

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

Corrected Decision: the text of this decision was corrected at paragraph 1 on October 24, 2025.

DECISION OF THE DISCIPLINE PANEL ON PENALTY AND COSTS

Hearing Date:	May 9, 2025
Discipline Committee Panel:	Isabelle Gauthier, Chair Christopher McIntosh Amanda Wagman
Counsel for the College:	Nazio Filice
Robert Knight:	appearing on his own behalf
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 **College**) conducted a hearing on January 23, 2025 (the **Hearing**), to determine the allegations set out in the citation dated December 10, 2024 (the **Citation**).
2. On March 13, 2025, the Panel issued written reasons (the **Conduct Decision**) setting out its determination that the Respondent engaged in professional misconduct by failing to respond to the College regarding its investigation into a complaint made against him (the **Complaint**) and failing to provide the College with his updated contact information.

3. The Panel emailed the Conduct Decision to the parties on March 19, 2025, and directed the College to send a copy to the Respondent by registered mail. The College sent the Conduct Decision to the Respondent by registered mail on March 24, 2025.
4. In light of the Respondent's evidence at the Hearing [REDACTED] the Panel directed that a hearing be convened for the parties to make oral submissions on penalty and costs. The hearing on penalty and costs (the **Penalty Hearing**) proceeded on May 9, 2025. Both parties attended and made submissions.

B. Legal Framework for Determining Penalty and Costs

General Approach for Assessing Penalty

5. Section 39 of the *HPA*, sets out the authority of the discipline committee to make an order respecting penalty if a determination is made under subsection 39(1):

39(2) If a determination is made under subsection (1), the discipline committee may, by order, do one or more of the following:

- (a) reprimand the respondent;
 - (b) impose limits or conditions on the respondent's practice of the designated health profession;
 - (c) suspend the respondent's registration;
 - (d) subject to the bylaws, impose limits or conditions on the management of the respondent's practice during the suspension;
 - (e) cancel the respondent's registration;
 - (f) fine the respondent in an amount not exceeding the maximum fine established under section 19 (1) (w).
6. If the discipline committee orders a suspension or cancellation of a registrant's registration, section 39(8) of the *HPA* also applies:

39(8) If the registration of the respondent is suspended or cancelled under subsection (2), the discipline committee may

- (a) impose conditions on the lifting of the suspension or the eligibility to apply for reinstatement of registration,

- (b) direct that the lifting of the suspension or the eligibility to apply for reinstatement of registration will occur on
 - (i) a date specified in the order, or
 - (ii) the date the discipline committee or the board determines that the respondent has complied with the conditions imposed under paragraph (a), and
 - (c) impose conditions on the respondent's practice of the designated health profession that apply after the lifting of the suspension or the reinstatement of registration.
- 7. In exercising its discretion to determine the appropriate penalty, the discipline committee may consider all relevant circumstances, including any aggravating or mitigating factors.
- 8. The relevant factors to consider in determining an appropriate penalty are set out in *Law Society of British Columbia v. Ogilvie*, 1999 LSBC 17 [*Ogilvie*]:
 - (a) The nature and gravity of the conduct proven;
 - (b) The age and experience of the respondent;
 - (c) The previous character of the respondent, including details of prior discipline;
 - (d) The impact upon the victim;
 - (e) The advantage gained, or to be gained, by the respondent;
 - (f) The number of times the offending conduct occurred;
 - (g) Whether the respondent has acknowledged the misconduct and taken steps to disclose and redress the wrong, and the presence or absence of other mitigating circumstances;
 - (h) The possibility of remediating or rehabilitating the respondent;
 - (i) The impact on the respondent of criminal or other sanctions or penalties;
 - (j) The impact of the proposed penalty on the respondent;
 - (k) The need for specific and general deterrence;
 - (l) The need to ensure the public's confidence in the integrity of the profession; and
 - (m) The range of penalties imposed in similar cases.

