

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Kimberley Colleen Serkirk Anderson this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify, any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) of the *Early Childhood Educators Act, 2007*.

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

PANEL: Sasha Fiddes, RECE, Chairperson
Cindy Harrison, M.Sc, Reg.CASLPO
Gillian Jackson, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
KIMBERLEY COLLEEN SERKIRK)	Jordan Katz
ANDERSON)	Adair Goldblatt Bieber LLP
REGISTRATION # 35207)	For the Member
)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: October 27, 2020

DECISION AND REASONS

This matter was heard by a panel of the Discipline Committee (the "Panel") of the College of Early Childhood Educators (the "College") on October 27, 2020. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (the "Act"), the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College's Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

At the outset, the Panel ordered that no person shall make any audio or video recording of these proceedings by any means except as directed or explicitly permitted by the Panel.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated October 2, 2020, (Exhibit 1) which provided as follows:

1. At all material times, Kimberley Colleen Serkirk Anderson (the "Member") was a member of the College and was employed as an Early Childhood Educator ("ECE") at Schoolhouse Playcare Centres of Durham, Ontario (the "Centre"). The Centre is located on the premises of John Dryden Public School (the "School").
2. On the afternoon of April 24, 2018, at approximately 3:15 p.m., the Member and two child care assistants, L.G. and B.M. (collectively the "Staff") were supervising a group of 6 toddlers in the Centre's fenced playground. The latch on one of the playground's gates had been broken for months. Despite knowing that, the Staff failed to continuously monitor the gate and/or to stand directly next to it, to prevent the toddlers from opening the gate.
3. As a result, the Child, a non-verbal 2 year old boy with autism, exited the playground unnoticed through the broken gate. The Child left the School's property and crossed through a neighbourhood park to the nearby St. Mark the Evangelist Catholic School (the "Catholic School"). It was school dismissal time, so the yards of both schools and the park were busy with adults and children. A teacher noticed the Child as he was walking towards the Catholic School's parking lot. Police were called to assist in locating where the Child came from.

4. Approximately 5 – 10 minutes later B.M. counted the children and noticed that the Child was missing. The Member immediately reported the Child's absence to the Centre's management and the Centre's staff began searching for him. Another 15 – 20 minutes passed until police safely returned the Child to the Centre's Assistant Supervisor.
5. By engaging in the conduct set out in paragraphs 2 – 4 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Act, in that:
 - a) The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - b) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;
 - c) The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful,

dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or

- d) The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 9 years. She is in good standing with the College and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an ECE at the Centre, located on the premises of the School.

The Incident

3. On the afternoon of April 24, 2018, the Member and the Staff, L.G. and B.M. were supervising a group of 6 toddlers in the Centre's fenced playground.
4. Between approximately 3:00 p.m. and 3:15 p.m., L.G. and B.M. brought all 6 children outside to the fenced playground, while the Member completed cleaning tasks indoors.
5. At approximately 3:15 p.m., the Member went outside to the fenced playground. Between approximately 3:15 p.m. and 3:20 p.m., the Staff observed the Child standing by the fence.
6. Moments after the Child was last observed by the Staff, the Child exited the playground unnoticed. The latch on one of the playground's gates had been broken for months. Despite knowing that, the Staff were not continuously monitoring the gate and/or standing directly next to it, to prevent the toddlers from opening the gate. While the Staff did not

observe the Child exit the playground, it is believed that the Child exited through the gate with the broken latch.

7. The Child left the School's property and crossed through a neighbourhood park to the nearby Catholic School. It was school dismissal time, so the yards of both schools and the park were busy with adults and children. A teacher noticed the Child as he was walking towards the Catholic School's parking lot. The teacher could not leave her post to look after the Child. A woman took the Child and asked parents in the yard if they were his parents. The woman then called police.
8. At approximately 3:20 p.m. – 3:25 p.m., about 5 – 10 minutes after the Child was last seen by the Staff, B.M. counted the children and noticed that the Child was missing. The Member immediately went into the Centre to look for the Child, reported the Child's absence to the Centre's management, and continued searching for the Child, together with the Centre's staff.
9. At approximately 3:30 p.m. police arrived to the Catholic School's yard. A police officer and the woman continued trying to assist the Child.
10. Shortly after 3:43 p.m., the Centre's Assistant Supervisor was searching the park area between the two schools. One of the police officers noticed her and confirmed she was looking for the Child. The woman returned the Child to the Assistant Supervisor and the Assistant Supervisor and the police officer returned to the Centre with the Child.
11. In total, the Child was missing for approximately 20 – 25 minutes.

Additional Information

12. The Child was not harmed as a result of the incident.
13. The Centre's management reported the Child's absence to his mother while the search for him was ongoing. The mother arrived at the Centre shortly after the Child had been found. She was very emotional and distraught. The Member and L.G. apologized to the Child's mother. The Member apologized to her again the following day.

