

IN THE MATTER OF the *Veterinarians Act*, SBC 2010, c. 15, as amended

The College of Veterinarians of British Columbia  
(the “CVBC” or the “College”)

and

Dr. Janice Posnikoff  
(the “Respondent”)

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**DECISION ON SANCTIONS AND COSTS**

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Panel	Carol Baird Ellan K.C., Chair Dr. Al Runnells Dr. Amy Cheung
Respondent	Dr. Janice Posnikoff (Appearing without counsel)*
Counsel for the College	Natasha John
Date of Liability Decision	September 10, 2026
Written Submissions Filed	November 21, 2025
Date of Decision	May 21, 2026

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**The Panel gives notice to the Respondent, pursuant to Section 61(6)(b)(ii) of the *Act*, of her right to appeal this decision to the Supreme Court of British Columbia under section 64 of the *Act*. The Panel also directs the College Registrar to publish this decision as required under section 68(1)(a) of the *Act*.**

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**1. Overview**

[1] Following a discipline hearing on July 10, 2025, the Panel found that the Respondent had breached the CVBC *Bylaws* and *Professional Standards* and committed professional misconduct

\*The Respondent did not provide submissions in relation to sanctions and costs.

contrary to Section 61(1)(b)(iv) of the *Veterinarians Act*, in relation to her failure to respond to correspondence from the CVBC on numerous occasions.<sup>1</sup> This is the Panel's decision in relation to sanctions and costs arising from those misconduct findings. In order to observe privacy requirements, involved individuals and the animal are referred to generically in this decision.

[2] The governing sections are Sections 61 and 63 of the Act and Sections 301 and 302 of the Bylaws. The factors applicable to decisions of this nature are set out under the relevant headings in Parts 3 and 5 below. For the reasons that follow, the Panel has decided that the orders set out in Part 6 are appropriate.

## 2. Submissions and Procedural Background

[3] After the delivery of the Liability Decision, the Panel communicated with College Counsel and the Respondent through the CVBC Discipline Coordinator, Ms. Magcalas, on October 27, 2025, stating:

This disciplinary matter is awaiting submissions on appropriate measures under Section 61(2) following a liability finding on September 10, 2025. The Panel is suggesting the following schedule for written submissions on appropriate measures:

College Submissions - November 21, 2025

Respondent Submissions - December 12, 2025

Reply - December 19, 2025

If the parties wish to (also) have an oral hearing date after the submissions are complete, they may apply for one by email through Ms. Magcalas, sent on or before November 24, 2025, providing their earliest available dates in December and January 2025.

[4] The College delivered its submissions on November 21, 2025, and provided a copy to the Respondent's office email. The College sought a reprimand, a suspension with conditions, and payment of the College's costs associated with conduct of the discipline proceeding, stating:

A registrant's non-cooperation with CVBC investigations is a serious matter. Self-governing professions cannot operate effectively and in the public interest without cooperation from their members. Effective self-regulation requires that members of self-regulated professions fulfil their statutory and professional obligations, including the

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<sup>1</sup> 2025-09-10, CVBC v. Posnikoff No. 24-147, Decision on a Discipline Hearing (the "Liability Decision")

obligation of cooperation with investigations. The public interest demands that professionals be held to account when they fail to do so. In this case, the Respondent's failure to cooperate with the investigation has caused significant delay to the resolution of that investigation.

[5] The College's specific submissions in relation to the factors relevant to sanctions will be considered within the Panel's analysis of those under the applicable headings in Part 3.

[6] In December, the Respondent's counsel on another file, No. 21-103, informed the College, that they were not acting for the Respondent on this matter. At the direction of the Panel, Ms. Magcalas inquired of the Respondent on December 15, 2025, as to whether she intended to file submissions and if she was requesting an extension of the December 12, 2025 deadline. She was advised that if she did not provide submissions, apply for an extension to do so, or request an oral hearing by December 31, 2025, "the Panel will proceed with its decision without hearing her submissions."

