

DISCLOSURE REPORT
Saskatchewan Human Rights Commission
 File # 15-16-163

Complainants

Dr. Charles Lekic
 Dr. Milos Lekic
 Dr. Christopher Yue

Respondent

College of Dental Surgeons of
 Saskatchewan (the “CDSS”)

Legal Counsel

Bryan Schwartz
 Andrew Buck
 Pitblado LLP

Legal Counsel

Sean Sinclair
 Robertson Stromberg LLP

Summary of Complaint:

- We, Dr. C. Lekic and Dr. Yue, are pediatric dentists who wish to provide specialized dentistry services to children in the province of Saskatchewan through our practice, Children’s Dental World Regina. Dr. M. Lekic is an orthodontist who also provides service to children through our practice.
- On August 25, 2014 we were requested by the College of Dental Surgeons of Saskatchewan, the governing body regulating the profession of dentistry in Saskatchewan, to discontinue the use of the word “World” in our clinic name or for external advertising purposes, and to discontinue the use of certain other words and phrases in our advertising.
- As a result of our continued use of those phrases, a professional complaint was launched against us by the College of Dental Surgeons of Saskatchewan.
- On March 13, 2015 we signed a Consent to Conditions agreement with the College of Dental Surgeons of Saskatchewan regarding the use of the phrases “Children’s Dental World”, “Great time to book an appointment”, “Kids come first”, “preventative”, and “restorative.”
- The Agreement included a condition that we would submit all future advertising to the Quality Assurance Committee/Advertising Review Committee for two years. On May 20, 2015 the College of Dental Surgeons of Saskatchewan sent us a letter with nine recommendations for changing our advertising script, which would remove nearly all of the content.
- To date, we have been unable to reach an agreement with the College regarding their proposed restrictions on our advertising and have been unable to proceed with our advertising for fear of a professional complaint or discipline. The restrictions affect our ability to communicate information to the public about the nature and accessibility of our services and to prepare potential patients for treatment.
- We have reason to believe, and do believe, that the actions of the college of Dental Surgeons of Saskatchewan violate our freedom of expression, contrary to Section 5 of *The Saskatchewan Human Rights Code* and further that Part 10 of the Dental Disciplines Act Bylaws and the Advertising Standards adopted by the College violate Section 5 of the *Saskatchewan Human Rights Code*.

Summary of Response:

- The College of Dental Surgeons of Saskatchewan (“CDSS”) is a professional regulatory body with the legislative and bylaw-making authority to regulate advertising by members of its profession, which it has done through enacting Bylaws and standards relating to advertising.
- There is a history of the complainants being involved with advertising that violates the College’s Bylaws. The College has been willing to work with the complainants to ensure that the advertising is compliant with the Bylaws, but the complainants have been unable to accept the Bylaws.
- The CDSS followed its Bylaws and administrative procedures in its dealings with the complainants.
- The CDSS maintains that Section 5 of *The Saskatchewan Human Rights Code* does not give rise to an actionable complaint and that the Commission does not have the jurisdiction to hear this complaint.

Date Complaint Signed: January 14, 2016

Date Assigned to Investigator: July 19, 2016

Name of Investigator: Robin Burlingham

Date of Report: April 17, 2017

Facts Not In Contention**Legislative Background**

1. The College of Dental Surgeons of Saskatchewan is a professional regulatory body created and regulated by *The Dental Disciplines Act* (the “Act”).
2. Pursuant to and in accordance with the Act, the CDSS has created Bylaws to regulate advertising by members of its profession, as follows:

Professional Standards of Members

9.2(1) Each member shall:

(m) comply with all advertising requirements set out in Part Ten, where applicable.

Nature of Advertising

10.2 Advertising, promotion and other marketing activities must be in good taste, accurate and not capable of misleading the public, and observe

the dignity and ethics of the profession. Any conduct, either directly or indirectly, or through any medium or agent that:

- (a) Misinterprets facts;
- (b) Compares either directly, indirectly or by innuendo, the member's services or ability with any other practitioner, or promises or offers more effective service or better results, than those available elsewhere;
- (c) deprecates another member as to service, ability or fees;
- (d) Creates an unjustified expectation about the results the member can achieve;
- (e) Is made under any false or misleading guise, or takes advantage either physical, emotional or financial of any patient or uses coercion, duress or harassment;
- (f) Is undignified, in bad taste or otherwise offensive so as to be incompatible with the best interest of the public or members under the Act or tend to harm the standing of the profession generally;
- (g) Discloses the names of clients; or
- (h) Makes statements which are not statements of fact or makes statements that cannot be proven to be accurate by the member;

Is to be strictly avoided as such conduct is contrary to the interests of the public and the profession.

3. The CDSS has also enacted Advertising Standards to aid in interpreting the Bylaws.
4. The Quality Assurance Committee/Advertising Review Committee is created pursuant to the Bylaws. It receives and investigates complaints regarding members' advertising.
5. The Professional Conduct Committee is created pursuant to the Act. The Act provides for the review and investigation of complaints and states in part:

Investigation

29

- (2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending:
 - (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
 - (b) that no further action be taken with respect to the matter under investigation because:
 - (i) the matter has been resolved, with the consent of the complainant and the member who is the subject of the investigation; or
 - (ii) in the opinion of the professional conduct committee no further action is warranted on the facts of the case.

- (3) The formal complaint set out in a written report made pursuant to clause (2)

(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or any other matter that comes to the attention of the professional conduct committee during the course of an investigation conducted pursuant to subsection (1) that appears to constitute professional misconduct or professional incompetence.

