

IN THE MATTER of a Hearing of a panel of the Discipline Committee of the College of the Kinesiologists held pursuant to the provisions of the Health Professions Procedural Code which is schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18, respecting one Qusai Gulamhusein of the City of Toronto in the Province of Ontario;

AND IN THE MATTER of the *Kinesiology Act, 2007*, S.O. 2007, c. 10, Schedule 0, as amended, and the regulations thereunder, as amended;

AND IN THE MATTER OF the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended; 1993, Chapter 27; 1994, Chapter 27.

Panel: Sara Gottlieb, Public Member, Chair
Mary Pat Moore, Public Member
Jennifer Pereira, R. Kin
Victoria Nicholson, Public Member

BETWEEN:

COLLEGE OF KINESIOLOGISTS)	Appearances:
OF ONTARIO)	Maya Pearlston
)	for the College of Kinesiologists
)	
-and-)	
)	
)	
Qusai Gulamhusein)	No Representation for
Registration No. 10849)	Qusai Gulamhusein
)	
)	Emily Lawrence
)	Independent Legal Counsel
)	
Hearing held by way of videoconference))	Heard: October 20, 2021

Reasons for Decision

Introduction

1. This matter was heard by a panel of the Discipline Committee (“the Panel”) of the College of Kinesiologists (the “College”) in the format of a video conference on October 20, 2021.
2. The matter was contested.
3. The Registrant attended. At times, he was unable to show his face on video due to technology issues. However, throughout the hearing, the Panel monitored that he was able to see and hear the proceedings and was satisfied that he was able to participate.

Scope of Decision

4. The Panel provided its reasons for decision orally at the conclusion of the hearing. In the interests of a timely written decision, this decision is limited to the issue of Professional Misconduct only. Reasons and a decision will follow submissions on Penalty.

Allegations

5. As set out in the Notice of Hearing (“NOH”), admitted as Exhibit 1 in the proceedings, Mr. Qusai Gulamhusein (the “Registrant”) is alleged to have engaged in professional misconduct. In particular it is alleged that the Registrant sent two unsolicited emails to health professionals relating to COVID-19 (the “COVID-19 Email Allegations”) and failed to report matters to the College pertaining to registration with the Ontario College of Teachers (“OCT”) (the “OCT Reporting Allegations”).
6. With respect to the COVID-19 Email Allegations, it is alleged that the Registrant committed professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of *Ontario Regulation 316/12*:
 - a) **Paragraph 1** - Contravening, by act or omission, a standard of practice of the profession or
failing to maintain the standard of practice of the profession;
 - b) **Paragraph 8** - Attempting to treat a condition that the member knows or ought to know he or she does not have the knowledge, skills or judgment to treat;
 - c) **Paragraph 26** - Signing or issuing, in his or her professional capacity, a document that the member knows or ought to know contains false or misleading information;
 - d) **Paragraph 28** - Making a claim about a remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion;

- e) **Paragraph 29** - Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable;
 - f) **Paragraph 31** - Soliciting or permitting the solicitation of an individual in person, by telephone, by electronic communication or by other means of communication unless,
 - i. the person who is the subject of the solicitation is advised, at the earliest possible time during the communication, that,
 - 1. the purpose of the communication is to solicit use of the member's professional services, and
 - 2. the person may elect to end the communication immediately or at any time during the communication if he or she wishes to do so, and
 - ii. the communication ends immediately if the person who is the subject of the solicitation so elects;
 - g) **Paragraph 50** - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and/or
 - h) **Paragraph 51**- Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.
7. With respect to the Ontario College of Teachers Reporting Allegations, it is alleged that the Registrant committed professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of *Ontario Regulation 316/12*:
- a) **Paragraph 1** - Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession [note: this allegation was not pursued at hearing];
 - b) **Paragraph 26** - Signing or issuing, in his or her professional capacity, a document that the member knows or ought to know contains false or misleading information;
 - c) **Paragraph 40** - Contravening, by act or omission, a provision of the Act, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts specifically s. 2(2) of Regulation 401/12;
 - d) **Paragraph 42** - Contravening, by act or omission, a term, condition or limitation on the member's certificate of registration specifically as set out in s. 4(1)(i) and/or s. 4(1)(ii) of Regulation 401/12;

- e) **Paragraph 50** - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and/or
- f) **Paragraph 51**- Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

The Registrant's Plea

- 8. The Registrant denied the allegations of professional misconduct as set out in the NOH.