[7] No response was received from the Respondent, and the Panel is of the view that she has forgone her opportunity to make submissions regarding sanctions and costs in this matter. In light of her lack of legal representation, the Panel has endeavoured to anticipate arguments that might be made on the Respondent's behalf in arriving at the appropriate sanctions and costs award.

### 3. Factors Relevant to Sanctions

[8] The College cites three decisions of panels of the discipline committee in *Chaudhry*, *Salhotra* and *Bajwa*,<sup>2</sup> which adopted a framework for determining the appropriate sanctions and costs. Since the College's submissions were filed, three further decisions have been issued, two of which are published on the CVBC website.<sup>3</sup> All adopt similar frameworks in assessing sanctions and costs for non-compliance with the Act. One of those decisions arises from the previously mentioned File No. 21-103 against the Respondent. Because that matter predated this

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<sup>2</sup> *Re Chaudhry, Ruling on Penalty and Costs*, CVBC File No. 20-105(b) (December 20, 2024) ("Chaudhry") at paras. 8-9; *Re Salhotra, Decision on Sanction and Costs*, CVBC File No. 21-065(b) (March 17, 2025) ("Salhotra") at para. 6 (appeal pending); *Re Bajwa, Decision on Sanction and Costs*, CVBC File No. 19-04 (September 29, 2025) ("Bajwa") at para. 7

<sup>3</sup> [2026-02-17 CVBC v. Kataria, File No. 20-064](#); [2026-03-03 CVBC v. Bajwa, File No. 23-012](#); and [2026-05-12 CVBC v. Posnikoff, File No. 21-103](#) (publication pending)

one, the Panel awaited the outcome of that decision before issuing its reasons in this matter, in case the outcome of the prior matter had relevance to the matters for consideration in this one, either as an aggravating or as a mitigating circumstance.

[9] The Panel will consider the matter of sanctions within the framework adopted in other decisions and proposed by the College here.

*a. Nature, Gravity and Consequences of the Non-Compliance*

[10] The College submits that: “Failure to cooperate with an investigation is a unique form of misconduct as it does not involve the registrant’s veterinary work, nor the registrant’s interactions with clients or members of the public. While it may not be as serious as a case involving significant acts of dishonesty, breach of trust, or reckless harm to patients, it is nevertheless a very serious matter. It is a form of misconduct which harms the fabric of self-regulation, as it undermines the ability of the regulator to properly govern the profession in the public interest.”

[11] The College says that this is not a case of single or inadvertent incident of non-compliance. It was prolonged non-cooperation over a significant period, during which the Respondent was given repeated chances to cooperate. The College goes on to highlight portions of the Liability Decision that relate to the seriousness of the Respondent’s misconduct,<sup>4</sup> in advancing a “more serious penalty” for this matter.

[12] The Panel agrees with the College’s characterization of the misconduct in this matter and notes that it made findings of eight instances of non-compliance with Bylaw Section 207(2), a finding of non-cooperation under Section 52(3) of the Act, and a cumulative finding of professional misconduct contrary to Section 61(1)(b)(iv). Clearly this set of findings is more serious than a technical or fleeting non-compliance with the Act or Bylaws.

[13] As noted by the Panel in the Liability Decision, “it is the duty of a registrant under Bylaw 207(3) and the Cooperation Standard to answer correspondence from the CVBC in a timely way, and ... this was a clear pattern of ongoing disregard over an extended period, without any

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<sup>4</sup> See Liability Decision, paragraphs 91 – 96 and 125

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demonstrated effort to respond within the timelines provided... [which] was disrespectful and in the Panel's view unprofessional.”<sup>5</sup>

[14] The Panel notes that the subject investigation remains incomplete because of the Respondent's non-cooperation. While admittedly not as serious as findings of deceit or reckless harm to patients, the Panel finds that misconduct pertaining to a registrant's obligations to their regulator of the degree exhibited here falls in the moderate to high range of seriousness.

***b. Respondent's Character and Professional Conduct Record***

[15] The College acknowledges the completion of the other case involving the Respondent, while characterizing it as having “little bearing” on the outcome of this case.