6. The Act provides for the creation of a Discipline Committee with powers to conduct hearings and order discipline.

The Complaint

7. Dr. Charles Lekic and Dr. Chris Yue are pediatric dentists. Dr. Milos Lekic is an orthodontist. Drs. Lekic, Lekic, and Yue (the “Dentists”) own and operate dental clinics in Winnipeg and Regina.
8. The Dentists incorporated in Saskatchewan under the name “Regina Children’s Dental World Dental P.C. Inc.” in May, 2014, and were issued an Annual Practice Permit by the College of Dental Surgeons of Saskatchewan (CDSS) dated August 25, 2014. The first patients were seen at the clinic near the end of December, 2014.
9. On December 22, 2014, Witness A, Registrar of the CDSS, telephoned Dr. Charles Lekic regarding a radio advertisement that was running for Regina Children’s Dental World. Witness A advised Dr. Lekic that the radio advertisement was not compliant with the CDSS advertising bylaws and requested that it be immediately withdrawn from radio play.
10. Following that conversation, Dr. Lekic forwarded Witness A the audio script for the radio advertisement. Witness A had the CDSS Advertising Bylaws and CDSS Advertising Guideline/Standard forwarded to Dr. Lekic, along with a letter that the CDSS said that it had sent to the incorporating lawyers for Regina Children’s Dental World Dental P.C. Inc. on August 25, 2014.
11. The letter of August 25, 2014, stated that “World” could not be used for a clinic name or for external advertising purposes. The corporation name “Regina Children’s Dental World Dental P.C. Inc.” was “acceptable provided that it is not used as the clinic name nor for external advertising.” The Dentists say that they did not receive this letter until a copy was forwarded to them by email December 22, 2014.
12. On January 8, 2015 Dr. C. Lekic confirmed to the CDSS that the radio advertisement was still being aired. In mid-January, the CDSS notified the Dentists that the Dentists had allegedly breached the Advertising Bylaws and that the matter would be referred to the Professional Conduct Committee (“PCC”).

13. On February 17, 2015, the Professional Conduct Committee of the CDSS sent the Dentists a letter stating that the PCC had determined that the complaint could be resolved by a Consent to Conditions agreement, which it enclosed. The letter states, “You should understand that if these conditions are met a written report will be sent to the Discipline Committee reporting that the matter has been resolved.” The letter requested that the Dentists sign and return the agreement by March 2, 2015.

14. The agreement contained the following allegations:

- a. The phrases “Children’s Dental World”; Great time to book an appointment”: “Kids come first” used by the Dentists in their advertising were contrary to CDSS Bylaws 10.2(b), 10.2(d) and 10.2(e).
- b. The use of the words “preventative” and “restorative” in the first 140 characters of the clinic’s online advertising were contrary to CDSS Bylaw 10.2(k).
- c. The Dentists ignored or failed to comply with a letter dated August 25, 2014 requesting them not to use the word “World” in their clinic name or external advertising; and
- d. The Dentists ignored or failed to comply with an email request from the registrar dated December 22, 2014 to cease using the words above in their advertising practices.

15. The Conditions require the Dentists to:

- a. Immediately discontinue their advertising using the words identified above;
- b. Write a letter of apology to the registrar for failure to comply with the requests of the CDSS;
- c. Contribute the sum of \$5,000.00 to The Saskatchewan Dental Fund for distribution to a charitable cause in recognition of this matter. There will be no tax deductible receipt issued to the member;
- d. Comply with points b) and c) above within 10 days of the effective date of this Agreement;
- e. Review the CDSS Bylaws and advertising standard and will submit all future advertising to the Quality Assurance Committee/Advertising Review Committee of the CDSS four weeks prior to publication deadlines for a period of two years.

16. On March 9, 2017, the Professional Conduct Committee wrote to the Dentists and advised of the date that the PCC would hear the Dentists’ presentations regarding the Consent to Conditions agreement. Following the PCC’s review of the Consent to Conditions agreement, the PCC would report its findings to the Discipline Committee with its recommendation that:

- a. The discipline committee hear and determine the formal complaint set out in the written report;
- b. No further action be taken with respect to the matter under investigation because: the matter has been resolved with the consent of the complainant and the member who is the subject of the investigation; or
- c. No further action be taken with respect to the matter under investigation because: in the opinion of the professional conduct committee no further action is warranted on the facts of the case.

- 17.** On March 17, 2015 Witness A, Dr. Chris Yue returned copies of the signed Consent to Conditions agreement to. The Conditions of this Agreement provided the Dentists would:

 - a. Change their clinic name that will be used in external advertising (including signage) to “CDW Regina-Pediatric Dentistry and Orthodontics” or “Children’s Dental Clinic Regina” (the word “Clinic” could be substituted with “Practice”, “Office”, “Group”, “Studio”, or “Center”) within 10 days of execution of this agreement;
 - b. Confirm that the radio ad in question has been discontinued as of Friday, March 6, 2015 (confirmation due within 10 days of execution of the agreement);
 - c. Voluntarily donate \$1,500 to a charity of your choice to be confirmed by a receipt sent to the College within 90 days of execution of the agreement;
 - d. Apologize to the registrar for failure to comply with the requests of the CDSS (the Dentists’ verbal apology of March 10, 2015 was deemed acceptable);
 - e. Review the CDSS Bylaws and CDSS Advertising Standard and will submit all future advertising to the Quality Assurance Committee/ Advertising Review Committee of the CDSS four weeks prior to publication deadlines for a period of two years.
 - f. Consult with the QAC/ARC to make their website compliant with the CDSS Advertising Bylaws and CDSS Advertising Standard (within 10 days of execution of this agreement).
- 18.** The Dentists provided confirmation to the CDSS of their charitable donation and signage changes.
- 19.** On May 4, 2015, the Dentists sent the CDSS a radio script for review by its Quality Assurance Committee/Advertising Review Committee, in accordance with the signed conditions.
- 20.** On May 20, 2015, Witness B of the Quality Assurance Committee/Advertising Review Committee responded to the Dentists with a list of required changes to the advertising copy.
- 21.** On June 15, 2015, the Dentists responded to Witness B that they did not agree with the recommendations of the QAC/ARC and requested a conference call to discuss the issue and requested that the Committee reconsider its objections to the proposed advertisement.
- 22.** On July 30, 2015, the ARC responded to the Dentists that it confirmed its earlier position but was willing to meet at the CDSS Annual conference that September, 2015.
- 23.** On August 21, 2015, the Dentists wrote to Witness B stating that they did not feel that the CDSS and ARC had dealt with the matter in reasonable time frame and that they intended to pursue a human rights complaint.
- 24.** On August 24, 2015, the CDSS wrote the Dentists to arrange a meeting.
- 25.** On September 2, 2015, the Dentists wrote to Witness A and proposed an agenda for a meeting to occur on a Saturday in Regina. The letter requested that the Committee confirm

its willingness to either remove the current advertising restrictions or to be prepared to consider removing the restrictions promptly after the meeting.

26. On September 8, 2015, Witness A wrote to the Dentists and stated that the College would “not, at this time, re-open the discussion regarding the use of ‘World’ in your external advertising.” He suggested that the Dentists “embrace the recommendations of the Advertising Review Committee.”

