citation, but details regarding attendance by videoconference were not available until shortly before the Hearing. On January 16,

2025, the BCCOHP emailed the Respondent details for attending the Hearing using the email address for the Respondent recorded in its register.

Objection to the Panel's Jurisdiction

11. As a preliminary matter, the Panel asked the parties if there were any objections to the jurisdiction of the Panel. The Respondent said he objected to the Panel's jurisdiction on the basis that the issue was a contract between him and his patient and should be in court. The Respondent said he saw no reason why the BCCOHP was involved in his life at all.
12. The BCCOHP's response was that it is authorized to investigate the Complaint, but in any event, the Hearing was about the substance of the Citation (primarily the Respondent's failure to respond) not the underlying Complaint.
13. Section 33(6) of the *HPA* provides that the Inquiry Committee may direct the registrar to issue a citation under s. 37 and s. 38(1) provides that the discipline committee must hear and determine a matter set for hearing by citation issued under s. 37 of the *HPA*.
14. The Panel determined that the Citation was properly issued and that it had jurisdiction to proceed with the Hearing. The Panel confirmed that the Hearing was to determine the allegations set out in the Citation, not to determine the Complaint.

Admissions/Facts not in Issue

15. The Panel asked if there were any admissions or facts not in issue. In response, the Respondent read through the Citation and set out his position on each paragraph. The Respondent agreed that the facts set out in paragraphs 1-11 of the Citation were correct.
16. After the Respondent confirmed the facts not in issue, counsel for the BCCOHP asked if the Panel still wanted to hear evidence in support of these portions of the Citation.
17. In light of the fact that the Respondent was not represented by counsel, it appeared that he may have been reviewing the Citation for the first time, and some of his admissions were qualified (e.g. he admitted paragraph 5, but then said he had no way of confirming whether it was true, and he said paragraph 11 "seemed" correct to him), the Panel was not

prepared to rely entirely on the Respondent's admissions and asked the BCCOHP to proceed with presenting its evidence in support of the allegations in the Citation.

C. EVIDENCE

18. The BCCOHP called two witnesses: (1) Julie Boyce, Director of Professional Conduct, Competence and Fitness; and (2) Farica Lyte, a regulatory compliance officer.
19. The Respondent did not call any witnesses but gave evidence on his own behalf.

Evidence of Julie Boyce

20. Ms. Boyce is currently the acting Director of Professional Conduct for the BCCOHP. At the time relevant to the Citation, Ms. Boyce was the Manager of Early Resolution and Complaint Investigation. Ms. Boyce is also an inspector for the BCCOHP authorized to conduct complaint investigations under the *HPA*.
21. Ms. Boyce gave evidence that the Respondent was a registrant of the legacy College of Denturists of BC since 1998 (amalgamated into the BCCOHP in 2022) and that he remained active with the BCCOHP until he did not renew his registration in March 2024.
22. Ms. Boyce also gave evidence that at the time of the Complaint, the Respondent held active registration with the BCCOHP, practicing denturism.
23. Ms. Boyce testified that the BCCOHP received the Complaint in October 2023, and the Inquiry Committee directed that it be accepted for investigation in November 2023. The Inquiry Committee appointed Ms. Boyce as the inspector responsible for conducting the investigation into the Complaint.

24. [REDACTED]

- [REDACTED]
- [REDACTED]
25. Ms. Boyce's evidence was that the first communication the BCCOHP sent the Respondent regarding the Complaint was in November 2023, and this was followed by several reminder letters. Ms. Boyce explained that given the timelines under the *HPA*, after the Respondent failed to respond to any of the BCCOHP's correspondence, the matter was referred back to the Inquiry Committee in April 2024. The Inquiry Committee directed the registrar to issue a citation for failure to respond to the BCCOHP.
 26. Ms. Boyce's involvement in the matter ceased after the Inquiry Committee directed the issuance of the Citation. Ms. Boyce confirmed that she never spoke with or received any communication from the Respondent during her investigation.
 27. Ms. Boyce's evidence was that that the investigation into the Complaint remains open because it can not be completed without a response from the Respondent. She confirmed that no steps have been taken in relation to the Complaint since the Citation was issued.
 28. The Respondent did not cross examine Ms. Boyce.