The Evidence

College Witness #1: Ilwad Jama

- 9. The College introduced into evidence the testimony of Ilwad Jama, a legally trained independent investigator, with experience in professional regulatory matters, appointed to investigate the two sets of allegations regarding Mr. Gulamhusein's conduct. The three appointments of investigator dated March 30, 2020, April 16, 2020 and April 30, 2020 were filed as Exhibits 2, 3, 4. The Registrant objected to Exhibit 3 on the basis of its content. The Panel concluded that this document was relevant, authentic and admissible.

Ms. Jama's Evidence Regarding the COVID-19 Emails

- 10. Through Ms. Jama, the College introduced an email from the Registrant dated March 27, 2020 to a physician in Kingston, Ontario and it appears 113 health professionals/health administrators at Kingston Health Sciences Center (KHSC) (the "First Email") as Exhibit 5. Ms. Jama testified that when appointed, she received a copy of the First Email from the College.
- 11. The subject line of the First Email was: "COVID-19 – Suggestions/Strategies for Prevention & Treatment" and in the email, the Registrant identified himself as a member of the College.
- 12. The Registrant's email provided, in relevant part:

Below are some suggestions and strategies I can provide as being a Kinesiologist in aiding with the prevention and combat of COVID-19 at this global pandemic level.

The below can apply at all ages, especially for the elderly population. Hope my suggestions are helpful.

Please share my suggestions with other physicians/nurses/health care providers to help with the combat of COVID-19 in other parts of the world (Europe/US/Elsewhere)

Prevention for COVID-19:

- Have patients boost their immune system. Diet rich in antioxidants (fruits/vegetables/green tea/etc).
- Diet rich in antioxidants include: Red Onions/Onions, Peppers, Berries (blue berries, raspberries, etc).
- Diet rich in Vitamin C, Honey, Pineapples Juice. Pineapple juice helps cleanse the lungs and alleviates cough.
- Have patients perform daily home based cardio exercises as well as breathing exercises to increase lung capacity and VO2 Max.
- Have patient rinse mouth and gargle daily with warm salt water. Salt (sodium chloride) destroys germs, acts as a protection in throat.

Treatment for COVID-19:

- Have patients with early symptoms of COVID-19 provide self treatment as well as seek medical treatment.
- Vicks Vapour Rub on Chest/Throat with Hot Water Bottle is very effective in relieving cough/fever along with Tylenol.
- Proper food intake (chicken noodle soup/onions, green tea, pineapple juice, other fruits/vegetables, turmeric powder).

13. The Registrant's email also enclosed his CV.
14. Through Ms. Jama, the College also introduced an email History Log from KHSC to demonstrate that the message was received by over 100 health care professionals and/or health administrators at KHSC as Exhibit 6.
15. Ms. Jama identified an email between Ms. Jama and the Registrant of May 21, 2020, admitted into evidence as Exhibit 12, in which the Registrant confirmed to Ms. Jama that he had sent a subsequent email to certain individuals at KHSC with the subject line "Kinesiologist Experienced with Medical Legal Reports / File Reviews" (the "Second Email").
16. The Second Email, as reproduced by the Registrant to Ms. Jama, conveyed the following:

I'm a Kinesiologist experienced completing medical file reviews and medical legal reports.
My report turn around time is 5-7 business days. Thank you.
Experienced with the following:
Medical File Reviews
Medical Legal Reports
Functional Capacity Evaluations

Work Site Assessments
CV & References Available Upon Request
Serving Toronto, GTA, Southern Ontario
Mobile: [intentionally omitted]
Email: [intentionally omitted]
Sincerely,
Qusai Gulamhusein, Kinesiologist