Key Facts in Dispute

27. **The parties’ communication and expectations regarding the Consent to Conditions Agreement.** The Dentists say that they signed the Consent to Conditions Agreement under protest and under threat of a professional complaint or discipline. The CDSS says that the Dentists were not compelled to sign the Condition to Conditions Agreement and that the Dentists were informed that if they chose not to sign the agreement they could be subject to a hearing by the Discipline Committee.
28. **The objectives of a face-to-face meeting between the parties and the reason such a meeting did not occur.** The Dentists say that they did not agree to a meeting with the CDSS because they did not believe that it could achieve the goals as set out in their agenda and they felt they had no recourse against the decisions of the Advertising Review Committee. The CDSS says that its council would have convened at the fall meeting, and so the Dentists would have the opportunity to discuss proposed changes to the Standards or to the interpretation of the Bylaws directly with the Board.

Evidence

29. Evidence of Dr. Charles Lekic [C Lekic]

C Lekic was interviewed in person on October 18, 2016 in the presence of counsel and provided the following evidence:

- a. Came to Saskatchewan to establish a practice to fill a need in Saskatchewan for pediatric dentists. States that he did not come to the province to be part of the problem, but to be part of the solution.
- b. States that the wait time for complex treatment under general anesthesia is the longest out of all the provinces. States that there is still a wait time of several months to get treatment for a child under general anesthetic. Has a wait list of 7 months in their Regina office.
- c. Believes that the long wait time that is being experienced is partly related to the Dentists’ inability to communicate with the public and the inability to provide information that will prepare the child for the dental visit and reduce dental anxiety:

Treatment should start with the parent getting information prior to the visit about the office and the work to be done. For child dental anxiety, 20-30% of it comes from the parents, and mostly from mothers. When parents and children walk into the clinic with fear, it is very difficult to change that mind

set. When the clinic can share that they have a kids' door, an aquarium, a kids' desk that is 30 inches high, it allows the parents to take the fear away from the children and reassure the child. This communication before treatment is called pretreatment. Internal advertising is insufficient because it does not offset the fear before the kids and parents get to the clinic.

- d. The name "Children's Dental World" contains the message that it's an environment that is just for children and this is the best way to represent what the clinic is about. The environment is specifically for children.
- e. The Dentists sent a brochure to practicing dentists in the province in January, 2015, introducing themselves and the practice. Invited dentists from the province to work together with the Dentists together as a family. Did not expect the "red carpet" treatment from dentists in the province, but expected a better tone of conversation with the CDSS. Instead were given the message that the Dentists were not wanted.
- f. First heard that the CDSS would require a restriction on the Regina clinic name in December, 2014. Received a phone call while he was in the operating room. Was not provided details. Was asked to forward the radio advertisements that were being played in Regina. Does not have notes from the December phone call.
- g. Had never seen or heard of the letter that the CDSS said that it sent in August, 2014.
- h. Sent the radio advertisements to the CDSS. Was told the following day that the advertisements were not approved.
- i. At that point, there was a sign on the business advertising "Children's Dental World Regina."
- j. Received the Consent to Conditions Agreement "out of the blue". Responded to the CDSS in February, 2015 and insisted on having a conversation with them as there was nothing in the Dentists' advertisements that was contrary to any clause in the advertising policy. Did not believe that the Dentists did anything fraudulent, offensive, or deceiving.
- k. States that the Bylaws or Standards should contain some positive statements about the importance of sharing information in order to educate the public. They should contain a statement providing that if members do not agree to the CDSS's decision then there could be further discussion about it.
- l. Did not feel they had any ability to dispute or negotiate with the Advertising Review Committee's decision.
- m. Had further communication with the CDSS in the first week of March, 2015. They were threatening to go to the discipline committee. They were saying that if the Dentists did not comply the Dentists could be stripped of their license. This was said by Dr. B.D., Chair of the Professional Conduct Committee, and Witness A during a phone call between them and the three Dentists. The phone call was heated.
- n. States that he has been to 38 countries in the world and has never seen anyone talk that way. The President of the CDSS was saying, "Who are you? You are here for what reason?" Felt that Witness A was putting the Dentists down. States that the comments and tone from Witness A and B.D. were rude, threatening, and humiliating.
- o. Told the CDSS that the Dentists disagreed with the conditions that were being imposed but they had no choice. Was threatened by Witness A and B.D. that if they did not comply they would be disciplined.

- p. The Consent to Conditions stated that the Dentists would be able to advertise upon review by CDSS. The Dentists sent in material for review, and they responded that all the Dentists could do was say that they were pediatric dentists and orthodontists.
- q. Wanted to have a discussion with CDSS officials. Proposed an agenda with the items that the Dentists disagreed with. The CDSS said that their position would not be changed. They said that other offices do not have a kids' door.
- r. The CDSS was willing to meet in Regina, but said that they would not agree to an agenda and they would not change their point of view. Their decision to restrict the advertising that the Dentists had submitted would stand.
- s. Currently use the name Regina Children's Dental Clinic.
- t. Has no current external advertising running. Believes that this is unreasonable and is damaging.
- u. Believes that factual information should be permitted in external advertising. A dental office should be allowed to say what it does and what it stands for. The advertisements were not deceitful in any way. Feels that the CDSS is protecting members of the profession that do not have a kids' door, and that this is unrelated to protecting the child in treatment.
- v. States that for years, the same advertisements with the same information were sent to the public in Manitoba without issue or complaint.
- w. The Bylaws for advertising in Manitoba are almost identical to those of Saskatchewan. There are no restrictions on what can be explained to the public. Does not know of any concern or complaint that has been raised in relation to the clinic name in Winnipeg. In Manitoba, before an issue goes to a committee there would be a conversation with the members about it.
- x. Advertisements for Children's Dental World in Winnipeg are mostly on the radio, with some on television.
- y. Patients at the clinics are asked how they heard of the clinic. In Winnipeg, two thirds of patients say that they heard through word of mouth, and the second highest source of patients is referrals from dental offices. Even in such cases, advertising provides information linked to the preparation of parents and children.
- z. States that the restrictions on advertising disproportionately affect Aboriginal, low-income, and new immigrant families. The prevalence of dental diseases is the greatest in these groups. States that of all cavities, 80-90% could come from people in those groups, and that this is because of the low understanding of the importance of oral health among those populations.
- aa. Treats a high number of Aboriginal children from Northern Communities. Feels that they are speaking for the disadvantaged social groups.
- bb. Offers as proof of how the lack of communication is affecting treatment that statistics from clinics in Winnipeg and Regina show that treatment in Regina starts with sedation in 72% of children compared to 30% in Winnipeg. Further information has been provided to the SHRC.
- cc. States that the consequences of delayed dental treatment can be severe.
- dd. States that there are dangers associated with nitrous oxide sedation. Extremely anxious children can require additional medication and go into deep sedation and can be exposed to increased medical risk. Once a child is sedated one time, the child will be reliant on sedation in the future.

