

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

Hanno Weinberger, Chair)	
Anita Kiriakou)	TUESDAY, THE 23 rd
Bruce Selinger)	
Robert C. Gaspar)	DAY OF APRIL, 2019
Noa Grad)	

BETWEEN:

COLLEGE OF DENTURISTS OF ONTARIO

- and -

ZAUR AGIVAEV

ORDER

THIS HEARING was held in Toronto, Ontario.

ON READING the Notice of Hearing, the Agreed Statement of Facts and Admission of Professional Misconduct and the Joint Submission on Penalty and Costs, and on hearing the submissions of counsel for the College of Denturists of Ontario ("College").

A. THE DISCIPLINE COMMITTEE FINDS that Mr. Agivaev committed professional misconduct pursuant to the following:

- (a) Clause 51(b.0.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code") (failing to cooperate with the Quality Assurance Committee); and

(b) Clause 51(1)(c) of the Code as set out in the following paragraphs of section 1 of Ontario Regulation 854/93 made under the *Denturism Act, 1991*:

- i. **paragraph 1:** Failing to abide by any term, condition or limitation imposed on the member's certificate of registration;
- ii. **paragraph 33:** Contravening by act or omission the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts, namely s. 82(1) of the Code and s. 10, 11 and/or 13 of the General Regulation;
- iii. **paragraph 39:** Failing to attend an oral caution of the Complaints Committee;
- iv. **paragraph 44:** Failing to reply appropriately in writing within thirty days to any written communication from the College that requests a response;
and
- v. **paragraph 47:** Engaging in conduct or performing an act, relevant to the practice of denturism that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable unethical or unprofessional.

B. THE DISCIPLINE COMMITTEE ORDERS THE FOLLOWING:

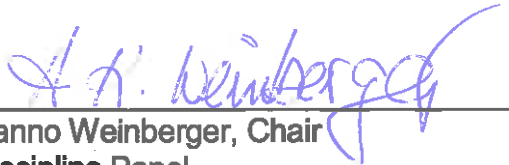
1. Mr. Agivaev is required to appear before the panel to be reprimanded immediately following this hearing.

2. The Registrar is directed to suspend Mr. Agivaev's Certificate of Registration for a period of four months, on a date to be selected by the Registrar, of which three months shall be suspended if Mr. Agivaev completes the terms, conditions and limitations set out in paragraphs 3(a) and 3(b) of this order within three months of the date of this order.
3. The Registrar is directed to immediately impose the following specified terms, conditions or limitations on Mr. Agivaev's Certificate of Registration:
 - a. Requiring Mr. Agivaev to successfully complete, at his own expense, the outstanding QA requirements, within four months of the date of this order;
 - b. Requiring that Mr. Agivaev unconditionally pass, at his own expense, to the satisfaction of the Registrar and at his own expense, the ProBe course in ethics, within four months of the date of this order;
 - c. Requiring that Mr. Agivaev respond to all College communication within fifteen days of delivery (deemed or otherwise); and
 - d. Requiring that Mr. Agivaev advise the College of any change to any contact information within fifteen days of the date of change.
4. For greater certainty, Mr. Agivaev's obligation to comply with the proposed terms, conditions and limitations on his Certificate of Registration contained in paragraph 3 is not relieved by serving the entire suspension referred to in paragraph 2 above.
5. Mr. Agivaev is required to pay to the College costs in the amount of \$4,000.00, \$2,000.00 to be paid within two months, and \$2,000.00 to be paid within three

months of the date of this Order. The Registrar is authorized to impose an installment plan to ensure regular and consistent payment of the costs order.

Date:

April 23/19


Hanno Weinberger, Chair
Discipline Panel

COLLEGE OF DENTURISTS OF ONTARIO

-and-

ZAUR AGIVAEV

DISCIPLINE COMMITTEE
OF THE COLLEGE OF
DENTURISTS OF ONTARIO

ORDER

STEINECKE MACIURA LEBLANC
Barristers & Solicitors
401 Bay Street, Suite 2308
P.O. Box 23
Toronto, ON M5H 2Y4

Rebecca Durcan
Telephone: (416) 644-4783
Facsimile: (416) 593-7867
Email: rdurcan@sml-law.com

Lawyers for the College of
Denturists of Ontario