17. Ms. Jama testified that the IT department at KHSC told her that KHSC blocked the Registrant's email address, as a result of the original email of March 27, 2020. Accordingly, the Second email was not delivered to the intended recipients.
18. The College did not reproduce the Second Email blocked by the Hospital server, in its original form, nor the precise date(s) the Registrant sent it. Instead, Ms. Jama identified a KHSC email history log suggesting that the second email was attempted to be delivered on April 18, 19, 20, 21, 22 and 23, 2020 as Exhibit 13. Ms. Jama testified that each row in the history log indicated the date(s) the Second Email was sent, the email address the Email originated from, and the email domain names to whom the Email was sent. She further testified that according to the log and to KHSC, the KHSC server received 30-40 copies of the Second Email.
19. Ms. Jama stated that the Registrant was advised that he was being investigated by the College for sending the first unsolicited email, and prior to his attempts to send the Second Email. Ms. Jama did not provide documentary evidence to support that the Registrant was aware of the precise nature of the allegations against him regarding the first email, prior to attempting to deliver the Second Email though the evidence lead was that he should have known.

Ms. Jama's Evidence Regarding the OCT Reporting Allegations

20. Ms. Jama testified that after her second appointment, she obtained the Registrant's publicly available profile on the OCT website, which was filed as Exhibit 7.
21. The Registrant objected to the filing of this document as "confidential". The Panel did not accept this submission, and admitted this document as relevant.
22. This exhibit states that the Registrant became a member of OCT on or about April 20, 2012. The exhibit also noted that the Registrant had been found guilty of professional misconduct on November 15, 2019, reprimanded and suspended for three months and that the Registrant was subject to terms, limits and/or conditions, including the requirement to enrol in a course on anger management, classroom management and boundaries.
23. Ms. Jama testified that she obtained a copy of the Decision and Reasons of the OCT Discipline Committee dated November 15, 2019 (the "OCT Decision"), available on the Public Register of the OCT.

24. The Registrant objected to the filing of this document on the basis that the OCT and the College are separate entities and the information was personal and confidential. He did not argue that he was not aware of these proceedings and/or findings by the OCT, and indeed, he was represented by counsel and appears to have participated in the process.
25. The Panel did not accept this submission. Using the test for admission of evidence, the Panel admitted this evidence as being relevant and accurate material. This document was filed as Exhibit 8.
26. The OCT Decision outlined that the Registrant admitted to having inappropriately made physical contact with several students by massaging or touching their shoulders, attempting to hug or hold students, and hitting them with metre or smart board sticks, using a cell phone during instructional time to conduct personal business and using inappropriate language and tone with students, including yelling.
27. The OCT Decision outlined that the Registrant was the subject of an investigation by OCT on or about 2016 or 2017 and that the allegations of professional misconduct were referred to the OCT Discipline Committee on or about November 24, 2018. The Decision found the Registrant guilty of professional misconduct by the OCT Discipline Committee on or about November 15, 2019.
28. Ms. Jama testified that her understanding was that a member of the College would indicate in their annual renewal forms if there were any findings since last time they renewed. She testified that she sought and obtained from the College the Registrant's annual renewal forms with the College, for 2018 and 2019 to see if he has put information about the OCT proceedings in his most recent renewal form. The Registrant's annual renewal form signed August 30, 2018 was filed as Exhibit 9 and his annual renewal form dated August 31, 2020 was filed as Exhibit 10.
29. In her testimony, Ms. Jama identified the sections of these renewal forms that showed that the Registrant checked off "no" in the relevant part of the renewal form which requested information about whether the Registrant was registered with any other professions and in the "professional conduct history" portion of the form, which requested information as follows:

...

Since you last reported to the College, have you been the subject of a Of professional misconduct, incompetence, incapacity, or any similar finding, in any jurisdiction?

...

Since you last reported to the College, have you been the subject of an investigation or proceeding by a regulatory body or licensing authority regarding professional misconduct, incompetence, incapacity, or any similar matter, in any jurisdiction?

...