Evidence of Farica Lyte

29. Ms. Lyte is the Regulatory Compliance Officer for the BCCOHP. At the time relevant to the Citation, Ms. Lyte was a complaint officer with the BCCOHP and she was assigned to support Ms. Boyce in the investigation into the Complaint.
30. Ms. Lyte gave evidence about the investigation and the correspondence the BCCOHP sent to the Respondent relating to the Complaint.
31. On November 21, 2023, Crystal Li, an administrative assistant at the BCCOHP emailed the Respondent a letter (described by Ms. Lyte as an "opening letter") from Michelle Singh, Manager of Intake & Inquiry. Ms. Li sent to letter to the last email address the Respondent had provided to the BCCOHP and set out in its register.

32. In her letter Ms. Singh advised the Respondent of the Complaint and that it had been accepted for investigation by the Inquiry Committee. Ms. Singh advised that Ms. Boyce was the inspector appointed to conduct the investigation into the Complaint.
33. Ms. Singh enclosed a copy of the Complaint, a letter from Ms. Singh to the complainant, a Denturist Practitioner Questionnaire (the **Questionnaire**) and a Complaints Investigation Information Sheet. Ms. Singh requested that the Respondent complete the Questionnaire and provide a written response to the Complaint along with supporting documents, including the complainant's treatment records, by December 12, 2023.
34. Ms. Lyte confirmed that the BCCOHP did not receive a response to Ms. Singh's letter.
35. On December 14, 2023, Ms. Lyte emailed the Respondent a reminder letter from Ms. Boyce. Ms. Boyce reminded the Respondent that he was required to respond to the Complaint and advised that she had re-diarized her file to December 21, 2023.
36. Ms. Lyte confirmed that the BCCOHP did not receive a response to Ms. Boyce's letter.
37. On January 11, 2024, Ms. Lyte telephoned the Respondent at the Peninsula Denture Clinic (the **Peninsula Clinic**), the last work contact information the Respondent provided the BCCOHP and recorded in its register. Ms. Lyte explained that the purpose of her call was to ensure the Respondent had received BCCOHP's letters.
38. Ms. Lyte's evidence was that she when she called the Peninsula Clinic, she spoke to Mr. Parisien, who advised her that he had purchased the clinic from the Respondent in October 2023, and that the Respondent was no longer at the clinic.
39. Ms. Lyte's evidence was that the Respondent had not provided the BCCOHP with updated contact information after he left the Peninsula Clinic in 2023.
40. The following week Ms. Lyte followed up with Mr. Parisien to request the complainant's treatment records; Mr. Parisien provided these records to Ms. Lyte.
41. On January 19, 2024, a second reminder letter from Ms. Boyce was mailed to the Respondent's residential address as recorded in the BCCOHP's register. Ms. Boyce

advised that her letter was being sent to the Respondent's home address because no response had been received to its previous correspondence sent by email. Ms. Boyce requested that the Respondent provide a response to the Complaint by February 9, 2024.

42. Ms. Lyte confirmed that the BCCOHP did not receive a response to Ms. Boyce's letter.
43. On January 31, 2024, a third reminder letter from Ms. Boyce was sent by post to the Respondent's home address. In her letter Ms. Boyce confirmed that the BCCOHP still required the Respondent to provide a written response to the Complaint and asked that he do so on or before February 9, 2024. To assist the Respondent in preparing his response, Ms. Boyce enclosed copies of the complainant's treatment records and a report Mr. Parisien had provided the BCCOHP.
44. Ms. Lyte confirmed that the BCCOHP did not receive a response to Ms. Boyce's letter.
45. On February 21, 2024, a fourth reminder letter from Ms. Boyce was sent to the Respondent by email and by registered mail to his home address. Ms. Boyce's letter enclosed copies of the Complaint and the BCCOHP's previous correspondence.
46. In her letter Ms. Boyce reiterated a registrants' duty to respond to their governing body in a reasonably timely and substantive manner. Ms. Boyce advised the Respondent that his failure to respond was concerning and would be referred to the Inquiry Committee if he failed to provide a substantive response to the Complaint by February 28, 2024.
47. The BCCOHP tendered a tracking receipt from Canada Post confirming that the Respondent had received and signed for Ms. Boyce's letter on February 22, 2024.
48. Ms. Lyte confirmed that the BCCOHP did not receive a response to Ms. Boyce's letter.
49. On March 14, 2024, a final reminder letter from Ms. Boyce was sent to the Respondent by email and registered mail. Ms. Boyce noted the Respondent's failure to respond to correspondence regarding the Complaint and set out the text of Bylaw 13.04, which requires registrants to cooperate with complaint investigations and respond substantively.