14. While upset by the incident, the Child's mother advised that she did not want the Staff's employment at the Centre to be terminated. The Child continued to be enrolled at the Centre after the incident.
15. The playground gate had been broken for many months prior to the incident. It was well known by both the Centre's staff and management, and by the School. Several work orders requesting the gate to be fixed had been placed, including as recently as April 11, 2018, but the gate was not repaired by the School before the incident occurred. In the months prior to the incident, the Staff had utilized strategies to keep the gate shut, including using a chain and a skipping rope. These solutions were removed at the instruction of the Centre's Supervisors on the basis that, among other things, they could impede the safety of a fire evacuation.
16. On the morning of the incident the Member raised her concerns about the broken gate with the School's custodian.
17. After the Child was found, police instructed that the gate must be immediately fixed. The Centre's management then closed the playground until the gate could be permanently repaired, which happened the next day.
18. The Member has had the ongoing support of the Centre's Supervisors and Directors since the incident occurred. The Centre did not terminate, suspend or restrict the Member's employment as a result of the incident.
19. Following the incident, the Member assisted the Centre's management to develop strategies to ensure that incidents such as this do not occur. The Member also led the implementation of the enhanced practices and guided other staff.
20. In October 2019 the Member assumed the role of an Assistant Supervisor at the Centre. In preparation for that role, she received training, which included another detailed review of the Centre's policies and procedures related to supervision. In her new role, she used the incident as a learning opportunity for other staff members, and has continually reviewed and communicated strategies to maximize supervision in all environments within the Centre.
21. If the Member were to testify, she would advise that:

- a. She was devastated after the incident and immediately accepted responsibility.
- b. Since the incident, despite the gate being fixed, the Centre's staff had been taking additional measures to ensure that children are not able to open the playground's gate.

Admissions of Professional Misconduct

22. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 – 11 above, and as defined in subsection 33(2) of the Act in that:

- a. The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
- b. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;

- c. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
- d. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Agreed Statement of Facts.

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that all of the allegations of misconduct were supported by facts and evidence in the Agreed Statement of Facts and admitted to by the Member. The College submitted that the Member failed to adequately supervise the Child. The Member failed to maintain a safe and healthy environment. The Member was an experienced Registered Early Childhood Educator ("RECE") who was aware that the latch on the gate was broken but did not properly supervise or block access to the gate. Despite being aware of the danger, to the point where she discussed it with the Centre's custodian, she did not follow-up or properly monitor the environment. The Member failed to know and abide by procedures that could have prevented this incident. The risks associated with the act of losing a child, especially a child with special needs, could be perceived as reflecting negatively on the profession. In this case, the police were called in. The Member, who was the only RECE, failed to work collaboratively with her colleagues to ensure that the gate was monitored. The Member's conduct was unbecoming and was unprofessional. The Member submitted that she has taken responsibility for the conduct set out in the ASF and has entered a guilty plea. The Member submitted that she was aware that the gate was broken, and she had no authority or ability to fix the gate. She tried to implement her own fixes

for the gate but they were not permitted to remain. That said, the Member does not dispute that this required her to appropriately supervise the children and she failed to do so in the circumstances

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member's admission and found her guilty of professional misconduct as alleged in the Agreed Statement of Facts and the Notice of Hearing.

The Panel considered the Agreed Statement of Facts and the Member's plea and found that the evidence supported findings of professional misconduct as alleged in the Notice of Hearing.

The evidence shows that the Member failed to supervise the Child and the Child was able to escape through the broken gate and leave the school property. The Member failed to maintain the standards of the profession by failing to appropriately observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations. Appropriate supervision was not provided in this station resulting in the Child being placed at potential risk of harm. The team knew that the gate was broken, and the Member failed to appropriately collaborate with her colleagues to ensure that a child would not go missing.

The Panel finds that the Member's conduct would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional. This was also conduct unbecoming the Member.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and Counsel for the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). The parties submitted that the Proposed Order should include the following terms:

1. Requiring the Member to appear before the Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.

2. Directing the Registrar to suspend the Member's certificate of registration for a period of 5 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as a RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director of Professional Regulation (the "Director"). In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- e. After a minimum of 3 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,

- ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- g. The College may require proof of compliance with any of the terms in this Order at any time.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, to be paid in accordance with the following payment schedule:
- a. \$200 sixty (60) days following the date of the Order;
 - b. \$200 ninety (90) days following the date of the Order;
 - c. \$200 one hundred and twenty (120) days following the date of the Order;
 - d. \$200 one hundred and fifty (150) days following the date of the Order; and
 - e. \$200 one hundred and eighty (180) days following the date of the Order.

Submissions of the College on Penalty and Costs

Counsel for the College advised that this case is not unique and there are many cases involving a failure to supervise. College Counsel reviewed the sentencing principles that the Panel should consider.