Since you last reported to the College, have you been the subject of a professional negligence, malpractice, or any similar finding, in any jurisdiction?

30. Ms. Jama testified as to her discussions with the Registrant in May as reflected in Exhibit 11.

The College did not call any further witnesses nor introduce other documentary evidence.

The Registrant's Evidence

31. The Registrant made an opening submission after Ms. Jama's evidence. He also testified that he failed to provide information relating to the OCT investigation and decision to the College as he was not required to and the OCT decision was confidential as per the marked envelope he received from the OCT, containing the decision in and he didn't wish to breach that trust.
32. The Registrant testified that his email communications were appropriate as they reflected his knowledge as a Registered Kinesiologist and they explicitly were framed as suggestions, in good faith, to address COVID-19.

Final Submissions

Submissions Regarding Language in the Notice of Hearing

33. The Registrant submitted that the NOH should be invalidated on the basis that it plagiarized the language of the OCT Decision regarding professional misconduct, and in that it failed to reference the Peace Bond he entered in relation to the OCT allegations. He also stated that the Registrar at the time of signing the NOH (then Ms. Brenda Kritzer) should be attending at the hearing and suggested the absence of her presence also invalidated the proceedings.
34. The College's counsel submitted that the reference to a Peace Bond is not relevant to the question of professional misconduct in that the *Kinesiology Act* (in particular subsection 4) requires disclosure of charges, regardless of a conviction or Peace Bond. She also submitted that the Registrar typically signs the NOH and confirmed that Ms. Kritzer was the Registrar at the time, and submitted that the NOH was quoting the *Kinesiology Act*. Independent Legal Counsel provided similar advice.

Submissions Regarding the Allegations

35. The College's position, in sum, was that the Registrant committed professional misconduct in sending his First Email regarding COVID-19 and attempts to deliver the Second Email, and in failing to disclose to the College information relating to his

registrant status with OCT. The College attempted to introduce the College's [Advertising Standard](#) in support of its argument that the Registrant's emails failed to meet the standards of the profession in that they provided details which may not be true or verifiable, contrary to the Advertising Standard. The Registrant objected to the introduction of the Advertising Standard at this stage in the proceeding and the College conceded that it would not submit the Standard absent the Registrant's consent in Closing.

36. The Registrant's position was that he did not commit professional misconduct with respect to the COVID-19 Emails as they reflected his knowledge as a Kinesiologist and were framed as suggestions. His position with respect to the non-disclosure of his status with OCT was that he understood the OCT decision to be confidential and the College wasn't required to be notified of his status with OCT as the OCT and College are separate entities. [

Advice from ILC

37. Independent Legal Counsel provided advice that in order for the Panel to make a determination as to whether a Member has committed an act of professional misconduct, the Panel must either hear evidence as to the applicable standard (either via expert evidence or documentation) or the breach of the standard must be so notorious and obvious that common sense and practice would inform the Panel's assessment of a breach in the absence of such evidence. She also advised that discipline decisions of the regulators, including the College of Teachers, are not private matters; they are intended to be and are publicly available. She summarized the College's burden, the heads of professional misconduct at issue (including a summary view of the phrases "dishonourable", "disgraceful" or "unprofessional", and "unbecoming") and the test for credibility.

Decision

38. The College bears the onus of proving the allegations in accordance with the standard of proof, that being the balance of probabilities based upon clear, cogent and convincing evidence.
39. Having considered the evidence and the onus and standard of proof, the Panel finds that the Registrant committed acts of professional misconduct as alleged in paragraphs 9 (e), (f), (g) and (h) and 23 (b), (c) and (d) of the NOH. Specifically, this conduct constituted professional misconduct under subsection 51(1)(c) of the *Code* as set out in Ontario Regulation 316/12 paragraphs 29 (permitting the advertising of the member in a manner that is false or misleading or that includes statements that are not factual and verifiable); 31 (soliciting or permitting the solicitation ... absent certain information being conveyed to recipients); 50 (engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful,

dishonourable or unprofessional) and 51 (engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

Reasons for Decision

Validity of NOH

40. The Panel's view is that the facts outlined in the NOH are not evidence. The Panel's determination must be based on evidence heard at the proceeding. Regardless, for the sake of clarity, the Panel notes that a NOH must be authorized by a Registrar but a Registrar is not required to attend a Discipline Hearing. Further the issue of whether the NOH used similar language to the OCT decision was not relevant and is explained by virtue of the fact that many professional regulations use very similar or identical language regarding professional requirements.