9. In *Edward Dent (Re)*, 2016, LSBC 5 (*Dent*) a hearing panel of the Law Society of B.C. outlined a simplified process whereby a hearing panel focuses on the *Ogilvie* factors it considers relevant (primary factors) and only considers secondary factors if they would tip the scales one way or another (see paras 15-17).
10. *Dent* also set out a consolidated list of *Ogilvie* factors distilled to four general categories:
 - (i) *The nature, gravity and consequences of the conduct*
 This category includes consideration of the severity of the misconduct, how long it lasted, how many times it occurred, how the misconduct impacted the victim, and whether there was any financial gain from the misconduct.
 - (ii) *Character and professional conduct record of the respondent*
 This category includes consideration of the age and experience of the respondent, their reputation in the community and the profession, and their professional conduct record.
 - (iii) *Acknowledgement of the misconduct and remedial action*
 This category includes consideration of whether the respondent has admitted the misconduct and taken steps to prevent a re-occurrence, whether the respondent can be rehabilitated, and mitigating factors such as substance use or mental health issues.
 - (iv) *Public confidence in the legal profession including public confidence in the disciplinary process*
 This category includes consideration of whether there is sufficient general and specific deterrent value in the proposed disciplinary action, whether the public will have confidence that the proposed action is sufficient to maintain the integrity of the profession and confidence in the proposed penalty compared to penalties in similar cases.
11. Other professional regulatory tribunals, including those regulating professions under the *HPA*, have applied the *Ogilvie* factors and the process outlined in *Dent*: see *College of Registered Nurses of British Columbia v. Cunningham*, 2017 BCCNM 4 (*Cunningham*) and *College of Massage Therapists of British Columbia and Steven Anderson*, October 20, 2022 (*Anderson*).

12. The key objectives when determining appropriate measures under section 39(2) of the *HPA* include: specific and general deterrence, educating registrants and the public about professional standards, and promoting public confidence in the profession and its ability to self-regulate. Ultimately, a penalty must fall within a reasonable range of appropriate penalties, having regard to the circumstances of the misconduct and the evidence in mitigation (see *Cunningham* at paras 19 & 20).

C. Submissions of the College

(i) nature, gravity and consequences of the conduct

13. The College submitted that the Panel's finding that the Respondent's conduct constituted professional misconduct means that the underlying conduct is serious. The College submitted that the consequences of the Respondent's conduct are also serious because the College's investigation into the Complaint has been stalled, which prevents it from regulating in the public interest.

(ii) character and professional conduct record

14. Section 39.2 of the *HPA* provides that a panel may consider previous action taken against a registrant under Part 3 of the *HPA*. The College confirmed that the section is permissive - the Panel may consider previous actions against the Respondent, but is not required to do so.
15. The College's position was that the Respondent's conduct record is relevant to the issues in the Citation and that the Panel should consider his record.
16. The Respondent's conduct record includes two complaints. The was in 2015, [REDACTED]
[REDACTED]
[REDACTED] (the 2015 Conduct). The College sought a response from the Respondent regarding this determination, but he failed to respond. Three months later, the College issued a direction under s. 33(2)(c) of the *HPA* suspending the Registrant pending receipt of his response. [REDACTED]
[REDACTED] so the Respondent's suspension was lifted, but the College issued a reminder of his responsibility to respond to the College and to cooperate in an investigation.

17. The second complaint is from 2018, when the College opened a complaint after receiving reports from its staff regarding the Respondent's behaviour (the **2018 Conduct**). This complaint was resolved by a consent order.
18. The College submitted that the 2015 Conduct speaks to the risk of the Respondent's conduct being repeated, because it is a previous example of the Respondent failing to respond to the College, being suspended as a result, and receiving a reminder of his obligation to respond to the College in a timely manner.
19. The College submitted that the Respondent's history of not responding to the College shows a pattern of behaviour and is an aggravating factor.

(iii) acknowledgement of the misconduct and remedial action

20. The College acknowledged that at the Hearing the Respondent admitted the facts in the Citation. However, it noted that since the Hearing, the Respondent has not taken steps to correct his conduct and still has not responded to the Complaint. The College advised that it had attempted to contact the Respondent after the Hearing, but he did not respond.

(iv) specific and general deterrence and public confidence in the process

21. The College submitted that a serious penalty is required to deter the Respondent. It also submitted that its proposed penalty will achieve deterrence, support public confidence in the process and will highlight the importance of responding to the College.
22. The College referred to several penalty decisions involving a failure to cooperate with a professional regulator to provide examples of penalties imposed in similar cases.
23. The College relied primarily on *Cunningham*, where the registrant was suspended until the later of three months or her delivery of a substantive written response to the complaint and required to pay costs for failing to respond to her college regarding a complaint.
24. The College also referred to paragraph 15 of the decision which sets out summaries of several penalty decisions in the health professions context, where suspensions ranging from one to six months in length were imposed.