[16] As indicated, the Panel on this matter decided to await the outcome of the other matter, the subject matter of which predated the incidents involved here, in order to consider whether that decision may have some relevance to what the Panel decided to do here. It clearly constitutes an additional entry on the Respondent's conduct record, although the entry itself does not predate the conduct at issue here, which would be a further aggravating factor. The two incidents at issue arose in 2021, at a relatively early stage of the Respondent's practice in BC; however, the complaint in this matter was filed two years after the incident, in 2023, and the investigation occurred between May 3, 2023 and August 25, 2024,<sup>6</sup> so the misconduct is more recent than that on the other matter. Notably, both citations were issued on April 8, 2025.

[17] The Panel's view is that the other matter is relevant to the context of the conduct here, the Respondent's personal circumstances, and her attitude to her professional responsibilities. Some of the other panel's observations have more relevance under the next heading, but some bear on the issue of the Respondent's character and personal circumstances, under this heading; however, less as an aggravating factor than perhaps in mitigation.

[18] While the Panel is not aware of when the Respondent became aware that the other investigation would result in a discipline proceeding, the timing of the citations in this matter must be considered, in light of what both panels have observed about the Respondent's personal

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<sup>5</sup> Supra, para. 92

<sup>6</sup> Paragraph 38 of the Liability Decision erroneously states “August 25, 2025.”

circumstances. The layering of two simultaneous discipline hearings onto the Respondent's professedly unworkable schedule, while she was admittedly labouring under time management challenges, provides some background for assessing the impact of these two entries on her professional record. While the Panel is not suggesting that this timing excuses the Respondent's inattention to her professional responsibilities, her surrounding personal challenges and the manner in which she has shouldered them assists the Panel to understand these events collectively, and through a more compassionate lens than might be the case, for instance, if she had sequential or repeated entries of non-compliance.

[19] In the Liability Decision, the Panel stated as follows:

[129] The Panel acknowledges the Respondent's candid admissions about the challenges she faces with her busy, demanding practice and the need for a disciplinary approach that reflects the effect of discipline proceedings on registrants. The place for these considerations is in the stage of the matter dealing with appropriate measures after the finding of misconduct. The Panel will fully consider the effect of these personal obstacles and the availability of measures to assist the Respondent to address them in the next phase of this matter.

[20] The Panel therefore takes into account the overall context within which the matter at issue here took place. The panel in the other file imposed some measures to assist the Respondent to manage her stress levels.

[21] The Panel's view is that, considered on the whole, under this heading, any potentially aggravating features of there being two entries on the Respondent's record are largely balanced by the mitigating features of the emotional challenges she was experiencing during the relevant times.

*c. Acknowledgement of the Non-Compliance and Remedial Action*

[22] The College submits that the Respondent "has not admitted to her misconduct nor demonstrated any remorse or insight into her conduct. ...Rather, she has repeatedly attempted to excuse her failures to respond. Significantly, at the hearing, the Respondent also asserted her belief that she had fully responded to the investigative requests, despite the fact that her correspondence from the material time acknowledged a need for a response."

[23] The College correctly characterizes a lack of remorse or acknowledgement as the absence of a mitigating factor rather than an aggravating factor. The Panel is mindful that, despite the *Apology Act*, admissions of responsibility are often stymied by a registrant's reluctance to attract liability, and this appears to be the case with the Respondent. Nonetheless, the involved CVBC personnel gave the Respondent many opportunities to respond responsibly to their inquiries, and she demonstrated what the Panel considered to be a pattern of disregard for the authority of her regulator and the need for cooperation on her part. There were opportunities for humility and cooperation but they were met with what appeared to be arrogance and indifference.