Decision Regarding the COVID-19 Emails

41. The Registrant is alleged to have an unsolicited email to approximately 114 health professionals/health administrators at KHSC on or about March 23, 2020, identifying himself as a member of the College and/or attached his curriculum vitae in an attempt to advertise his services and/or solicit the 114 persons by electronic communication. He is also alleged to have send further unsolicited emails to approximately 75 health professionals at the Kingston hospital between approximately April 18 and April 28, 2020 in an attempt to advertise his services and/or solicit the 75 health professionals/health administrators by electronic communication.
42. The Registrant admits that he sent these emails. The Panel makes the following findings of fact:
 - a. The Registrant sent the First Email to approximately 114 health professionals/health administrators at KHSC on March 23, 2020;
 - b. The Registrant sent the Second Email to approximately 75 health professionals/health administrators at KHSC on dates in April 2020, which were not received by participants;
 - c. he identified himself as a member of the College in both emails, and attached his curriculum vitae to the First Email; and
 - d. his sending these emails was an attempt to advertise his services and/or solicit persons by electronic communication.

Allegation relating to Standards of Practice

43. The Panel did not have evidence with respect to the standard of practice in the profession that might apply to the Registrant's conduct, in order to allow the Panel to determine whether the Registrant had failed to maintain or contravened a standard of practice with respect to the First Email and Second Email he sent to send to KHSC. Accordingly, the Panel does not make findings in respect of the allegations that the

Registrant failed to maintain or contravened a standard of practice with respect to the COVID-19 Email Allegations (Paragraph 1 of Ontario Regulation 316/12).

Allegation relating to Attempts to Treat, False and Misleading Evidence and Making Claims about a Remedy, Treatment, Device or Procedure

44. In respect of Paragraphs 8, 26 and 28 of Ontario Regulation 316/12, the Panel concluded that the College has not proven that the Registrant engaged in professional misconduct in relation to the COVID-19 Email Allegations.
45. The Panel finds that the contents of the Registrant's First Email contained suggestions about prevention and treatment of disease, some of which was within the scope of a Kinesiologist's expertise (namely, nutrition). However, the Panel is not satisfied that, on a balance of probabilities, the Registrant was attempting to treat a condition by sending the Email as required for finding under paragraph 8 of Ontario Regulation 316/12.
46. The Panel takes note that given the time period in which the Registrant sent the First Email, namely, March 2020, there was a great deal of uncertainty about the appropriate prevention and treatment of COVID-19. The Panel is not satisfied that it had evidence to determine the reasonable professional opinion at that time regarding the treatment of COVID-19 against which to assess the content of the Registrant's communication as required for finding on a balance of probabilities under paragraph 28 of Ontario Regulation 316/12, or that the content of the First Email was false or misleading, as required for finding on a balance of probabilities under paragraph 26 of Ontario Regulation 316/12.
47. As a result, the Panel concluded that the Registrant's First Email does not, on a balance of probabilities, show that the Registrant's conduct was an attempt to treat a condition that they know or ought to have known they did not have the knowledge, skills or judgment to treat, or the issuing of a document that the Registrant knew or ought to have known contained false or misleading information, or the making of a claim about a remedy, treatment, device or procedure that cannot be supported as a reasonable professional opinion.
48. However, the Registrant's First and Second Emails were clearly advertising his services. The First Email included statements that were not verifiable (since, at the time, Kinesiologists could not generally lay claim to expertise in the treatment of COVID-19 specifically) and solicited business as a kinesiologist, without providing the necessary caveats laid out in the regulation. The Second Email solicited business as a kinesiologist, without providing the necessary caveats laid out in the regulation, which is at the very least unprofessional and unbecoming. In addition, the evidence supported that the behaviour of the Registrant in relation to the First Email was at the very least unprofessional and unbecoming as a Registered Kinesiologist's scope of practice at that particular point in time was clearly known not to include expertise in

novel, highly infectious respiratory illnesses, particularly in the absence of any sources of verification or data being cited by the Registrant.