50. Ms. Boyce also advised the Respondent that his failure to respond to the BCCOHP was being referred to the Inquiry Committee for direction, which could result in a direction to the registrar to issue a citation, leading to a discipline hearing. Ms. Boyce advised that unless the Respondent provided a substantive response by March 25, 2024, she expected the Inquiry Committee would consider the matter at its upcoming meeting in April.
51. [REDACTED]
[REDACTED]
[REDACTED]
52. The BCCOHP tendered a tracking receipt from Canada Post confirming that the Respondent had received and signed for Ms. Boyce's letter on March 15, 2024.
53. Ms. Lyte confirmed that the BCCOHP did not receive a response from the Respondent by March 25, 2024, and that the matter was referred to the Inquiry Committee.
54. On May 7, 2024, a letter from Karen Mok, the BCCOHP's General Counsel, was sent to the Respondent by email and registered mail. Ms. Mok advised that the matter had been referred to the Inquiry Committee and it had directed the Registrar to issue a Citation pursuant to s. 37 of the *HPA*, and that there would be a hearing regarding the Respondent's failure to respond to communications regarding the Complaint.
55. Ms. Mok advised the Respondent that the Complaint would remain under investigation pending him providing a substantive response. Ms. Mok also noted that despite the Respondent not renewing his registration for 2024/2025, the BCCOHP retained jurisdiction to investigate the Complaint because it related to events that occurred while he was actively practicing. Ms. Mok also confirmed that the Respondent was still required to provide a substantive response to the Complaint despite his non-practicing status. Ms. Mok also encouraged the Respondent to obtain independent legal advice.
56. The BCCOHP tendered a tracking receipt from Canada Post confirming the Respondent received and signed for Ms. Mok's letter on May 9, 2024.
57. Ms. Lyte confirmed that the BCCOHP did not receive a response to Ms. Mok's letter.

58. Ms. Lyte confirmed that the investigation into the Complaint remains open and that she is still involved in it and continues to communicate with the complainant.
59. The Respondent did not cross examine Ms. Lyte.

Evidence of the Respondent

60. The Respondent provided an opening statement and evidence. The Respondent said that he found “this whole affair” extremely troublesome and that he should not be compelled to give evidence against himself when he had no idea what the BCCOHP was accusing him of and there had not been an investigation into the veracity of the Complaint. The Respondent also likened the BCCOHP’s “little questionnaire” to an interrogation that he did not have to submit to.
61. The Respondent noted that the BCCOHP seemed “fixated” on his failure to respond. He explained that he was not responding to the BCCOHP because “this whole affair” [REDACTED] caused him sleepless nights and was traumatic for him. The Respondent also said that [REDACTED], so giving the BCCOHP a written response would be “ridiculous.”

D. BCCOHP’S SUBMISSIONS

62. The BCCOHP referred to its Bylaw 6.09, which provides:
- 6.09 A registrant must immediately notify the registrar of any change in the name or contact information the registrant most recently provided to the registrar.
63. The BCCOHP submitted that the evidence was clear that the Respondent failed to comply with Bylaw 6.09. Ms. Lyte attempted to contact the Respondent at the Peninsula Clinic because it was the work contact information for the Respondent in the BCCOHP’s register. The Respondent did not provide updated work contact information to the BCCOHP after he sold the Peninsula Clinic in 2023.

64. The BCCOHP also referred to Bylaw 13.04, which deals with a registrant's duty to cooperate with a complaint assessment or investigation, which provides in part:

- 13.04 (1) A registrant or certified dental assistant who is the subject of a complaint being assessed under section 32(2) of the Act or a matter being investigated under section 33 of the Act must co-operate fully in the assessment or investigation including, without limitation, by responding fully and substantively, in a form and manner acceptable to the inquiry committee,
- (a) to the complaint, if any, once the complaint or a summary of it is delivered to the registrant or certified dental assistant, and
- (b) to all requests made or requirements imposed by an inspector or the inquiry committee in the course of the assessment or investigation.
- (2) A registrant or certified dental assistant who is required or requested to do anything under section 13.02 or subsection (1) must comply with the requirement or request
- (a) in the case of information or a record, even if the information or record is confidential, and
- (b) as soon as practicable and, in any event, by the date and time set by an inspector or the inquiry committee.

...