[24] The Panel agrees that these are not aggravating factors; however, the Respondent clearly did not do herself any favours in the manner in which she interacted with CVBC personnel. That attitude echoed her approach to the complaint in File No. 21-103, where the panel made certain observations about the Respondent's failure from the outset to provide an apology for her discourteous conduct.<sup>7</sup>

[25] With respect, this tendency to deflect responsibility carried into the Respondent's conduct of this proceeding, through to her apparent election not to participate in the sanctions and costs phase of the discipline hearing. In all the circumstances, the Panel would be hard-pressed to find that the Respondent has yet acknowledged her accountability for the misconduct in this matter, on any level. In addition, as the College submits, she has demonstrated no commitment to change. The likelihood of continued such conduct would appear to be very high, in the absence of appropriate sanctions addressing the need for remedial efforts on her part.

***d. Public Confidence in the Profession and the Disciplinary Process***

[26] The College submits that "Failure to cooperate harms the standing of the profession by undermining the CVBC's ability to perform its statutory mandate. The public must have confidence that members of the profession will cooperate with their regulators and will be held to account if they fail to do so."

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<sup>7</sup> See e.g. 21-103, para. 167

[27] The College’s position is that “[a] penalty in this case should demonstrate to the profession the seriousness with which the CVBC treats the duty to cooperate and deter others from similar conduct.”

[28] In the Panel’s view, disregard for the efforts of the CVBC to investigate allegations of misconduct strikes at the heart of the College’s mandate to regulate the profession. With registration come obligations to demonstrate professional responsibility and competence when asked to do so by a person cloaked with authority by the regulator. As the Panel noted in the Liability Decision, a registrant ignores those efforts at their peril, and public confidence demands that registrants receive the message, as measures of both specific and general deterrence, that they are accountable to the body that provides them with the privilege of practice in BC.

*e. Penalties in Similar Cases*

[29] The College says, “It is typical in cases of non-cooperation for a suspension to be imposed,” and cites four cases<sup>8</sup> under other regulatory schemes in which suspensions of three or four months were imposed for similar misconduct.

[30] In addition to those cases, the Panel has considered cases decided under the *Veterinarians Act* dealing with non-cooperation. In *Bajwa* No. 23-012,<sup>9</sup> the panel, dealing with the registrant’s failure to attend an interview when requested by an investigator, stated:

[42] ... We agree that a suspension is warranted on the grounds of both general and specific deterrence. It is a fundamental requirement that registrants cooperate with the investigation of a complaint. Failure to do so is contrary to the public interest. Dr. Bajwa was aware of the requirement to cooperate and failed to do so as required by the Act and the Bylaws of the College.

[31] The panel there imposed a suspension of four months and no other measures. The panel declined to extend the suspension to require the registrant to attend for an interview, finding that the case arising from the investigation could have proceeded without that. The panel also found that a reprimand was not appropriate: “While it appears open to us to impose a reprimand in

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<sup>8</sup> *Kuny v. College of Registered Nurses of Manitoba*, 2017 MBCA 111; *College of Registered Nurses of British Columbia v. Cunningham* (June 22, 2017); *College of Massage Therapists of British Columbia v. Gill* (October 31, 2019); *Re Gill*, 2021 ONPSDT 51

<sup>9</sup> 2026-03-03 *CVBC v. Bajwa* No. 23-012, *Supra*, Footnote 2

addition to the finding of misconduct, it is our view that a reprimand is intended to be a first step in the available penalties and once a finding of misconduct has been made, we find it is unnecessary to impose a reprimand as well.”<sup>10</sup>

[32] In *Kataria*,<sup>11</sup> although the panel acknowledged that the usual penalty for non-cooperation was a suspension, the sanction imposed was limited to costs and training, largely due to the panel’s conclusion that in declining to cooperate with an investigation, the registrant was relying on advice from his counsel.

#### 4. Conclusion Regarding Sanctions

[33] Setting aside *Kataria*, the body of case law cited by the College and the most recent CVBC case of *Bajwa* all support the imposition of a period of suspension. In some cases, the suspension is extended until the registrant complies with the College’s requests that gave rise to the finding of non-cooperation.

[34] This is a case of protracted non-cooperation which has stymied the completion of the investigation. There are mitigating factors, but aggravating ones as well. There is nothing like the situations in *Kataria* or *Bajwa* to take this case outside the range of penalties that have been applied in similar cases, including extended conditional suspensions, which other tribunals have deemed necessary to address the principles at stake within a regulatory regime. However, there are mitigating factors present here, which the Panel has endeavoured to point out, and will take into account.

