



## **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 November 17, 2022. 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 noted that the hearing was being recorded in the Zoom platform at the direction of the Panel for the hearing record, and ordered that no person shall make any audio or video recording of these proceedings by any other means.

## **PUBLICATION BAN**

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

## **THE ALLEGATIONS**

The allegations against the Member were contained in the Notice of Hearing dated October 26, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Ariana Belen Ontaneda (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at LoveView Early Learning Centre (formally Core Education & Fine Arts Centre) in Richmond Hill, Ontario (the “Centre”).

### **Incident 1**

2. On or about August 9, 2019, at approximately 4:27 p.m., the Member and the special-needs educator staff, (“SES worker”), transitioned 8 kindergarten-aged children to the Centre’s fenced

playground, including a 4-year-old with special needs (“Child 1”). The Member realized that she forgot to bring the backpack containing the first-aid kit and instructed the SES worker to go back inside to retrieve it. The Member, who remained the sole staff member on the playground, failed to conduct a headcount, as was required by the Centre’s policies. The Member also failed to notice that Child 1 opened the playground’s gate and left the Centre’s fenced playground. Approximately one minute later, the SES worker came out and asked the Member for Child 1’s whereabouts. The Member and several staff began searching for Child 1.

3. Child 1 walked to Elgin Mills Road East, near Bayview Avenue, and ran into oncoming traffic. Two drivers noticed this, pulled their vehicles over to the curb, and chased after Child 1 to remove them from the roadway. One of the drivers called police and remained with Child 1 until the Centre’s Principal arrived. In total, Child 1 was unsupervised for approximately 6-7 minutes.

### **Incident 2**

4. Less than a month later, on or about the morning of September 5, 2019, the Member and an early childhood assistant (“ECA”), were responsible for supervising children in the Centre’s toddler room, including a 3-year-old with special needs (“Child 2”). The Member failed to notice that a safety gate leading to the hallway was left open by a parent. As a result, at approximately 8 a.m., Child 2 exited the toddler room, unnoticed by the Member. Child 2 wandered in the hallway for 1-2 minutes. Child 2 then entered the senior preschool classroom and remained there in the company of another staff member.
5. The Member failed to notice that Child 2 was missing for approximately 20 minutes. The Member and the ECA then began searching for Child 2, located them in the senior preschool classroom and brought them back to the toddler room.

### **Allegations of Professional Misconduct**

6. By engaging in the conduct set out in paragraphs 2 – 5 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; and/or
  - 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 held a certificate of registration with the College for approximately 4 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 RECE at the Centre.

## **Incident #1**

3. On August 9, 2019, at approximately 4:27 p.m., the Member and the SES worker, transitioned 8 kindergarten-aged children to the Centre's fenced playground, including Child 1.
4. The Member realized that she forgot to bring the backpack containing the first-aid kit and instructed the SES worker to go back inside to retrieve it. The Member, who remained the sole staff member on the playground, failed to conduct a headcount, as was required by the Centre's policies. The Member also failed to notice that Child 1 opened the playground's gate and left the Centre's fenced playground.
5. Approximately 1-2 minutes later, the SES worker came out and asked the Member for Child 1's whereabouts. The Member and several staff began searching for Child 1.
6. Child 1 walked a distance of approximately 250 meters to Elgin Mills Road East, near Bayview Avenue, and ran into oncoming traffic. Two drivers noticed this, pulled their vehicles over to the curb, and ran after Child 1 to remove them from the roadway. One of the drivers called police and remained with Child 1 until the Centre's Principal arrived.
7. In total, Child 1 was unsupervised for approximately 6-7 minutes.

## **Incident #2**

8. Less than a month later, on the morning of September 5, 2019, the Member and an ECA, were responsible for supervising children in the Centre's toddler room, including a 3-year-old child with special needs ("Child 2").

9. The Member failed to notice that a safety gate leading to the hallway was left open by a parent who dropped off their child. As a result, at approximately 8 a.m., Child 2 exited the toddler room, unnoticed by the Member.
10. Child 2 wandered in the hallway for 1-2 minutes. Child 2 then entered the senior preschool classroom and remained there in the company of another staff member.
11. The Member failed to notice that Child 2 was missing for approximately 20 minutes. The Member and the ECA then began searching for Child 2, located them in the senior preschool classroom and brought them back to the toddler room.