25. The College sought the following orders:
- (a) An Order that the Respondent provide a full response to the Complaint;
 - (b) An Order that the Respondent's registration be suspended until the later of the following two events:
 - (i) The expiry of a three-month suspension period to commence should the Respondent become an active registrant with the College; or
 - (ii) The Respondent delivers to the Inquiry Committee a substantive written response concerning the Complaint, and the Registrar, as a delegate of the Panel confirms that this condition has been met;
 - (c) An Order that the Respondent pay costs to the College in the amount of \$6,296.90 within three months of the date of the Panel's order; and
 - (d) An Order that there be public notice pursuant to s. 39.3 of the *HPA*.
26. The College submitted that its proposed penalty was fair and appropriate in light of the Respondent's conduct and the relevant *Ogilvie* factors, and that it was consistent with penalties imposed in similar cases.
27. Relying on *Anderson*, the College submitted that the Panel has jurisdiction to suspend or cancel the Respondent's registration despite him being a former registrant of the College.
28. Finally, in terms of costs, the College confirmed that it was only seeking recovery of its costs and disbursements in relation to the Hearing (i.e. not from the Penalty Hearing).

D. Submissions of the Respondent

29. The Respondent made brief submissions. First, he denied the allegations in the Complaint and said he was still waiting for the College to specify what it says he did wrong in relation to the patient who brought the Complaint.
30. With respect to his failure to respond to the College regarding the Complaint, the Respondent said that [REDACTED]. The Complainant submitted that he has a mental block in relation to the Complaint and it is very difficult for him to think about it. He also submitted that thought about the Complaint almost every day and had been trying to think of how to respond.

31. The Panel asked the Respondent if he had attempted to telephone the College after the Hearing. The Respondent said he had not, and that he did not know how. He also said that he was not aware that the College had called him after the Hearing.
32. In terms of the penalty sought by the College, the Registrant said that he understood that it was proposing that he be suspended until he responded to the Complaint. He said that he did not care how long he was suspended, he still would not respond to the Complaint.
33. The Respondent submitted that the costs sought by the College were too high and he did not know where he would get the money to pay them. He also submitted that there should not be any costs awarded against him because the College initiated the process and he should not have to pay for his own prosecution. The Respondent submitted that the College's costs were "manufactured and unnecessary" and that if the College wanted a response from him, all it had to do was call him and talk to him.
34. The Respondent submitted that the Complaint was vindictive and the College's pursuit of him also seemed vindictive. He stated that the College had "made it personal", forced him to testify against himself and that its pursuit of this matter has caused him harm and hurt him financially.
35. Finally, in relation to his conduct history, the Respondent noted that in relation to the 2015 complaint [REDACTED]

D. Analysis and Reasons for Decision

(a) Penalty

36. In considering the appropriate penalty, the Panel has taken into account the objectives of specific and general deterrence, educating registrants and the public about professional standards, and promoting public confidence in the College's ability to self-regulate.
37. The Panel has also considered the four categories of *Ogilvie* factors set out in *Dent*.

(i) *nature, gravity and consequences of the conduct*

38. The Respondent's failure to cooperate with the College's investigation into the Complaint was serious and has resulted in a very serious consequence - impeding the College's ability to investigate the Complaint.

(ii) *character and professional conduct record*

39. Pursuant to s. 39.2 of the *HPA*, the Panel finds that the Respondent's conduct record is relevant and has considered it in relation to its decision on penalty.
40. The 2015 Conduct is an example of a previous instance of the Respondent failing to respond to the College [REDACTED]
[REDACTED]
[REDACTED] it was the Respondent's failure to respond to the College's inquiries. It is also notable that despite previously being suspended for failure to respond and receiving a reminder from the College of his obligation to respond and be cooperative, the Respondent has repeated this conduct.
41. The substance of the 2018 Conduct is not relevant to the issues in the Citation. However, the fact that it was resolved through a consent order indicates that the Respondent is capable of engaging in the complaint process and responding to the College.

(iii) *acknowledgement of the misconduct and remedial action*

42. The Respondent has not acknowledged his misconduct or taken any steps towards remedial action. Although the Respondent admitted the facts in the Citation at the Hearing, this was not an acknowledgement of his misconduct. It is evident from his submissions, including his statement that he will never respond to the Complaint, that he does not acknowledge his misconduct. Further, despite his submission at the Hearing that he would do his best to provide a response to the Complaint, he did not contact the College or respond to its attempt to contact him.
43. The Respondent did not provide evidence of any mitigating factors. While he stated that the incident that gave rise to the Complaint [REDACTED] this is not an adequate explanation for his failure to respond to the Complaint or engage with the College.