- ee. Feels that the Dentists' freedom of expression was not only taken away, but the Dentists were not given an opportunity to speak for themselves and answer to the complaint.
- ff. States that the documents of the CDSS officially acknowledge the clinic's name as "Regina Children's Dental World." The College's website included the name of Children's Dental World as of April 28, 2016. This document has been provided to the SHRC.

30. Evidence of Dr. Milos Lekic [Dr. M Lekic]

Dr. M Lekic was interviewed by telephone in the presence of counsel on October 31, 2016 and provided the following evidence:

- a. First heard that the CDSS was restricting the use of the word "World" in the clinic name in late 2014, on a phone call with Witness A. Recalls that the phone call was very adversarial. Witness A said, "Who are you guys? Why are you here?"
- b. At that point, the practice was almost completely finished, with signage in place using the same logo from the Winnipeg clinics with the name Children's Dental World.
- c. Had completed leasehold improvements and the clinic was beginning to advertise its presence. Felt to be under tremendous pressure.
- d. Does not believe that the word "World" indicates that the practice refers to the whole planet. Intended to provide the message that the practice catered to children and provided a friendly environment that kids shouldn't be scared of. The environment is designed to reduce the anxiety of children and their parents visiting the dentist.
- e. Believes that there is a double standard as other clinic names like "Enhanced Dental" and "Gallery Dental" connote superior and soothing, calm environments, respectively. Does not believe that these clinic names should be restricted, but believes that the Bylaws are not enforced uniformly.
- f. Refers to Witness A's former practice, Midtown Dental, saying that its website advertised that it was a consumer's choice award winner and advertises things like an "enchanted castle" for children. Feels that this is indicative of a "double-standard."
- g. Was threatened during a phone call from Witness A and B.D. that the matter could be escalated from the Advertising Committee to the Discipline Committee. Was told that the Dentists could be required to issue an apology in the CDSS Bulletin, which is distributed to all members.
- h. Has built a career in Winnipeg using the clinic name "Children's Dental World" Did not understand why that name could not be used. Felt as if he was being scolded like a child.
- i. Felt as if the CDSS was "against" them and that the restrictions were completely irrational.
- j. Does not understand why factual statements about the service being provided can be used in advertising.
- k. States that in Saskatchewan, the CDSS serves the interests of both the profession and the public. Believes that the interests of the public are being subverted by the interests of the profession, and the CDSS is failing in its fundamental duty.

- l. The CDSS should have outreach programs to help keep teeth healthy but also to have preventative measures to promote health. The interests of the profession should be secondary to this goal. The CDSS seems to care more about protecting the profession than about the public.
- m. In Saskatchewan, before the Dentists established a practice, there was a 6-month waiting list for a consultation and a 12-month waiting list for a child to be treated by a pediatric dentist. This time to treatment has since been reduced.
- n. States that restrictions on advertising elements of the practice like having a kids' door and an aquarium underestimate the public's abilities to interpret or understand information if there is an assumption that this information will lead to unjustified expectations in the minds of the public. The CDSS is saying that the patients should have no information about the practice.
- o. Believes that this is an access to care issue beyond being a non-competition issue.
- p. Did not discuss with the CDSS how the radio advertisement could be amended so as to be compliant with the Bylaws. Felt that there was a ban on anything the Dentists wanted to say.
- q. When information can be shared, children are prepared for their appointment and it helps the Dentists administer care.
- r. The CDSS interprets the Dentists' advertisements as wanting to compete with the other general dentistry practices, but pediatric dentists do not have the same patients. States that the market will not be protected by preventing people from getting information.
- s. Does not go to Regina to make money, but to fill a need. Is "putting out fires" in terms of orthodontics in Regina.
- t. The restrictions on advertisement reduce access to care.
- u. Saskatchewan has a higher incidence of dental disease in its Aboriginal population.
- v. States that because of the actions of the CDSS, Northern communities have not been targeted with advertisements that could benefit them.
- w. States that people who are Aboriginal, have special needs, are low-income or recent immigrants have a greater need for dental care and will benefit more from radio advertisement because they are exposed to less word-of-mouth advertising in their social circles.
- x. Interprets the CDSS's actions as being motivated by economic protection.

31. Evidence of Dr. Christopher Yue

Dr. Yue was interviewed by telephone in the presence of counsel on October 31, 2016 and provided the following evidence:

- a. Became a pediatric dentist because of Dr. Charles Lekic. States that in many cases, dentists have joined the profession because it is lucrative and they approach it as a commercial enterprise. Saw that in pediatric dentistry, dentists practice general dentistry on children with high needs. Wanted to come to Regina to help children there.
- b. Had a telephone meeting with Witness A and B.D. about the clinic name and advertisement. B.D. seemed very emotionally involved in the matter. He made a

- comment that he was getting excited, and Witness A needed to calm him down at one point. B.D. said, "Who are you guys anyway? Who do you think that you are?" Did not know why B.D. was so upset.
- c. Did not agree with the CDSS but wanted to continue to practice in a way that helped children.
 - d. Had subsequent conversations with Witness A. Told him that the Dentists were not there to antagonize anyone and that they wanted to help children and fill a drastic need for children's dentists in Regina.
 - e. Had spoken to the pediatric dentist in Regina who confirmed that there was a six-month waiting list for a consultation, with a wait of an additional year if the child needed significant dental treatment requiring general anesthetic. The pediatric dentist was happy that more pediatric dentists were coming to the province.
 - f. Had attempted to get other practitioners in Winnipeg to open a clinic in Regina but it would involve a lot of travel and would not be lucrative. Dr. Charles Lekic finally agreed.
 - g. Wanted to have a radio advertisement to spread the message to children that they could be comfortable when coming to the office, and that the environment was specifically for children and not for adults.
 - h. The advertising guidelines are very restrictive. Believed that the proposed radio advertisement script did not contravene the Bylaws, but then was told that almost every sentence was non-compliant.
 - i. Spoke with a colleague in Regina about the restrictions and the colleague suggested to perform an internet search of Witness A. Did so and found an article from Trusted Saskatoon, which he has provided to the SHRC. That website wanted to rank dentists, but it was told by the CDSS that this would not be permitted. One business was permitted to be ranked by the Consumer Choice Awards, however, and that was the Midtown Dental Clinic, Witness A's clinic. According to Consumer's Choice, Witness A was also the top dentist in Saskatoon.
 - j. Believes that if a dentist is in power or knows someone in power, the advertising rules are vague enough that there can be a way around them. Believes that Midtown Dental is helping kids go to the dentist and making it exciting for them, and that this should be permitted, but that it is the same thing that the Dentists have been prevented from doing.
 - k. States that if children are more comfortable, dentists can do better work. Advertising things like an aquarium and a little door do not convey the message that better treatment will be provided at the clinic. The goal of the advertisement is simply to make people more comfortable.
 - l. Is not trying to compete or take patients away from anyone. Ends up seeing children that the general dentists don't want to see. Tries to form relationships with the general dentists that he sees.
 - m. States that there is a high need for children's dentists and the CDSS does not want to promote access for kids, whereas in Manitoba there is a mandate to have children seen by dentists.
 - n. States that there is a risk of morbidity with oral medication, and as a practice the Dentists have decided that if possible they do not want to sedate children. Other pediatric dentists rely more on sedation, which is more lucrative. If the Dentists

