

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

B E T W E E N :

COLLEGE OF DENTURISTS OF ONTARIO

- and -

JAMES KONTOS

**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”) which is Schedule II to the *Regulated Health Professions Act, 1991*. 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 makes a finding 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.

5. Requiring you to pay a fine, of not more than \$35,000.00, to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Health Professions Procedural Code.
7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

**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  
Barristers & Solicitors

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:

July 25, 2020



Dr. Glenn Pettifer  
Registrar

College of Denturists of Ontario

**TO: JAMES KONTOS**  
2425 Eglinton Avenue East, Suite 11  
Scarborough, ON M1K 5G8

## **Schedule "A"**

### **STATEMENT OF ALLEGATIONS**

#### The Member

1. James Kontos ("the Member") became a member of the College of Denturists of Ontario (the "College") in or about January 23, 1978. The Member works at James D. Kontos Denture Clinic.

#### The Client

2. It is alleged that on or about September 27, 2018, the Client had her initial appointment with the Member. The Client was seeking a new set of complete dentures. After speaking with the Member, the Client agreed to purchase a complete set of dentures from the Member.

#### First Set of Dentures

3. It is alleged that on or about October 16, 2018, the Client's dentures were completed and delivered to the Client (the First Set of Dentures).
4. It is alleged that the First Set of Dentures did not fit properly and caused the Client pain. It is alleged that the Member attempted to fix the First Set of Dentures but this was not successful.

#### Second Set of Dentures

5. It is alleged that on or about November 26, 2018, the Client returned to the Member. The Client asked the Member for a refund as the First Set of Dentures were not satisfactory. The Member refused to provide a refund but agreed to make a second set of dentures (the Second Set of Dentures) for the Client. The Client agreed.
6. It is alleged that the Second Set of Dentures were delivered to the Client in or about December 2018.
7. It is alleged that the Second Set of Dentures did not fit properly and caused pain to the Client.
8. It is alleged that in or about March 2019, the Client returned to the Member. The Client asked the Member for a refund as the Second Set of Dentures were not

satisfactory. The Member refused to provide a refund but offered to make her a third set of dentures. The Client refused.

9. It is alleged that the First and/or Second Set of Dentures were not fabricated in accordance with standards of the profession.
10. It is alleged that the Member did not fulfill the terms of his agreement with the Client as the First and/or Second Set of Dentures could not be worn, caused pain, and/or were not fabricated in accordance with standards of the profession.

Acts of Professional Misconduct

11. As a result of the above, it is alleged that the Member engaged in professional misconduct pursuant to Clause 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 854/93 under the *Denturism Act, 1991*:
  - a. **Paragraph 2:** Failing to maintain the standards of practice of the profession; and/or
  - b. **Paragraph 7:** Failing to fulfil the terms of an agreement with a patient, except in accordance with paragraph 6; and/or
  - c. **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.

## 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**

**STEINECKE MACIURA LEBLANC**

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401 Bay Street  
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**Rebecca Durcan**

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Lawyers for the College of Denturists  
of Ontario