Counsel provided four aggravating factors that the Panel was advised to consider in making its decision about penalty. These factors were:

1. The Child was only 2 years old and was non-verbal and on the autism spectrum.
2. The Child was able to leave the Centre and was stopped by a stranger as the Child was walking towards a parking lot.
3. The Member's conduct shows carelessness in the face of a known danger.
4. The Child was unsupervised for a significant period of time, thereby increasing the risk to the Child.

College Counsel also asked the Panel to consider the mitigating factors in this case which included the fact that the Member acknowledged her wrongdoing and was cooperative throughout the process. The Member also entered a guilty plea to the misconduct, saving the College the time and expense of a contested hearing. Another mitigating factor was that the Member had no prior discipline history in her 9 years as a RECE and had no issues since this one. Finally, the Member demonstrated insight and took steps to improve her practices.

College Counsel also asked the Panel to consider the fact that the Child was not injured, nor did he experience an enhanced risk of harm due to factors such as the weather. This was an isolated incident and the Member reported it immediately.

College counsel also referred the Panel to a number of cases to assist the Panel in determining that the Proposed Penalty was proportionate and consistent with other cases, including:

- *College of Early Childhood Educators v Sarah Ashley Walton*, 2019 ONCECE 10
- *College of Early Childhood Educators v Virginia Wai-Yee Me*, 2019 ONCECE
- *College of Early Childhood Educators v Sophia McKenzie*, 2017 ONCECE 5 (CanLII)

Finally, on the question of costs, College counsel urged the Panel to accept the recommendation on costs and submitted that the individual Member should bear some financial responsibility for the costs associated with investigating and prosecuting this matter.

Submissions of the Member on Penalty and Costs

The Member submitted that the Proposed Order was appropriate and satisfies penalty objectives. The Member submitted that she had been registered for 9 years and been in good standing before this incident. She also pointed out that it has been 2.5 years since the incident in question and there had been no further issues. The Member indicated that although the incident was serious, the Child was not harmed and remained enrolled at the Centre. She submitted that she had done

everything that the College and the Panel would want to see in wake of an incident like this. She took immediate action, apologized, and reflected and improved her practice. The Member provided a letter of support from Ruth Patterson, Director of Programs at Schoolhouse Playcare Centres of Durham. In her letter, Ms. Patterson indicated that she had confidence in the Member's competency as an RECE and reported that since the incident, the Member had, on her own initiative, developed and implemented strategies working with her colleagues to ensure that the Centre's policies and practices were followed to maintain a safe learning environment.

The Member also provided some cases to demonstrate that the Proposed Penalty was appropriate including:

- *College of Early Childhood Educators v Jessica Lealess, 2018 ONCECE 2*
- *College of Early Childhood Educators v Francette Lusungi Diuka, 2018 ONCECE 8*
- *College of Early Childhood Educators v Tammy Ann Mullins, 2020 ONCECE 8*

The Member pointed out that in most prior cases there was an intensive mentorship requirement in the penalty, but because she has conducted self-directed remediation, a more limited mentorship was appropriate.

PENALTY DECISION

The Panel accepted the joint submission on penalty and makes the following order as to penalty:

1. The Member is required to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 5 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.
- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,

- ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
- i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- e. After a minimum of 3 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
- i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.

- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- g. The College may require proof of compliance with any of the terms in this Order at any time.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate registered early childhood educators. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise not in the public interest. The Panel is aware that no two cases are alike however, we agree that the penalty is aligned with the previous cases referenced.

It is the Panel's conclusion that the Proposed Penalty will act as both a general and specific deterrent to send a message that this type of conduct is unacceptable and will not be tolerated. We also found that the Proposed Penalty provides the opportunity for rehabilitation and remediation.

The Panel appreciated that although the Member committed a serious error and breach of standards, when the error was discovered, she handled the situation in a responsible and professional manner. The Panel noted that the playground gate had been broken for many months prior to the incident. It was well known by both the Centre's staff and management, and by the School. Several work orders requesting the gate to be fixed had been placed, including as recently as April 11, 2018, but the gate was not repaired by the School before the incident occurred.

The Panel also appreciated that the Member has used the incident to improve her practice and to advocate for safe work environments. It is for this reason that we also felt the Order was appropriate in the circumstances.

ORDER AS TO COSTS

Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable.

The Panel orders that the Member is required to pay the College's costs, fixed in the amount of \$1,000 to be paid in accordance with the following payment schedule:

- a. \$200 sixty (60) days following the date of the Order;
- b. \$200 ninety (90) days following the date of the Order;
- c. \$200 one hundred and twenty (120) days following the date of the Order;
- d. \$200 one hundred and fifty (150) days following the date of the Order; and
- e. \$200 one hundred and eighty (180) days following the date of the Order.

I, Sasha Fiddes, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.



Sasha Fiddes, RECE, Chairperson

November 23, 2020

Date