

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

**BETWEEN:**

**COLLEGE OF DENTURISTS OF ONTARIO**

- and -

**ZAUR AGIVAEV**

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF DENTURISTS OF ONTARIO** (the "College") has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26(1)1 of the *Health Professions Procedural Code* (the "Code"). The statement of specified allegations is attached to this Notice of Hearing as Schedule "A". A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Code* for the purposes of deciding whether the allegations are true.

The hearing will be held before a panel of the Discipline Committee (the "Panel") **at a place, date and time to be determined by the Registrar of the College**. You may have a representative appear on your behalf.

**SUBSECTION 51(2) OF THE CODE PROVIDES THAT** if the Panel finds you guilty of professional misconduct, it may make an order, doing one or more of the following:

1. directing the Registrar to revoke your Certificate of Registration;
2. directing the Registrar to suspend your Certificate of Registration, for a specified period of time;
3. directing the Registrar to impose specified terms, conditions and limitations on your Certificate of Registration, for a specified or indefinite period of time;
4. requiring you to appear before the Panel to be reprimanded; and/or
5. requiring you to pay a fine, of not more than \$35,000.00, to the Minister of Finance.

**PURSUANT TO SECTION 53.1 OF THE CODE**, in an appropriate case, if the Panel finds that you committed professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

You are entitled to know what evidence against you the College has or knows about. The disclosure of the evidence obtained thus far is accompanied with this Notice of Hearing. You or your representative may communicate with the solicitors for the College. They are:

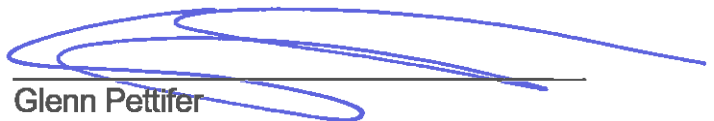
**Rebecca Durcan**  
Steinecke Maciura LeBlanc  
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401 Bay Street  
Suite 2308, P.O. Box 23  
Toronto, ON M5H 2Y4  
Direct: (416) 644-4783  
Fax: (416) 593-7867

If you prefer to communicate with the College in French or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

**IF YOU DO NOT ATTEND THE HEARING in person or if you are not represented by someone, the Panel may proceed in your absence and you will not be entitled to any further notice of the proceedings.**

Date: November 7, 2018



Glenn Pettifer  
Registrar  
College of Denturists of Ontario

**TO: ZAUR AGIVAEV**  
1217-7900 Bathurst Street  
Thornhill, ON L4J 0J9

## Schedule "A"

### STATEMENT OF ALLEGATIONS

#### The Member

1. Zaur Agivaev (the "Member") became a member of the College of Denturists of Ontario (the "College") on or about August 26, 2013. On or about May 23, 2018, the Member was suspended for non-payment of fees.

#### Quality Assurance Program

2. Pursuant to s. 82(1) of the *Health Professions Procedural Code* (the "Code") and s. 10 of Regulation 206/94 (the "General Regulation"), members of the College are required to comply with the requirements of the College's Quality Assurance program.
3. The College's Quality Assurance Program includes (but is not limited to) completing an annual self-evaluation document which provides a description of the member's educational and quality improvement activities. Members must advise the College of their continuing professional development (CPD) activity hours of which they must obtain a minimum of 10 CPD hours per year.
4. Pursuant to s. 11 of the General Regulation, the Quality Assurance Committee may appoint an assessor to verify that the member has properly completed the self-evaluation document and to verify that the member has carried out the CPD activities.
5. Pursuant to s. 13 of the General Regulation, a member is required to undergo a practice assessment if an assessor recommends such a course of action under subsection 11(4).

#### Failure of Member to comply with Quality Assurance Program

6. On or about March 15, 2017, the College wrote to the Member and asked him to report to the College the minimum 10 CPD credits for the 2016-2017 renewal period by the April 17, 2017 deadline. The Member failed to reply.
7. On or about April 18, 2017, the College wrote to the Member and asked him to report to the College the minimum 10 CPR credits for the 2016-2017 renewal period by the new May 19, 2017 deadline. The College asked the Member if he had not completed the minimum 10 CPD credits to submit a letter to the Quality Assurance Committee. The Member failed to reply.
8. On or about May 25, 2017, the College wrote to the Member and asked him to report to the College the minimum 10 CPD credits for the 2016-2017 renewal period by the

new June 29, 2017 deadline. The College asked the Member if he had not completed the minimum 10 CPD credits to submit a letter to the Quality Assurance Committee and other tasks. The Member failed to do so.

9. On or about July 20, 2017, the Quality Assurance Committee appointed an assessor to verify that the Member has properly completed the self-evaluation document. The College also asked the Member to report to the College the minimum 10 CPD credits for the 2016-2017 renewal period by the new August 25, 2017 deadline. The Member failed to reply.
10. On or about October 27, 2017, the Quality Assurance Committee ordered the Member to undergo a Peer and Practice Assessment. The Member was asked to complete a Practice Self-Assessment/Evaluation form to facilitate the Peer and Practice Assessment no later than November 24, 2017. The Member failed to reply.
11. As of October 22, 2018, the Member has not replied to any written communication from the College nor reported to the College the minimum 10 CPD credits for the 2016-2017 renewal period.

#### Orders to attend oral caution

12. On or about September 22, 2017 the Member was scheduled to attend at the College to receive an oral caution from a panel of the Inquiries, Complaints and Reports Committee (the "ICRC"). The Member did not attend.
13. On or about December 15, 2017 the Member was scheduled to attend at the College to receive the oral caution from a panel of the ICRC originally scheduled to be delivered on September 22, 2017 The Member did not attend.

#### Duty to update College

14. On or about April 16, 2018 the Member updated the address and/or telephone number of his primary residence.
15. Article 33.08(iii) of the College By-Laws mandates that all members shall notify the College, in writing, of any changes to the address and telephone number of the member's primary residence in Ontario within thirty (30) days of the effective date of the change.
16. It is a term, condition and limitation on a certificate of registration to give the College information as required by the College by-laws.

Acts of Professional Misconduct

17. As a result of the above, it is alleged that the Member engaged in 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 854/93:

- a. He failed to abide by any term, condition or limitation imposed on the member's certificate of registration (paragraph 1);
- b. He contravened 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 (paragraph 33);
- c. He failed to attend an oral caution of the Complaints Committee or an oral reprimand of the Discipline Committee (paragraph 39);
- d. He failed to reply appropriately in writing within thirty days to any written communication from the College that requests a response (paragraph 44); and/or
- e. He engaged in conduct or performed 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 (paragraph 47).

18. In addition, it is alleged that the Member engaged in professional misconduct pursuant to s. 51(b.0.1) of the Code as he failed to co-operate with the Quality Assurance Committee.

## APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE OF THE  
COLLEGE OF DENTURISTS  
OF ONTARIO

**NOTICE OF HEARING**

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of Ontario