

**Decision of the Discipline Committee of the
Saskatchewan Dental Assistants' Association
(Summary Document)
Tara Lee Fedak**

Discipline Committee:

Barbara von Tigerstrom (Chair and Public Appointee)
Dawn Moncur (Member)
Mary Jane Katz (Member)

Participants:

Gwen Goebel, legal counsel for the Professional Conduct Committee (PCC) of the Saskatchewan Dental Assistants' Association (SDAA)
Tara Fedak, appearing on her own behalf
XXXX, sister of Tara Fedak
Anne Hardy, legal counsel for the SDAA Discipline Committee

Introduction

1. The Discipline Committee convened a hearing at 10:00 a.m. on Saturday, June 1, 2013, the time and date agreed by the parties for the hearing of this matter.
2. At the outset of the hearing, Ms. Tara Fedak confirmed her identity and acknowledged that she is a member of the SDAA and subject to *The Dental Disciplines Act*, that she is the subject of the complaint, and that she had been served with the Notice of Hearing. Ms. Fedak also acknowledged the authority of the Discipline Committee to hear and determine the complaint against her, and that she had no objection to the composition of the Discipline Committee.
3. The Notice of Hearing stated the following charges brought against Ms. Fedak by the PCC:
That you are guilty of professional misconduct contrary to the provisions of section 27(a) and/or (b) and/or (c) and/or section 35 of The Dental Disciplines Act S.S., 1997, d-4.1, and/or section 14.6.6 of Bylaw 14 "Discipline Committee" of the Regulatory Bylaws, section 16.3 of Bylaw 16 "Standards of Practice" of the Regulatory Bylaws and the "Dental Jurisprudence" section of Bylaw 15 "Code of Ethics" of the Regulatory [Bylaws] in that:
 - a) *Between the 1st day of June 2010 and the 31st day of October 2010 at or near Saskatoon, Saskatchewan, you did steal money being the property of Dr. XXXX and XXXX Dental of a value exceeding five thousand dollars contrary to Section 334(a) of the Criminal Code; and/or*
 - b) *Between the 1st day of June 2010 and the 3rd day of October, 2010 at or near Saskatoon, Saskatchewan, you did by deceit, falsehood or other fraudulent means, defraud Dr. XXXX and XXXX Dental of money exceeding five thousand dollars contrary to Section 380(l)(a) of the Criminal Code; and/or*
 - c) *On April 18, 2012 the Honourable Judge D. Lebach of the Provincial Court of the Province of Saskatchewan entered a conviction against you and found that between the 1st day of June 2010 and the 31st day of October, 2010 you did steal money the property of Dr. XXXX and XXXX Dental of a value exceeding five thousand dollars contrary to Section 334(a) of the Criminal Code; and/or*
 - d) *That the member entered into a probation order requiring in part that she pay restitution in the amount of \$10545.65.*
4. Prior to the hearing, Ms. Fedak indicated that she intended to plead guilty to these charges.

5. At the hearing, Ms. Fedak confirmed her guilty plea to the charges outlined in the Notice of Hearing. The hearing then proceeded to consider the matter of the appropriate penalty to be imposed.
6. At the conclusion of the hearing, the Discipline Committee indicated that it reserved its decision and that its decision and written reasons would follow. After considering the written and oral submissions of the PCC and Ms. Fedak, along with the documents tendered as exhibits at the hearing, the Discipline Committee has made this decision.

Order

The Discipline Committee therefore makes the following order of penalty against Ms. Fedak:

1. The Member shall be suspended as a member of the Association for a period of 2 years and pending the satisfaction and completion of the following conditions:
 - (a) Reimbursement of a portion of the expenses incurred by the Association during the course of the investigation and hearing into the Member's conduct in the fixed sum of \$5000;
 - (b) The successful completion at the Member's expense of an accredited course of instruction dealing with professional ethics, such course to be approved by the Executive Director of the SDAA;
 - (c) Demonstration by the Member that she has sought and received an assessment by a professional counsellor (e.g. a registered psychologist, social worker, or other individual with advanced professional training in counselling) chosen by her and approved by the Executive Director of the SDAA, and followed the recommendations of such counsellor with respect to counselling services that in the opinion of the counsellor are required; and
 - (d) A written undertaking by the Member that, upon reinstatement as a member of the Association, she will disclose her record of conviction to any future employer proposing to employ her as a dental assistant.
2. The Executive Director of the Association shall monitor the Member's compliance with these conditions as follows:
 - (a) The Executive Director is directed to record all payments made by the Member toward the order of costs until they are paid in their entirety. Once they are paid, the Executive Director shall provide the Member with written confirmation that they have been paid in full;
 - (b) The Member shall propose one or more accredited course of instruction dealing with professional ethics for the Executive Director's approval. Upon a course being approved, the Member shall participate in and complete the course at her own expense and shall file with the Executive Director proof of the successful completion of the course.
 - (c) The Member shall propose one or more professional counsellors for the Executive Director's approval. Upon a counsellor being approved, the Member shall submit to an assessment by the counsellor and attend counselling sessions as recommended by that counsellor, at her own expense or the expense of a third party other than the Association, and shall file with the Executive Director proof of compliance with the assessment and recommendations.
 - (d) The Member shall provide to the Executive Director the written undertaking regarding disclosure of her record of conviction to employers, and the Executive Director shall ensure that a record of the undertaking be maintained in the records of the Association.
3. Subsequent to the expiration of the 2 year suspension and upon confirmation that the conditions have been satisfied, the Member shall be entitled to be reinstated as a member of the Association, provided that she pays any registration fees and is in compliance with the Professional Development requirements of the Association.

This decision dated as of 24 June, 2013.