- wanted a more lucrative practice, they would use more sedation and they would not worry about a calming environment for children. Did not choose to sedate his own child for a cavity treatment, and says, “If I’m not willing to put my kid through that, why would I want other kids to go through that?” Wants to make the experience the least traumatic for children as possible but wants them to learn to accept the treatment.
- o. Went to school for an additional three years to be a pediatric dentist. The practice is very different from general dentistry because everything needs to be done in a way that children understand and within a finite time frame.
 - p. Believes that he has a professional duty to help children, who are guided by their parents in oral health and are not responsible for their dental care.

32. Evidence of Witness A

Witness A was interviewed in person in the presence of counsel on January 9, 2017 and provided the following evidence:

- a. Is the Registrar of the CDSS. Has been in that position for eleven and a half years. Practiced dentistry until roughly July, 2012.
- b. Teaches dental jurisprudence at the College of Dentistry, which lays out the authority for the CDSS: the delegation of health to the province within the Constitution, and the province’s delegation of regulations to the CDSS. Touches on administrative Bylaws, standards, and policies. Is very familiar with the regulatory framework of the CDSS.
- c. Is not on the Advertising Review Committee but is a staff person helping with the committee and is involved in what they do.
- d. Made the decision that the word “World” could not be used in the Dentists’ clinic name or external advertising and communicated this to the Dentists by letter dated August 25, 2014. Consulted with the Advertising Review Committee in this decision.
- e. Received a complaint regarding the Dentists’ radio advertisement from another member on December 20, 2014.
- f. Much of the Advertising Review Committee’s role is complaint-based. When a complaint is received, the committee will assess the matter and prepare a report to refer it to the Professional Conduct Committee (PCC) if necessary.
- g. Spoke to the Dentists to set up a conference call in March, 2015. Dr. Yue indicated some willingness to work with the CDSS.
- h. Recalls that the meeting was a “sharing of ideas”. Recalls that there was concern expressed by the Dentists about what the Consent to Conditions Agreement was and about the concept of them signing it, but Witness A viewed it as a meeting where the CDSS could explain the advertising guidelines and discuss how the matter had gone. States that the focus was not on the consent to conditions, but more about the background of how things had come to that point and how they could move forward with a resolution. The Dentists tried to explain what they were doing, and had sent information before the meeting like information and photographs of their clinic.
- i. Was copied on emails regarding the proposed advertisement of May, 2015, but usually only participates in discussions to provide context or information.
- j. Is aware that initial efforts were made to arrange an in-person meeting. If the meeting could have taken place at the CDSS’s annual conference, then the Advertising Review Committee and the Professional Conduct Committee and the CDSS Board

- could have been present. Any changes to the guidelines would have to be approved by Council. That is why Witness A wanted the Dentists to talk directly to the Board to address the issues that they were raising.
- k. When the Professional Conduct investigates a complaint, Witness A helps gather background information and evidence to assist the Committee and sends information to the Advertising Review Committee and the Professional Conduct Committee.
 - l. Members are diligent and want a level playing field. They are aware of what the rules are and they are not hesitant to report concerns about advertising to the CDSS. Several complaints were lodged with CDSS regarding the Dentists' advertising and clinic name; evidence has been provided to the SHRC.
 - m. Recalls that the Dentists expressed concern at one point about being able to advertise in Winnipeg but not in Saskatchewan. Did not investigate the issue of whether "Children's Dental World" and the clinic advertising violated advertising standards in Manitoba. States that the CDSS does not typically look at what other provinces do and looks to its Bylaws to determine compliance or non-compliance.
 - n. Recalls that the Bylaws were being created in Saskatchewan around the time that Witness A became registrar.
 - o. Is a general dentist and believes that general dentists can provide all of the same services as pediatric dentists and that patients can go to pediatric dentists by referral through a general dentist.
 - p. Saskatchewan has seen a proliferation of specialized dentists in the past few years and this is good for the province. There is no attempt by the CDSS to limit specialists.
 - q. The purpose behind instituting advertising standards is to protect the public from advertising that can become misleading, comparative, or that can lead to unprofessional advertising and confusion to the public. Words and phrases that make it look like one dentist can do something another one cannot are not compliant, especially in external advertising when you cannot explain the informed consent process.
 - r. The rules are applied fairly and consistently to every situation that comes to the CDSS.
 - s. General dentists can provide services to the public in all areas of dentistry, in any of the specialized categories. It is up to each member to provide services in their own practice or by referral to other general dentists or specialists to meet the needs of the clientele.
 - t. When an advertising standard is created, the Advertising Review Committee would put the standard in a form that council would approve.
 - u. Deals with approximately 30 complaints relating to advertising per year. They are dealt with using the same protocol each time.
 - v. In this case, nothing was done differently in terms of the administration of the matter as compared to any other case.
 - w. A complaint is resolved in three ways: there is either no further action, a referral to a discipline hearing, or the matter is decided by consent to conditions. Most of the advertising matters are dealt with in fairly narrow set parameters.
 - x. In this case, the CDSS discussed the consent to conditions with the Dentists. They agreed to the matter after we discussed it with them and we heard their concerns. If

- they had not signed the agreement, they would have been able to go to a discipline hearing.
- y. The CDSS could not apply a suspension of their right to practice pending a hearing. We would have to apply to court for a suspension, and we have never done that in an advertising situation.
 - z. The wait for a discipline hearing could be a year and a half.
 - aa. There is a distinction between external and internal advertising when it comes to online advertising. Online searches need to be compliant with the guidelines for external advertising within the first 140 characters of their website and search result. People must actively go to the website to obtain more information, in the same way that if they phoned an office they could receive information consistent with the clinic's internal advertising. Believes that this is a fair way to communicate that does not confuse the public.