44. The Panel notes that the absence of an admission or demonstrated remorse is not an aggravating factor but simply the absence of a mitigating factor (see *Anderson* para 30).

(iv) *Public confidence in the profession and discipline process*

45. In light of the Respondent's declaration that he will not respond to the Complaint, and his conduct record, the penalty must provide specific deterrence for his conduct. It must also highlight for other registrants the importance of their obligation to cooperate with the College and be sufficient to maintain the public's confidence in the College's discipline process and its ability to regulate registrants.
46. The Panel finds that it has jurisdiction to impose a suspension even though the Respondent is no longer an active registrant (see *Gill* and *Morgan*).
47. The professional conduct cases the College referred the Panel to are not binding, but they provide useful guidance in terms of penalties imposed in similar cases. In light of the range of one to six months for suspensions imposed in similar cases, the Panel finds that a 3 month suspension is reasonable in the circumstances.

(b) **Costs**

50. Subsection 39(5) of the *HPA* provides that if the discipline committee acts under subsection (2), it may award the College costs based on the tariff of costs established under section 19(1)(w.1). Section 13.11(3) of the College's Bylaws establishes a tariff of costs for discipline hearings, which is set out in Schedule I (the **Tariff**). An award under the Tariff includes costs and reasonable and necessary disbursements.
51. The College claimed 68 units under the Tariff at \$150 per unit, for a total of \$10,200 in legal fees. Section 39(7) of the *HPA* provides that if costs are awarded under subsection (5) they must not exceed 50% of the actual costs to the College for legal representation for the hearing. The College advised that it did not hire external counsel and therefore could not determine its actual legal costs. As a result, it only sought recovery of half of the units claimed under the Tariff (i.e. 34), reducing its claim for legal fees to \$5,100.
52. The College also sought recovery of its disbursements in the amount of \$1,196.90. Its disbursements included \$383.20 for a process server and \$813.70 for hearing fees.

53. The Panel finds that an award of costs is warranted in this case. The College proved the allegations in the Citation and the Respondent's failure to respond to the College regarding the Complaint was serious. The Panel finds that the costs and disbursements claimed by the College are reasonable.
54. The Panel orders the following:
- (a) The Respondent's registration be suspended until the later of the following two events:
 - (i) The expiry of a three month suspension period to commence should the Respondent become an active registrant with the College; or
 - (ii) The Respondent delivers the Inquiry Committee a substantive written response to the Complaint, and the Registrar, as a delegate of the Panel confirms that this condition has been met; and
 - (b) The Respondent must pay costs to the College in the amount of \$6,296.90, within 3 months of the date of the Panel's order.
55. The Panel also directs, pursuant to section 39.3(1)(d) of the *HPA*, that the Registrar notify the public of its order and that this notification should include all of the information set out in section 39.3(2) of the *HPA*.

F. Notice of Right to Appeal

56. 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 section 39 of the *HPA* may appeal the decision to the Supreme Court of British Columbia. Under section 40(2) of the *HPA*, an appeal must be commenced within 30 days after the date on which this decision is delivered to the Respondent.

Dated: October 10, 2025

[Redacted Signature]

Isabelle Gauthier, Chair

[Redacted Signature]

Amanda Wagman

[Redacted Signature]

Christopher McIntosh

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

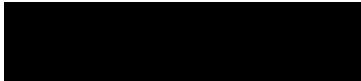
CORRIGENDUM TO DECISION OF THE DISCIPLINE COMMITTEE

Hearing Date:	May 9, 2025
Discipline Committee Panel:	Isabelle Gauthier, Chair Christopher McIntosh Amanda Wagman
Counsel for the BCCOHP:	Nazio Filice
Robert Knight	appearing on his own behalf
Independent Counsel for the Panel:	Amy M. Nathanson
Date of Corrigendum:	October 24, 2025

1. This is a corrigendum to the Decision of the Inquiry Committee dated October 10, 2025.
2. Paragraph 1 line 2 is changed by replacing “May 9, 2025” with “January 23, 2025.”


Isabelle Gauthier, chair


Christopher McIntosh


Amanda Wagman