65. Counsel for the BCCOHP said it was unfortunate to hear about the Respondent's stress [REDACTED] and that potential accommodations could be made for him. However, he submitted that the Respondent's circumstances do not absolve him from his obligation to cooperate with the BCCOHP and respond to its requests as soon as practical.
66. The BCCOHP submitted that the evidence showed a concerning repetition of the Respondent failing to respond to his regulator, and that after not receiving any response to its seven letters, it was forced to send the matter back to the Inquiry Committee for direction. The BCCOHP noted that the Respondent also did not contact the BCCOHP after the Citation was issued, and that his first contact was the morning of the Hearing.
67. The BCCOHP submitted that it gave the Respondent ample opportunity to respond to the Complaint and his repeated failure to respond was conduct unbecoming and a significant

departure from the standard expected of a professional denturist. The BCCOHP submitted that the Respondent's failure to respond and his failure to provide the BCCOHP with updated contact information amount to professional misconduct.

68. The BCCOHP also referred to s. 19(8) of the HPA, which provides that a registrant must not practice a designated health profession except in accordance with the bylaws.
69. The BCCOHP referred the Panel to a recent BCCOHP discipline decision: BCCOHP and Paul Biddle (*Biddle*) where a panel of the Discipline Committee found that the respondent's failure to provide a substantive response to a complaint investigation and his failure to provide updated contact information amounted to professional misconduct.
70. The BCCOHP submitted that the facts here are more egregious than in *Biddle* because the Respondent has not provided *any* response to its correspondence. The BCCOHP also highlighted that the investigation into the Complaint has been stalled due to what it characterized as the Respondent's deliberate lack of response.
71. The BCCOHP submitted that its bylaws are clear and that as a member, the Respondent is expected to know them, and even if he did not, the BCCOHP outlined the Respondent's obligation to cooperate with an investigation in its correspondence.

E. THE RESPONDENT'S SUBMISSIONS

72. The Respondent acknowledged that the BCCOHP's complaint at the Hearing was his lack of response to its correspondence. The Respondent reiterated his view that he should not be compelled to give evidence against himself.
73. However, the Respondent said that he would respond to any complaint that had to do with his patient and whether he had done anything wrong. He also said that he would do his best to give the BCCOHP a response, if that was still possible.
74. The Panel asked the Respondent whether, given his evidence [REDACTED], he attempted to contact the BCCOHP by telephone to discuss the Complaint. The Respondent said that every time he looked at "the paper" it triggered him, so he did not contact the BCCOHP by telephone. He also said that he did not know how to do so.

F. ANALYSIS AND FINDINGS

75. Section 39(1) of the *HPA* provides that on completion of a hearing, the panel may dismiss the matter or determine that the respondent:

...

- (a) has not complied with this Act, a regulation or a bylaw;
 - (b) has not complied with a standard, limit or condition imposed under this Act,
 - (c) has committed professional misconduct or unprofessional conduct,
 - (d) has incompetently practised the designated health profession, or
 - (e) suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs their ability to practise the designated health profession.
76. The BCCOHP bears the burden of proof to prove its case on the balance of probabilities, meaning the Panel must be satisfied it is more likely than not that the alleged conduct occurred. The evidence must be “sufficiently clear, convincing and cogent” to satisfy this burden (see *F.H. v. McDougall*, 2008 SCC 53).
77. The Panel accepts the testimony of Ms. Boyce and Ms. Lyte, which was unchallenged by the Respondent, and the documentary evidence tendered by the BCCOHP. The Respondent also agreed that the facts set out in paragraphs 1-11 of the Citation were correct. As a result, the Panel finds that the allegations in the Citation occurred.
78. First, the Panel finds that the evidence establishes that the Respondent did not provide the BCCOHP with updated contact information after he sold the Peninsula Clinic in 2023. Ms. Lyte’s evidence was that she called the Peninsula Clinic because this was the work contact information for the Respondent in the BCCOHP’s register. The Respondent failed to comply with Bylaw 6.09, when he did not immediately advise the BCCOHP of his new contact information after he sold the Peninsula Clinic.
79. The remaining allegations relate to the Respondent’s failure to respond to the BCCOHP’s correspondence from November 1, 2023 to March 14, 2024, regarding the Complaint.