[35] The Panel’s view is that a suspension is required here and that it needs to be extended conditionally upon completion of the unfinished responses that the CVBC Inspector requested of the Respondent in April of 2024. The aims of the investigation need to be respected and, if possible, achieved. We have not heard submissions about whether the investigation could have been completed without the Respondent’s participation and we are not equipped to make that assessment here. We are told it has remained incomplete because of the Respondent’s non-compliance. Our view however is that the sanction should be directed less at unduly penalizing

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<sup>10</sup> *Bajwa No. 23-012, Supra*, Footnote 2, at para.41

<sup>11</sup> 2026-02-17 *CVBC v. Kataria, Supra*, Footnote 3

the Respondent by cutting off her livelihood, than at incentivizing her to prioritize the investigation and her obligations to assist in its completion.

[36] Accordingly, the Panel is content to start with a potentially shorter suspension than that applied in some of the cases, essentially leaving it in the Respondent's hands how much longer it will extend beyond that. The view of the Panel is that the Respondent should have the opportunity to shorten it by providing the information the CVBC is seeking, while still experiencing a sanction beyond simply a further opportunity to comply with the investigation.

[37] The Panel will therefore order that the Respondent be suspended from the practice of veterinary medicine for the longer of two months and the time it takes her to comply with the investigation, essentially with the terms suggested by the College.

[38] The Panel agrees with the panel in *Bajwa No. 23-012* that where an entry of professional misconduct is made in a published decision, a reprimand is somewhat redundant, particularly in the case where a suspension is imposed, with conditions of the type here. Any message to the profession or the registrant that would be provided by a reprimand is well accomplished by the posting of the decision and the other sanctions that will be imposed here.

[39] In lieu of a reprimand, however, and in light of what this Panel has observed about the Respondent's personal challenges, we will direct that she take a remedial course.

## **5. Costs**

[40] The College advocates for an approach of first assessing what proportion of the CVBC's actual costs the Respondent ought to bear, up to 50%, by applying the factors considered in the cases decided under the Act. Those factors are derived from Casey, *The Law of Regulatory Investigations in Canada*, and are referred to as the "Casey Factors." The College suggests that the step after that is to assess the reasonableness of each of the costs being sought.

[41] The Panel notes that in the recent case of *Bajwa 23-012*<sup>12</sup> the panel considered the approach taken in the case of *Charkhandeh v. College of Dental Surgeons*,<sup>13</sup> which reversed the analysis, starting with the reasonableness of the costs claimed by the College in that matter, and then applying a percentage to them after considering the overall effect on the registrant. The Panel notes that in *Charkhandeh*, the Alberta Court of Appeal referred to Casey but adopted a fourfold framework of reasonableness in assessing costs in that case.<sup>14</sup> Notably, the legislation in that case did not include a cap on costs, and the magnitude of costs awards had been escalating significantly, to the point where the award at issue in that case exceeded \$400,000.

[42] The Act here, with the 50% cap, arguably starts from a tempered position that acknowledges some of the factors that other tribunals find it necessary to consider. Furthermore, with a body of cases now accumulating under the Act, it may suffice to simply determine how a case differs from those where a certain percentage was imposed, or certain portions of the costs were determined to be unreasonable. The recent cases also establish that the maximum of 50% should be reserved for cases that merit the highest award, based on one or more of the factors.