33. Evidence of Witness B

Witness B was interviewed by telephone in the presence of counsel on February 13, 2017 and provided the following evidence:

- a. Is the Chair of the Advertising Review Committee (ARC) for the CDSS. Is currently on leave from that position.
- b. The ARC reviews approximately eighty advertisements per year, including all new or amended Yellow Pages advertisements.
- c. The ARC has committee meetings by conference call, approximately ten times per year. Concerns are submitted through emails and a call takes place if there is anything to discuss.
- d. The ARC uses the Bylaws and standards to make its decisions about advertising. The committee may refer to previous advertisements for guidance.
- e. The ARC has the opportunity to review the standards annually, and can make changes if necessary.
- f. The Committee accepts people's concerns based on what they have seen in other provinces. If they want changes, there will be further discussion about that.
- g. The current Advertising Standards were approved April 21, 2016, and the previous version was from 2013.
- h. If there has been an infringement of the Advertising Bylaws or Standards, the ARC typically refers a matter to the Professional Conduct Committee.
- i. States that the radio advertisement aired in December 2014 and January 2015 had lines that were not compliant with the Bylaws.
- j. "Kids come first" includes an implicit comparison with other offices that kids don't come first at their offices and creates an unjustified expectation. The phrase "Great time to book an appointment" is coercive. Even the word "Call" before a telephone number is unnecessary and can be coercive.
- k. States that the proposed radio advertisement of May, 2015 also had phrases that were deemed non-compliant.
- l. The proposed advertisement contained the sentence, "They're still accepting new patients and the whole place is designed with kids specifically in mind." The phrase "Accepting new patients" is allowed but the remainder of the sentence is non-

- compliant. The Dentists could say that they have a pediatric dentistry practice, and one would hope that any place that offers pediatric dentistry would have kids in mind.
- m. An advertisement containing an explanation of what pediatric dentistry means or entails would depend on how that information was conveyed.
 - n. Regarding the phrase “Where kids come first!” states that Witness B views this phrase as a business opportunity. The ARC believed that it may apply to the doors but they felt that that was not the first thing that came to mind about that phrase. Tries to think of how the public will perceive that information. States that it is not something that is factually based on their dental services and will not have a bearing on their dentistry.
 - o. The ARC protects the public, and views matters from a perspective of what the public may see or infer. The ARC is not trying to control but trying to protect. Does not want advertisements to become a sales pitch. Dentistry is a professional service and the ARC wants to promote dignity and professionalism.
 - p. The words “preventative” and “restorative” can be used in website advertising but cannot appear in the first 140 characters of the search result.
 - q. The ARC cannot review all of the advertisements on the internet. The process is mostly complaint-driven.
 - r. The public is able to choose a dentistry practice and generally does so by word-of-mouth, or by finding out who is available in their area and during what hours.
 - s. The advertisement had children’s voices and used an emphatic tone. The advertisement should not use children’s voices as they are not the ones making the decision about dentists.
 - t. Several phrases from the advertisement were non-compliant. Saying “And we have a huge aquarium” implies that this provides an additional benefit.
 - u. Was willing to discuss the issue further with the Dentists and recalls that the CDSS attempted to set up a meeting at the fall council meeting.
 - v. If complaints are dealt with by the ARC then they do not need to be forwarded to the PCC.

Issues with the Investigation

34. Counsel for the CDSS argued that a type of prosecutorial privilege applies to the decisions and deliberations of the Professional Conduct Committee and to its Chair, B.D. An interview with B.D. was not pursued further as the Investigator did not deem it necessary for the investigation.
35. Counsel for the Dentists request the complaint be amended to include a claim for discrimination on the basis of age, race/perceived race, place of origin, disability, and receipt of public assistance and have submitted additional material in support of this request.

Relevant Documentary Evidence

1. Complaint Form.
2. Intake Questionnaire with Attachments.
3. CVs of Dr. Charles Lekic, Dr. Milos Lekic, and Dr. Chris Yue.
4. “Memorandum re: Referral Statistics.”

5. Children's Dental World Patient Registration Form.
6. Consent to Incorporation issued June 4, 2007 by the Manitoba Dental Association for "Children's Dental World Inc. Dental Corporation".
7. Permit to Practice Dentistry as a Professional Corporation, by the Manitoba Dental Association June 24, 2015.
8. Consent to Incorporation issued February 3, 2009 by the Manitoba Dental Association for "Children's Dental World South Dental Corporation."
9. Permit to Practice Dentistry as a Professional Corporation, by the Manitoba Dental Association June March 12, 2009.
10. Consent to Incorporation issued June 30, 2016 by the Manitoba Dental Association for "Children's Dental World East Dental Corporation."
11. Permit to Practice Dentistry as a Professional Corporation, by the Manitoba Dental Association September 12, 2016.
12. Bylaws, *The Dental Disciplines Act*.
13. CDSS Advertising Standard (Approved April 21, 2016)
14. CDSS Advertising Standard/Guideline (Revised August 2013)
15. Letter from MLT Lawyers to CDSS dated July 18, 2014, enclosing the Certificate and Articles of Incorporation for Regina Children's Dental World Dental P.C. Inc. and Application for Issuance of an Annual Permit.
16. Annual Practice Permit for Regina Children's Dental World Dental P.C. Inc. dated August 25, 2014.
17. Letter from Witness A, Registrar of the CDSS to MLT Lawyers dated August 25, 2014. Unsigned. Advises that the name "'Regina Children's Dental World Dental P.C. Inc.'" would be acceptable provided that it is not used as the clinic name nor for external advertising."
18. Email correspondence between Dr. T.G. and Witness A dated December 20, 2014. Dr. T.G. complains about the radio advertisements for Children's Dental World and Witness A responds that the matter will be dealt with.
19. Email from M.L. to Dr. Charles Lekic with copy to Dr. Milos Lekic and Dr. Chris Yue and Witness A dated December 22, 2014. Further to conversation between Witness A and Dr. Charles Lekic earlier that day. Attaches the letter from August 25, 2014 regarding the name of Children's Dental World.
20. Email correspondence between Dr. Charles Lekic and Witness A and M.L. dated December 22, 2014. Attaches the Children's Dental World radio advertisement.
21. Online search results for Children's Dental World Regina retrieved January 8, 2015.
22. Complaint Process Report Form for Use by Committee signed by D.H. January 12, 2015. Outlines Investigation process used by committee: Radio advertisement "would not be allowed based on 10.2e; The advertisement was not submitted to the ARC for approval prior to being broadcast; online search results are non-compliant; Children's Dental World had previously been informed that its name could not be used in external advertising." Recommends the complaint be forwarded to the PCC.
23. Email from J.O., Executive Director, CDSS to Witness A and M.L. dated January 15, 2015, "Subject: Discussion with Dr. Charles Lekic, Thursday, January 8, 2015." Advises that Dr. Lekic said the radio advertisements were still running and that Dr. Lekic and his lawyer believed the Advertising Review Committee's ruling was incorrect. Witness A "stressed that if had [sic] the opportunity to speak with his peers he could convince them to agree with his rationale. At this point I [J.O.] explained to him that it was his 'peers' at the CDSS that