### **Additional Information**

12. Both incidents were investigated by the Children's Aid Society ("CAS") who verified that the Member failed to supervise Child 1 and Child 2, resulting in risk of harm.
13. Three days after Incident #1, the Centre issued a written warning to the Member, which reminded the Member of the Centre's expectation regarding appropriate supervision of children.
14. The Member received a second written warning after Incident #2.
15. According to the Centre's management, prior to Incident #1, there have been no concerns regarding the Member's behaviour or professional abilities.
16. If the Member were to testify, she would advise that she acknowledges her failures in both incidents, and has focused on her continued improvement as an REECE.

### **Admissions of Professional Misconduct**

17. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 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; and/or
  - 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 the allegations set out in the Notice of Hearing were admitted to by the Member and were supported by the evidence. The College submitted further that the evidence for the allegations consisted of the Agreed Statement of Facts which contained the facts which established each of the allegations.

College counsel submitted that the Member failed to adequately supervise two children with special needs under her care. In Incident #1, the Member along with the SES worker were responsible for supervising a group of 8 kindergarten aged children. By failing to conduct a headcount, as required by the Centre's policy and procedure and to notice a child was missing, she breached the professional standards by exposing Child 1 to a harmful and unsafe situation. Child 1 left the Centre's playground and was unsupervised for approximately 6-7 minutes and ran into traffic.

In Incident #2, the Member failed to notice that Child 2 left the room and was missing for approximately 20 minutes. College Counsel submitted that the key failure was that the Member didn't observe and monitor the environment and failed to provide safe and secure supervision for children. Although both incidents involved other staff members who were working with the children, the Member failed to communicate with the other staff to provide a safe environment for children and failed to act as a role model to others.

The Member did not provide the children under her care with a safe environment. She failed to model appropriate behaviour and comply with relevant legislation and regulations, as well as the College's Code of Ethics and Standards of Practice. Her conduct reflects on the profession as a whole and erodes public confidence in RECEs.

The Member did not make any submissions.



## **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 and admitted to in the Agreed Statement of Facts.

The Panel found that the allegations of misconduct contained in the Notice of Hearing are supported by the facts set out in the Agreed Statement of Facts. The evidence shows that the Member contravened the standards of the profession, as she failed to follow the Centre's policies and procedures for conducting a headcount when she transitioned a group of children to the Centre's playground.

Her failure to properly follow established procedures for transitions resulted in Child 1, a child with special needs, leaving the playground and remaining unsupervised for 6-7 minutes. Child 1 ran into oncoming traffic but was stopped by members of the public near a major intersection in Toronto. The Member did not notice Child 1 was missing until notified by another staff member. Less than a month later, the Member failed to monitor the playroom resulting in Child 2, another child with special needs, leaving the room unnoticed. Child 2 was found by a member of the preschool staff within 1 to 2 minutes of leaving the room. However, the Member failed to notice Child 2 was missing for a significant length of time, 20 minutes.

By failing to follow procedures and by her lack of supervision, the Member put both children at great risk. The Member contravened the standards of practice when she neglected to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations. The Member also failed to comply with the policies and procedures that are relevant to her professional practice and to the care and education of children based on age, development and environment. By engaging in such conduct, the Member admitted, and the Panel finds, that the Member's conduct would reasonably be regarded by members of the profession as disgraceful, or unprofessional, and unbecoming of a member.

## **POSITION OF THE PARTIES ON PENALTY**

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

1. Requiring the Member to appear before a 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 9 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, once the suspension in section 2 above ends, 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 7 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, within 60 days of the date of this Order.

#### **Submissions of the College on Penalty and Costs**

Counsel for the College submitted that failing to supervise children is the most common type of misconduct brought before the Discipline Committee; however, this case stands out for its severity as it involved children with special needs.

The College counsel submitted that the Proposed Order met the principles that a penalty order was required to meet, in that it would send a message broadly to members of the profession and the public that the conduct at issue is unacceptable and will not be tolerated by the College. The Proposed Order would also deter other members from engaging in this kind of conduct and it would deter the Member from engaging in misconduct in the future. Counsel also submitted that the Proposed Order, which contains a structured mentorship program, would help to rehabilitate and support the Member in her return to practice.

The College counsel also submitted that the penalty must take into account the aggravating and mitigating factors in this case, and presented the following factors for the Panel's consideration.