[43] The panel in *Bajwa* first considered the College's argument that the strategy of the registrant's lawyer justified a higher percentage of the costs, and rejected the submission that the maximum percentage, 50% should be applied for that reason. That panel considered the potential impact of costs on the registrant, reviewed the cases decided to that point under the Act, and arrived at a percentage of 37.5%. It applied that percentage to the whole of the costs claimed by

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<sup>12</sup> *Supra*

<sup>13</sup> [2025 ABCA 258 \(CanLII\)](#)

<sup>14</sup> See paragraph at [144]:

- [144] In the end, the quantum of any costs awarded must be reasonable (at three levels) and proportionate:
- (a) the expenses must be reasonably incurred having regard to the nature of the investigation, the allegations and the hearing process;
  - (b) the quantum paid by the regulator must be fair and reasonable;
  - (c) It must not only have been reasonable for the College to have incurred the costs (in substance and as to quantum) but it must also be reasonable to transfer the burden of those costs to the professional. As stated in *Barkwell v McDonald*, [2023 ABCA 87](#) at para. 59, 479 DLR (4th) 560, the issue is not only whether the costs were reasonably incurred, "but whether the quantum represents an amount that the losing party in the litigation should reasonably be expected to pay to the winning party."
  - (d) The costs award must be proportionate to the issues involved, the circumstances of the member, and the overall burden it places on him or her.

the College, presumably in recognition of the fact that the registrant's hearing strategy, driven by his counsel on his instructions, had contributed to the magnitude of costs.

[44] This Panel is content to adopt the Casey framework for analysis of the applicable percentage, and then to consider whether any of the costs claimed by the College can be considered unreasonable. The final analysis should be the potential impact on the Respondent. The end result may well be the same, as the overall factors, in this Panel's view, are fairness and reasonableness of the costs award when considered against the statutory scheme and similar cases.

[45] In the most recent case dealing with costs, that pertaining to this Respondent, the Panel applied the Casey Factors in a somewhat abbreviated manner, observing that some of those factors were logically grouped together, and that some of the prior cases had established an accepted response to those factors in cases under the *Veterinarians Act*. In this case, those factors also amount to a fairly condensed assessment.

[46] Starting with the initial factor of time and expense of the proceeding, the costs sought by the College here are considerably lower than those sought in other cases. Neither party bears any responsibility for extending the proceeding unduly. The path of this hearing in this matter was remarkable only in its efficiency, having been accomplished on affidavit evidence within a one-day hearing. There were no strategic decisions that contributed to the costs, although the College has pointed out that certain additional steps were necessitated by the Respondent's inattention to prehearing correspondence and directions of the Panel. In the view of the Panel, similarly to the approach in *Bajwa 23-012*, the natural consequence of causing those steps is to include them in the total of costs against which the percentage will ultimately be applied, as the College has done. Additionally, the impact on the profession as a whole cannot be considered to be significant when compared with other recent awards.

[47] The impact on the Respondent is not something on which we have received submissions, but we are prepared to take into account the amount of costs in the other case against her, and conclude that additional costs will be additionally onerous to her. We will equally take account of the potential financial impact of the suspension that will be imposed here, which is absent in the other cases, except for *Bajwa No. 23-012*. While the panel in that case nonetheless imposed an

award of 37.5% of the College's total costs, as we have noted, they found that the Respondent bore some additional responsibility for the length of the proceeding.

[48] The Respondent here was wholly unsuccessful, so there are no mixed success considerations. However, some of the cases suggest considering the seriousness of the misconduct, and in the view of the Panel, a case such as this, where its very nature relates to a protracted process that was engendered by the Respondent's non-compliance, justifies a higher share of the costs of the proceeding.

[49] The College argues that absent compelling circumstances on the impact of the costs award on the Respondent, it would not be fair for the membership to have to bear more than 50% of the costs of a proceeding that arises from one member's misconduct, particularly in this case where the proceeding could have been avoided altogether. While the Panel doesn't disagree with that sentiment, the College at the same time concedes that the cases reserve a 50% award for the most serious of situations, and seriousness of the misconduct is only one of the factors. Moreover, the argument about fairness to the profession would seem to apply equally to any finding of misconduct.