created the Advertising Bylaws and that he would most likely be contacted by these peers over the next few weeks to discuss the situation further, most likely in the form of a letter from the Professional Conduct Committee.”

24. Notes from Witness A dated January 21, 2015. “During a phone conversation with Dr. Avram today he mentioned that the Children’s Dental World Regina radio advertisement was still playing. One of his staff members heard the ad on January 20, 2015.”
25. Email correspondence between Dr. R.H. and Witness A, copy to M.L. dated February 7, 2017. Regards Dr. R.H.’s complaint about the name “Children’s Dental World.”

“Not to be a complainer, but I feel as though I have something to lose should this Regina company also located to Saskatoon. My problem is with ‘world’ as the designation as Children’s Dental World vs. clinic, centre, studio etc. as defined in our Bylaws. Even if it is not so on paper, it is advertised as such and implies something grand. In the eyes of the public based on name alone I feel they are misled to be attaining something ‘more’ at dental land or dental world.”

Witness A responds that he agrees “world” is not compliant.

26. Letter from B.D. to Children’s Dental World Regina dated February 17, 2015. Advises that the PCC has investigated the concern/complaint and attaches a Consent to Conditions agreement. States that if the conditions are met then a written report will be sent to the Discipline Committee reporting that the matter has been resolved. Asks for the agreement to be signed and returned by March 2, 2015. Attaches agreement.
27. Letter from Patrick Riley, Taylor McCaffrey LLP to the CDSS dated February 23, 2015. Advises he has been retained by the Dentists in connection with the letter sent February 17, 2015. Reviews history of correspondence between the Dentists and the CDSS. Advises that the Dentists do not agree with the conditions and wish for an opportunity to respond to the Professional Conduct Committee.
28. Letter from Patrick Riley, Taylor McCaffrey to Reynold Robertson, QC, Robertson Stromberg LLP dated March 5, 2015. Response to the CDSS’s letter from March 3, 2015.
29. Notes from phone call between Witness A and Dr. Charles Lekic dated March 6, 2015.
30. Email from Dr. Charles Lekic to Witness A dated March 6, 2015, with proposed language for Yellow pages advertisement.
31. Letter from Dr. B.D., Chair, Professional Conduct Committee, to Taylor McCafferty LLP dated March 9, 2015. Encloses “Consent to Conditions Agreement.”
32. Email from Dr. Charles Lekic to Witness A, B.D., M.L. dated March 10, 2015. Attaches photographs of clinic signage and clinic interior in preparation for that day’s meeting.
33. Email from Dr. Charles Lekic to Witness A, B.D., M.L. dated March 10, 2015. Thanks Witness A for organizing the discussion from earlier that day about signage. Advises that cost of exterior signage was approximately \$6,000 to have created and installed. Requests that exterior signage can remain the same and door sign be amended to “CDW Regina – Pediatric Dentistry and Orthodontics.”
34. Letter from B.D. to Children’s Dental World Regina dated March 11, 2015. Letter is in substance the same as letter of February 17, 2015. Asks for the agreement to be signed and returned by March 12, 2015. Attaches agreement with amended conditions.
35. Email correspondence between Witness A, M.L, Witness B, D.H., D.Z., and H.W, dated March 10-12, 2015. Discussion around new clinic names and whether the clinic sign must be changed.

36. Email from Dr. Chris Yue to Witness A dated March 17, 2015. Attaches the signed Consent to Conditions agreement. Advises: website and social media have been amended, and radio advertisements and front door signage removed; clinic signage will take approximately two weeks to amend; receipt for donation to charity will follow in approximately two weeks.
37. Email correspondence from Dr. Chris Yue to Witness A dated March 18, 2015. Advises that referral pads sent to other practitioners still have the name “Children’s Dental World” Advises that no more will be sent out.
38. Email from Charles Lekic to Witness A dated April 9, 2015. Attaches photograph of clinic signage showing the name “Children’s Dental Clinic Regina.”
39. Letter from B.D. to Dr. H.S., Chair, Discipline Committee, dated April 16, 2015, re: “Advertising concern/Complaint Case #14-110”. Advises that the Professional Conduct Committee has determined that the concern/complaint has been resolved under the *Dental Disciplines Act* by a Consent to Conditions agreement. Advises that Drs. Lekic, Lekic, and Yue understand that the conditions in the agreement must be completed or a written report will be forwarded to the Discipline Committee for their consideration.
40. Letters from Witness A to Dr. Milos Lekic, Dr. Charles Lekic, and Dr. Chris Yue, dated April 16, 2015. Acknowledges receipt of signed Consent to Conditions agreement and encloses copy of Report of the Professional Conduct Committee.
41. Report of the Professional Conduct Committee dated April 16, 2015. Advises that the complaint has been resolved by the Consent to Conditions agreement.
42. Letter from Witness A to Dr. R.H. dated April 20, 2015. Response to Dr. R. H’s concerns regarding the external advertising by “Children’s Dental World Regina”. Confirms that the Professional Conduct Committee conducted an investigation and the matter was resolved by a Consent to Conditions agreement.
43. Letter from Witness A to Dr. D.A. dated April 20, 2015. Response to Dr. D.A.’s complaint about the external advertising of “Children’s Dental World Regina”. Confirms that the Professional Conduct Committee had conducted an investigation and the matter was resolved by a Consent to Conditions agreement.
44. Email correspondence M.O, Business Manager, Children’s Dental Clinic Regina, and Witness B, H.W., D.H., D.Z., and M.L, dated Monday, May 4, 2015. Children’s Dental Clinic requests the ARC preview an attached radio advertisement script. The script contained the following:
- Kid 1: They’re specialists in pediatric dentistry and orthodontics!
 Kid 2: And they have a huge aquarium!
 Kid 1: Children’s Dental Clinic Regina!
 2: They’re still accepting new patients and the whole place is designed with kids specifically in mind. There’s a treasure tower! Kid sized doors! And cool prizes for every visit!
 1: Children’s Dental Clinic Regina – where kids come first! For an appointment call 721-KIDS!
 1&2: (sing) Children’s Dental Clinic Regina!
45. Receipt for donation to Canada Help org dated May 5, 2015 in accordance with signed Consent to Conditions Agreement.
46. Letter from Witness B to the Dentists dated May 20, 2015. Changes are recommended to the proposed radio script submitted by the Dentists:
1. Remove “And they have a huge aquarium!” CDSS Bylaw 10.2 (b) (d)

