

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF DENTURISTS OF ONTARIO**

BETWEEN:

COLLEGE OF DENTURISTS OF ONTARIO

- and -

WILLIAM KENYON

REASONS FOR DECISION

On October 17th, 2005 the Discipline Committee of the College of Denturists of Ontario made the following order:

1. *The Discipline Panel orders that the Registrar be directed to revoke Mr. Kenyon's certificate of registration.*
2. *The Discipline Panel orders that the Registrar be directed to suspend the revocation of the certificate of registration of Mr. Kenyon ordered in paragraph 1, above, until one of the following events fails to occur, in which case the revocation shall commence immediately, without prior notice or hearing:*
 - (a) *Mr. Kenyon shall deliver a written apology to the Registrar within 30 days of today's date acknowledging his responsibility for the alleged conduct, acknowledging that he also breached an undertaking to the College dated June 21, 2005 to respond to College communications promptly, apologizing for that conduct, stating that it is his sole responsibility to ensure that he complies with all professional responsibilities and regulatory requirements and acknowledging that this order is absolutely his last chance to maintain membership in the College.*

- (b) *Mr. Kenyon shall respond fully and meaningfully in writing within 30 days of today's date to the letters sent to Mr. Kenyon by representatives of the College on June 9, 2005, June 21, 2005, August 2, 2005, and August 4, 2005.*
- (c) *Mr. Kenyon shall respond fully and meaningfully in writing within 30 days to any letter mailed by any representative of the College to 74 Flanders Drive, Waterdown, ON L0R 2H7 or such other substituted address given by Mr. Kenyon in writing to the Registrar.*
- (d) *Mr. Kenyon shall maintain a functional voice message system at the following number 905 690 7730 or such other substituted number given by Mr. Kenyon in writing to the Registrar and shall respond fully and meaningfully within 3 business days to any message left by any representative of the College at that telephone number.*
- (e) *Mr. Kenyon shall maintain the professional liability insurance required by the College at all times and shall provide written proof of such insurance if requested by any representative of the College in accordance with clauses (c) or (d) above.*
- (f) *Mr. Kenyon shall deliver to the Registrar an accurate, completed annual renewal form, accompanied by the full fee in the form of a certified cheque by April 15 of each year.*
- (g) *If requested to do so, Mr. Kenyon shall meet in person with any committee or representative of the College at the time and place requested by the committee or representative.*
- (h) *Mr. Kenyon shall comply fully and completely with the requirements of the College's quality assurance program.*

- (i) *Mr. Kenyon shall comply with the other requirements of this order including those requirements related to attending the reprimand, successfully completing the time management course and paying costs.*
3. *The Discipline Panel orders that the Registrar be directed to impose a term, condition and limitation on the certificate of registration of Mr. Kenyon that Mr. Kenyon shall, within 30 days of the date of this order, locate a time management course the details of which have been submitted to the Registrar in writing and which has been found by the Registrar to be acceptable and shall within 90 days of the date of this order deliver to the Registrar written proof, acceptable to the Registrar, that Mr. Kenyon has successfully completed the course at his own expense.*
4. *The Discipline Panel orders that Mr. Kenyon appear before the panel of the Discipline Committee immediately following this hearing to be reprimanded.*
5. *The Discipline Panel orders that Mr. Kenyon pay to the College \$7500 towards its costs and expenses for investigating and hearing this matter. Payment shall be made by Mr. Kenyon within 60 days of the date of this order.*

This matter came back on for a further hearing on December 9, 2005. After looking at all of the evidence and considering all of the circumstances, including the agreed upon findings of professional misconduct as set out above, it was our view that the penalty proposed was fair and just in the circumstances. We did order, however, that Mr. Kenyon had 60 days from the date of the hearing to pay the costs previously awarded, of which \$7500 remained outstanding.

Mr. Kenyon brought a further motion on March 21st, 2006. We were told that the member had not complied with our order of December 9th and that his certificate of registration had been revoked.

Mr. Kenyon sought a further indulgence. In support, he provided detailed information about his personal circumstances and that of his family. In particular, he advised us about the significant health problems suffered by Mr. Kenyon's children, and the effect that the revocation of his certificate of registration has had and will have in the future on Mr. Kenyon and his family.

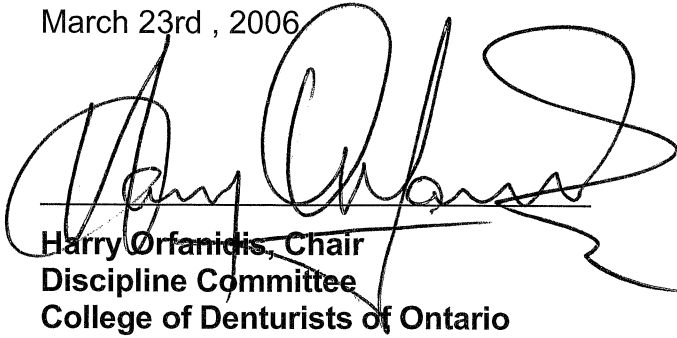
After hearing the submissions put forward, we have reconsidered the matter. We have considered all of the factors in this case, including aggravating factors, such as the findings of professional misconduct, the seriousness of those findings, and the breadth of findings. We have considered the issues of deterrence, both specifically with respect to the member, and generally. We have also considered the public interest and more specifically, the effect of William Kenyon and his practice on the general public.

Under the circumstances, we have made the following order on March 23, 2006:

1. *The Discipline Panel orders that the Order of October 17, 2005 be varied as follows:*
 - (a) *The revocation of the certificate of registration of Mr. Kenyon imposed on February 7, 2006 will again be suspended if Mr. Kenyon pays to the College the balance of the costs outstanding (\$6500 as of the date of this Order) under the Order of October 17, 2005 and the annual member renewal fees due April 15, 2006 within 60 days of the date of this Order. The effective date of the suspension of the revocation will be the date of receipt and clearance of those funds.*
 - (b) *If Mr. Kenyon chooses to pay his annual fees by instalment payments he shall deliver post-dated cheques for the correct amounts payable on the correct date. The failure of any cheque to clear will result in the immediate reinstatement of the revocation.*
 - (c) *The lifting of the revocation will end and the revocation will be reinstated if Mr. Kenyon fails to deliver to the Registrar monthly (on the monthly anniversary dates of this Order) reports in writing, satisfactory to the Registrar, describing location and nature (i.e., the names and contact information of the registered health practitioners he works with, contract information, location of records, hours of operation and proof of continuing liability insurance coverage) of his practice.*
 - (d) *The lifting of the revocation will end and the revocation will be reinstated if Mr. Kenyon fails to arrange for, fully cooperate with and successfully complete, in the opinion of the Registrar, a review of his practice by the Registrar, including an inspection of his practice and records if requested by the Registrar, within six months of the date of this Order. The review of Mr. Kenyon's practice will focus on the issues covered by the agreed facts and joint submission on finding in this matter.*

2. *The Discipline Panel orders that in all other respects the Order of October 17, 2005 be confirmed and continue in full force and effect.*

March 23rd , 2006



Harry Orfanidis, Chair
Discipline Committee
College of Denturists of Ontario