49. Consequently, the Panel was satisfied that his emails constituted professional misconduct as set out in NOH paragraphs 9 (e), (f), (g) and (h) and 23 (b), (c) and (d). Specifically, this conduct constituted professional misconduct under subsection 51(1)(c) of the *Code* as set out in Ontario Regulation 316/12 paragraphs 29 (permitting the advertising of the member in a manner that is false or misleading or that includes statements that are not factual and verifiable); 31 (soliciting or permitting the solicitation ... absent certain information being conveyed to recipients); 50 (engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional) and 51 (engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).

Decision Regarding the OCT Decision

50. Regulation 401/12 under the *Kinesiology Act* provides the following with respect to reporting to the College:

4. Every certificate of registration is subject to the following terms, conditions and limitations:

1. The member shall provide the College with written details about any of the following that relate to the member no later than 30 days after the member becomes aware of it occurring:

i. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

ii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

iii. A finding of professional negligence or malpractice in any jurisdiction.

iv. A refusal by any body responsible for the regulation of a health profession in any jurisdiction to register the member.

v. Whether the member was not in good standing at the time he or she ceased being registered with a body responsible for the regulation of another profession in Ontario or of any regulated profession in another jurisdiction.

- vi. Any other event that would provide reasonable grounds for the belief that the member will not practise kinesiology in a safe and professional manner.
2. The member shall provide the College with written details about any finding of guilt relating to any offence as soon as possible after receiving notice of the finding, but not later than 30 days after receiving the notice.
51. It is clear from the regulation that a member of the College must submit information to the College with respect to professional misconduct processes and decisions from another regulatory College. The Registrant has admitted that he did not do so. The Panel finds that the Registrant did not do the OCT process and related decision.
52. Section 4(1)(ii) required the Registrant to advise the College of the information described above within 30 days of the finding of guilt. The Panel finds that the Registrant admitted he did not inform the College of any information relating to the OCT Decision.
53. In addition, O.Reg 316/12 para. 26 prohibits a Member from signing or issuing, in his or her professional capacity, a document that the member knows or ought to know contains false or misleading information. The Member's annual renewals which omitted any reference to his registrant status with OCT and the investigation and subsequent disciplinary decision against him constitute false statements signed by the Member in his professional capacity.
54. The Panel did not find the Registrant's submissions that the matter was confidential matter between himself and the OCT to be persuasive. Members of the College obliged to know and comply with their regulatory reporting obligations.
55. Consequently, the Panel was satisfied that the Registrant's failure to report the OCT Decision constituted professional misconduct as set out in NOH paragraphs 18 (g), (i), (j) and (k). Specifically, this conduct constituted professional misconduct under subsection 51(1)(c) of the *Code* as more specifically described in O.Reg. 316/12, paragraph 26 (signing or issuing a document that the member knows or ought to know contains false or misleading information); paragraph 42 (contravening, by act or omission, a term, condition or limitation on the member's certificate of registration specifically as set out in s. 4(1)(i) and/or s. 4(1)(ii) of Regulation 401/12), 50 (engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional); and 51 (engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession).
56. The College did not pursue arguments that the Registrant violated the standards of practice with respect to the OCT Decision nor lead evidence with respect to whether the Registrant failed to attest in his application material that he was the member of the OCT. Accordingly, the Panel was unable to conclude that professional misconduct under paragraphs 18 (f) or (h) of the NOH was made out.

I, Sara Gottlieb sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel.



Chairperson

November 22, 2021

Jennifer Pereira, R. Kin., Professional Council Member, Victoria Nicholson, Public Council Member, Mary Pat Moore, Public Council Member