2. Remove: “They’re still accepting new patients and the whole place is designed with kids specifically in mind.” CDSS Bylaw 10.2 (b) (d)
 3. Remove: There’s a treasure tower! CDSS Bylaw 10.2 (b) (d) (e)
 4. Remove: Kids sized doors! CDSS Bylaw 10.2 (b) (d) (e)
 5. Remove: And cool prizes for every visit! CDSS Bylaw 10.2 (b) (d)
 6. Remove: Where kids come first! CDSS Bylaw 10.2 (b) (d)
 7. Remove: for an appointment call 721-KIDS! CDSS Bylaw 10.2 (b) (d)
 8. Please submit a revised radio script advertisement proof for approval prior to airing.
47. Email from Children’s Dental Clinic (CDC) to ARC dated May 26, 2015. Request for preview of Children’s Dental Clinic Regina Facebook Advertisement #1.
 48. Letter from ARC to CDC Regina dated June 3, 2015. Approval of Facebook Advertisement #1.
 49. Email from CDC to ARC dated June 4, 2015. Request for preview of CDC Regina Facebook Advertisement #2.
 50. Letter from the Dentists to Witness B dated June 15, 2015. The Dentists are disappointed and disagree with the recommendations made by the ARC regarding the proposed radio advertisement. The Dentists would be available for a conference call meeting before July 15, 2015, but require resolution by or before that date in view of the urgency of the matters involved to both the patients and the public. Letter asks for the ARC’s agreement with the “fundamental points” of the letter, relating to the shortage of pediatric dentists in Saskatchewan; the dangers of delay or failure to access dental care in children; the impact of dental anxiety; and the large percentage of children who require significant dental care in Saskatchewan being Aboriginal or from socio-economically disadvantaged backgrounds. Requests that the Committee reconsider its objections stated in the May 20, 2015 letter.
 51. Letter Witness B to the Dentists dated June 16, 2015. Approval of Facebook Advertisement #2.
 52. Email from M.L. to the Dentists dated June 19, 2015 advising that their letter of June 15, 2015 has been forwarded to the ARC.
 53. Email from M.L. on behalf of the ARC to the Dentists dated July 30, 2015. The ARC confirmed their position of the May 21, 2015 letter. The ARC is willing to meet with the Dentists, suggesting that this meeting occur at the Annual conference in September, 2015.
 54. Letter from Witness A to the Dentists dated August 19, 2015. Invites the Dentists to Regina to meet with the Quality Assurance Committee/ Advertising Review Committee on Saturday September 12, 2015 at 10:00 a.m.
 55. Letter from the Dentists to Witness B dated August 21, 2015. The Dentists do not feel that the CDSS/ARC has complied with the Dentists’ request to deal with their requested time frame for dealing with the urgent matter. Letter informs that the Dentists will pursue a claim with the SHRC. States, in part, “We remain prepared to engage in a timely and collegial discussion with representatives of the CDSS (perhaps the Registrar), in order to find a mutually acceptable way forward.”
 56. Email from M.L. to the Dentists dated August 24, 2015. Advises that the College Office will be in touch with their office to arrange a mutually acceptable date for a meeting.
 57. Phone call notes dated August 25, 2015. M.L. and Veronica discuss a possible meeting date.

58. Email from V.L., Office Manager, to M.L. dated September 2, 2015. Email was forwarded to Witness A. Attaches letter “with our Board of Directors’ suggestions for an opened dialogue and future meeting.”
59. Letter from the Dentists to Witness A dated September 2, 2017. Proposes agenda for a meeting to occur on a Saturday in Regina. In part, asks that the Advertising Review Committee confirm its willingness to remove current advertising restrictions or that it is prepared to consider doing so promptly.
60. Letter from Witness A to the Dentists dated September 8, 2015. Indicates that the College “will not, at this time, re-open the discussion regarding the use of ‘World’ in your external advertising,” and suggests that the Dentists “embrace the recommendations of the Advertising Review Committee.”
61. Letter from the Dentists to Witness A dated September 9, 2015. In part, the Dentists “see no prospect of a constructive meeting with the College, unless and until it is prepared to acknowledge and respond to the substantive issues we have, repeatedly, brought to your attention.”
62. Email from Witness B to Children’s Dental Clinic Regina dated January 21, 2016. The ARC has reviewed the clinic’s Yellow pages advertisement and requires the listing be changed from “Children’s Dental World Regina” to “Children’s Dental Clinic Regina.”
63. Statements:
 - a. Dr. Charles Lekic;
 - b. Dr. Milos Lekic;
 - c. Dr. Chris Yue;
 - d. Witness A;
 - e. Witness B.
64. Trusted Saskatoon, “Why Dentists in Saskatchewan can NOT be TRUSTED,” July 19, 2012.
65. Photographs, “Midtown Kids Dental” Clinic, online.
66. Code of Ethics, Manitoba Dental Association. Article 4 *Advertising and Promotional Activities*.
67. Canadian Paediatric Society Position Statement, January 11, 2013: *Oral Health Care for Children – A Call for Action*.
68. Saskdentist.com listing showing the name “Children’s Dental World” for Dr. Charles Lekic, Dr. Chris Yue, and Dr. Nikola Lekic.
69. CDW Winnipeg Media & Events Projected Reach Information.
70. Letter from Marcel Van Woensel, Registrar, Manitoba Dental Association to Dr. Charles Lekic dated October 17, 2016. The Manitoba Dental Association confirms that it has not received a complaint regarding the Dentists’ marking practices.
71. Selected academic literature.
72. Audio and video advertisements.

“April 17, 2017”

Date

“Robin Burlingham”

Robin Burlingham, Investigator