80. Bylaw 13.04 provides that a registrant “must” cooperate fully in an investigation and respond “fully and substantively” to all requests made by an inspector in the course of an investigation and requires a registrant to comply with these requests “as soon as practicable” and in any event, by the date set by the inspector.
81. The evidence establishes that the Respondent was subject of the Complaint, which the Inquiry Committee had accepted for investigation. As a result, the Respondent was required to cooperate in the investigation and respond to requests from the BCCOHP.
82. The evidence establishes that the Respondent received at least the three letters sent to him by registered mail and the Respondent himself confirmed receiving correspondence from the BCCOHP. The evidence from Ms. Lyte (and the Respondent’s admissions) also establishes that the Respondent did not respond to any of the correspondence from the BCCOHP regarding the Complaint and that he did not cooperate with its investigation.
83. Although the Respondent indicated the circumstances of the Complaint [REDACTED] and that he was unable to write a response to the BCCOHP’s letters, the Panel agrees with the submissions of the BCCOHP that this does not absolve him from his obligation to respond and cooperate with the investigation. If the Respondent was unable to write a response, he should have contacted the BCCOHP by telephone to discuss the Complaint.
84. The Panel finds that the Respondent failed to comply with his obligations under Bylaw 13.04, despite reminders from the BCCOHP, and as a result, he failed to practice in accordance with the BCCOHP’s bylaws, breaching s. s. 19(8) of the *HPA*.

Unprofessional Conduct and Professional Misconduct

85. The BCCOHP submitted that the Respondent’s failure to respond to the BCCOHP’s correspondence regarding the Complaint and his failure to provide updated contact information amounts to professional misconduct.
86. “Professional misconduct” and “unprofessional conduct” are defined in s. 26 of the *HPA*:

“professional misconduct” includes sexual misconduct, unethical conduct, infamous conduct and conduct unbecoming a member of the health profession.

“unprofessional conduct” includes professional misconduct.

87. Unprofessional conduct generally refers to a breach of a standard, rule or expected behaviour. Professional misconduct is considered more egregious and involves unprofessional conduct that has crossed a more serious threshold or conduct that is disgraceful, dishonourable or unbecoming.
88. The Panel has found that the Respondent failed to respond to or cooperate with the BCCOHP’s investigation into the Complaint. The importance of a registrant cooperating with their self-governing body cannot be understated. Compliance with the duty to cooperate is important and necessary for the BCCOHP to fulfill its mandate of regulating oral health professionals in British Columbia in the public interest and for the protection of the public. A registrant’s failure to cooperate with a BCCOHP investigation could undermine the public’s confidence in its ability to regulate its members.
89. The Panel notes that both Ms. Boyce and Ms. Lyte gave evidence that the investigation into the Complaint is ongoing but is stalled due to the Respondent’s failure to respond.
90. The Panel finds that the Respondent’s complete failure to respond to the BCCOHP’s correspondence regarding the Complaint is serious and a significant departure from the standard expected of a dentist and amounts to professional misconduct.
91. In summary, the Panel finds that the Respondent breached Bylaws 6.09 and 13.04, s. 19(8) of the *HPA* and that his failure to respond to the BCCOHP regarding the Complaint and his failure to provide updated contact information amounts to professional misconduct.
92. The Panel will provide a copy of its Decision and Reasons (the **Reasons**) to the BCCOHP and to the Respondent by email. The Panel also directs that the BCCOHP provide a copy of the Reasons to the Respondent by registered mail.

G. SUBMISSIONS ON PENALTY AND COSTS

93. In light of the Respondent’s evidence [REDACTED], the Panel directs that a hearing be convened for the parties to make submissions on penalty and costs.

94. The Panel directs that the parties confer and provide it with mutually available dates in March and April 2025. The Panel will confirm the hearing date by letter to the parties.

H. DELIVERY AND PUBLIC NOTIFICATION

95. Pursuant to s. 39.3(1)(d) of the *HPA*, the Panel directs the registrar notify the public of the Panel's determination and include the information set out in s. 39.3(2).

I. NOTICE OF RIGHT TO APPEAL

96. The Respondent is advised that under section 40(1) of the *HPA*, a respondent aggrieved or adversely affected by an order of the Discipline Committee under s. 39 of the *HPA* may appeal the decision to the Supreme Court of British Columbia.
97. Under s. 40(2) of the *HPA*, an appeal must be commenced within 30 days after the date on which the Reasons are delivered to the Respondent.

Dated: March 13, 2025



Christopher McIntosh

Signature:



Isabelle Gauthier (Mar 14, 2025 23:25 EDT)

Signature:



Amanda Wagman (Mar 14, 2025 20:42 PDT)