The aggravating factors are:

1. The Member failed to supervise children in two separate incidents within a month.
2. Both incidents involved young children.
3. Both children were vulnerable due to their special needs.
4. During Incident #1, Child 1 faced a significant road related risk and only escaped harm with help from members of the public.
5. During Incident #1, the Member failed to follow policy and procedures which could have prevented Child 1 from leaving the playground. The Member failed to recognize the level of diligence required, and failed to reposition herself, monitor and supervise the children and have an enhanced alertness for Child 1 during the SES worker's absence.
6. Incident #2 occurred less than one month after Incident #1, despite the warning given to the Member by the Centre.
7. During Incident #2, the Member failed to ensure the safety gate was closed, which was particularly important given the age of the children and that a child with special needs was in the group.
8. The Member failed to notice the lengthy time (20 minutes) that Child 2 was not in the classroom.

The College counsel also identified the mitigating factors in this case, including the following:

1. The Member acknowledged her wrongdoing, and fully cooperated with investigation by the Centre and the College.
2. The Member admitted to and took responsibility for her conduct, demonstrating insight and thereby saving the College the time and expense of a contested hearing.
3. The Member had no prior history of misconduct and had been a member of the College for four years.

The College counsel noted that there were three additional considerations for the Panel which were identified as the absence of aggravating factors:

1. Child 1 was not physically injured or harmed.
2. There was no evidence to suggest that Incident #1 had long lasting impact on Child 1.
3. Child 2 did not leave the Centre's premise and was under the supervision of another staff member therefore, there was no significant risk to Child 2.

The College counsel submitted that the Proposed Order was also consistent with the range of penalties given in similar cases, and provided three cases for the Panel's consideration:

1. *College of Early Childhood Educators v Mvidi Helene Batulapuka*, 2021 ONCECE 7
2. *College of Early Childhood Educators v Natalia Catalina Gomez*, 2022 ONCECE 17
3. *College of Early Childhood Educators v Ban Al Azawi*, 2021 ONCECE 9
4. *College of Early Childhood Educators v Vijayalakshmi Ethiraju*, 2020 ONCECE 5

The College counsel submitted that these cases represented conduct of a similar nature and established that the Proposed Order was proportionate and reasonable and would not bring the administration of justice into disrepute.

### **Submissions of the Member on Penalty and Costs**

The Member submitted that she was underprepared to respond to the needs of the children with special needs during the events at issue. She has since taken training to help her to better respond to the needs of the children. The Member submitted that she was not well supervised but failed to ask for help when she needed it. The Member admitted that she was at fault but this came at the end of the period of time in which she had many struggles and a lack of confidence in her skills.

### **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 Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 9 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 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, once the suspension in section 2 above ends, 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 7 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. It is the Panel's conclusion that the penalty proposed is appropriate and reasonable in light of all penalty objectives. The Panel accepts the joint submission.

The Panel is aware that no cases are exactly alike. However, reviewing earlier cases can help determine the appropriate penalty. The Panel therefore considered the previous cases that were presented by the College, each of which involved similar facts to those of this case and a similar penalty to that proposed. The Panel took note that the Member failed to supervise at two different times, within one month, two children with special needs which resulted in a young child leaving the premises and running into traffic and another young child leaving a playroom unnoticed for a period of 20 minutes. Had the Member properly followed the Centre's policies and procedures and conducted a headcount and monitored the children, the incidents could have been prevented.

The Panel was especially concerned that after the first incident, the second one happened within less than a month and after the Member was spoken to by the Centre. The Panel notes with concern that the Member failed to take action to improve her professional practice after the first incident.

The Panel also had particular concern that both incidents involved children with special needs. While the Panel appreciates the Member's comments that she was inexperienced in working with children with special needs, the Panel wishes to remind the Member and all members that children's individual development must be taken into account to provide safe and appropriate supervision and there are circumstances where members are expected to exercise enhanced caution and continuously monitor the environment.

The Panel found that the proposed suspension is generally consistent with the range of suspensions that were imposed in the previous cases. This suspension is appropriate, given the aggravating factors in this case. The suspension, along with the reprimand, will act as a specific deterrent to the Member, and a general deterrent to other members of the profession, from engaging in such conduct. The terms, conditions and limitations imposed will help to protect the public. The Member will also be rehabilitated through the mentoring sessions when returning to practice in the future.

The Panel also considered that the Member cooperated with the College and, by agreeing to the facts and Proposed Order, has accepted responsibility for the misconduct. Furthermore, the Panel noted that the Member had taken full responsibility for her conduct and had worked on improving her professional practices and by taking training after the incidents. Having considered all these factors, the Panel is satisfied that the Proposed Order in this case is appropriate and in the public interest.


#### **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 pay the College its costs, fixed in the amount of \$1000 to be paid within 60 days of the date of the Order.

**I, Yalin Gorica, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel.**



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Yalin Gorica, RECE, Chair

November 29, 2022

Date