[50] *Considering the relevant factors on the whole, the Panel is of the view that the appropriate award here is toward the lower side of the range set by the body of cases under the Act, and in light of two factors it should be slightly lower than that. Those both relate to the context of the financial impact on the Respondent. The first of those is the imposition of the suspension and its potential impact on the Respondent's ability to generate income. The second is the financial impact and timing of the other file against the Respondent, particularly in light of the fact that the citations proceeded simultaneously against her. This is an area in which the Panel has attempted to anticipate arguments that may have been made by the Respondent or by counsel on her behalf. The percentage of costs we will assess against the Respondent in these unique circumstances is therefore 30%.*

[51] Turning to the assessment of reasonableness of the various costs advanced by the College, the College's costs total \$32,151.36, excluding GST, after the College's removal of the fees of a law student who assisted on the file. Of this total, after the deduction, \$21,733.85 relates to legal fees. The hourly rates outlined in the College's submission have been justified by

comparison with market rates and the customary rates charged by the lawyers on other matters, and are in both cases considerably lower than those. Although questioned in *Charkandeh*, in the Panel's view, the use of more than one lawyer creates efficiencies and permits lower rates for certain tasks.

[52] The steps described by the College are those that would be expected on a file of this nature, and as already indicated, the additional steps caused by the Respondent's approach are properly included in the total, in the view of the Panel. Those are not particularly significant or unfair.

[53] Other cases have compared the legal fees charged on a per diem basis related to the number of days spanned by the proceeding. Here, there was one day for the hearing itself, and some additional short appearances. Even without those the total of legal fees here are in the range of those claimed in other cases, and in the Panel's view, not unreasonable.

[54] The disbursements of legal counsel that are claimed, in the amount of \$1,664.76, relate to court reporting services, hearing transcripts, and counsel disbursements, and are reasonable in nature and amount in the Panel's view.

[55] The cost of Panel honoraria and professional services total \$7,067.50, exclusive of GST, and encompass not just the hearing but the prehearing processes. These are the amounts paid to the Panel for hearing and deciding the citation, but notably they do not include costs pertaining to the sanctions and costs assessment.

[56] In other cases, panels have declined to include the fees of independent legal counsel to the panel, which they have considered not to be a cost properly attributable to the registrant. There are potentially circumstances under which a panel will require independent counsel due to the nature of the registrant's defence or legal strategies, but routine appointment of counsel might arguably be considered optional. In this matter the amount is modest, \$1,685.25, and in the interests of consistency this Panel will also decline to include it, while recognizing both the value and the reasonableness of the services provided by the Panel's independent legal counsel.

[57] Applying the factor of 30% to the total of the costs we will allow, which is \$30,466.11, yields the amount of \$9,139.83 as the portion of the College's costs for which the Respondent

will be responsible pursuant to Section 63. The final assessment, the overall reasonableness of that figure, is in the Panel’s view, amply met.

## 6. Orders

1. Pursuant to Sections 61(2)(c) and 61(4)(a), the Respondent’s registration is suspended commencing on the day that is 60 days after service on the Respondent of a copy of this decision pursuant to Section 61(6)(c) (the “Suspension Commencement Date”), and the suspension shall continue until the later of:
  - a. two calendar months from the Suspension Commencement Date; and
  - b. the date on which the Respondent provides substantive responses to each of the questions in the Inspector’s Letter, save for question 4;
2. Following receipt of the substantive responses from the Respondent, the CVBC shall advise the Registrar that condition has been met;
3. If the CVBC alleges the Respondent’s responses are not substantive, not responsive, or otherwise reflect non-cooperation, the CVBC or the Respondent have leave to apply to the Panel for further directions and to modify the terms of the Panel’s order;
4. Within 12 calendar months following service of this decision on the Respondent, she shall provide proof to the CVBC Registrar of completion of the following two (free) R.A.C.E.<sup>15</sup> courses: *Effective Prioritization*, and *Compassion Fatigue*. These courses shall be in addition to the Respondent’s CVBC continuing education requirements.
5. The Respondent shall pay the CVBC’s costs in the amount of \$9,139.83 within six calendar months of the date on which the Respondent is served with a copy of this decision pursuant to Section 61(6)(c).

Carol Baird Ellan

Carol Baird Ellan K.C., Chair

Al Runnells

Dr. Al Runnells

Amy Cheung

Dr. Amy Cheung

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<sup>15</sup> <https://www.aavsb.org/continuing-education/about-approved-ce-race/>