

**IN THE MATTER OF**  
***The Health Professions Act, being Chapter H-7***  
***of the Revised Statutes of Alberta, 2000***

AND IN THE MATTER OF A HEARING regarding the  
Conduct of Anthony Lanzl,  
a Regulated Member of  
the College of Alberta Denturists

**DECISION OF THE HEARING TRIBUNAL OF THE**  
**COLLEGE OF ALBERTA DENTURISTS**



## INTRODUCTION

The Hearing Tribunal held a hearing into the conduct of Anthony Lanzl on February 17, 2021. The members of the Hearing Tribunal were:

Ms. Patricia Matusko, Public Member, Chair  
Ms. Cynthia Sweet, DD, Regulated Member  
Mr. Jatinder Sharma, DD, Regulated Member

Ms. Maya Gordon acted as independent legal counsel for the Hearing Tribunal.

In attendance at the hearing was Mr. Blair Maxston, legal counsel for the College of Alberta Denturists ("the College"). Also present were Mr. Lloyd Fischer, Complaints Director for the College, Mr. Anthony Lanzl and Mr. Gavin Wolch, legal counsel for Mr. Anthony Lanzl.

Also in attendance at the hearing was Ms. Karen Irwin, Hearings Director for the College, Ms. Jessica Young, Court Reporter and a member of the public, who was in attendance for observation purposes only.

The parties confirmed that there were no objections to the composition of the Hearing Tribunal or to the Hearing Tribunal's jurisdiction to hear the matter. The Chair confirmed that, pursuant to section 78(1) of the *Health Professions Act*, RSA 2000, c. H-7 ("HPA"), the hearing was open to the public. Both parties, via their counsel, confirmed they were not bringing an application to close the hearing. No other preliminary matters were raised.

## ALLEGATIONS

The allegations before the Hearing Tribunal were as follows:

1. On or about May 27, 2020 and at one of the Calgary denturist clinics owned by him, Anthony Lanzl stored pornographic images from websites, as automatically saved by his web browser, on a personal laptop computer that was sometimes used for business purposes.
2. On or about March 17 and 18, 2020, Anthony Lanzl failed to follow the College of Alberta Denturists directive to cease operations (except for defined emergency services) effective March 17, 2020 due to the COVID-19 health pandemic.
3. On or about May 27, 2020 and at one or both of the Calgary denturist clinics owned by him, Anthony Lanzl inadvertently:
  - a. Failed to transport medical devices for offsite reprocessing, including failing to use leakproof containers;
  - b. Failed to dispose of used surgical gloves which were used in the fabrication of dentures but which were not used with patients; and/or
  - c. Failed to properly clean denture fabrication work areas and equipment.



## **EXHIBITS**

By agreement, the following documents were entered as Exhibits before the Hearing Tribunal:

- Exhibit #1:** Amended Notice of Hearing, Notice to Attend and Notice to Produce dated February 9, 2021
- Exhibit #2:** Admission of Unprofessional Conduct signed by Anthony Lanzl and dated February 10, 2021
- Exhibit #3:** Agreed Statement of Facts signed and dated February 10, 2021 and February 11, 2021
- Exhibit #4:** Joint Submission Regarding Penalties signed and dated February 10, 2021 and February 11, 2021

## **AGREEMENT AND ADMISSION OF UNPROFESSIONAL CONDUCT**

The parties presented an Agreed Statement of Facts (Exhibit 3) and Admission of Unprofessional Conduct (Exhibit 2) to the Hearing Tribunal. Mr. Lanzl admitted to the conduct in all three allegations.

The agreed facts and admissions from Exhibits 2 and 3 include the facts and admissions as set out below.

### **Agreed Facts Related to Background Matters**

At all times Mr. Lanzl was a regulated member of the College and owned the following two denture clinics:

Smile Denture Clinic  
#439, 131-9 Avenue, S.W.  
Calgary, AB T2P 1K1

and

Smile Denture Clinic  
316-14 Street, N.W.  
Calgary, AB T2N 1Z7

(collectively, the "Clinics")

Pursuant to the HPA, the College is the regulatory body for the profession of denturism.



### **Agreed Facts Giving Rise to the Charges**

As part of the College's response to the COVID19 pandemic, on March 17, 2020 the College issued a written directive prohibiting its regulated members from providing anything other than emergency denturist services (the "College Directive"). A copy of the College Directive was attached to the Agreed Statement of Facts and was reviewed by the Hearing Tribunal.

On or about late March of 2020, the College's Complaints Director received information (including from the Calgary Medical Officer of Health) indicating that (i) Mr. Lanzl breached the College Directive and provided non-emergency denture treatment to patients and (ii) that Mr. Lanzl was failing to follow applicable infection prevention and control requirements at the Clinics.

The Complaints Director relied on section 56 of the HPA to treat this information as a complaint and a Notice of Investigation was served on Mr. Lanzl.

During the course of the investigation it was necessary for the investigators to review the computers at the Clinics. The investigation was completed and this matter was referred to a hearing pursuant to Part 4 of the HPA.

### **Agreed Facts Related to Allegations**

#### Allegation 1:

On or about May 27, 2020 and at one of the Calgary denturist Clinics owned by him, he stored pornographic images from a website, as automatically saved by his web browser, on a personal laptop computer that was sometimes used for business purposes.

#### Allegation 2:

On or about March 17 and 18, 2020, he provided non emergency denture treatment to patients and failed to follow the College Directive to cease operations (except for defined emergency services) effective March 17, 2020 due to the COVID-19 health pandemic.

#### Allegation 3:

On or about May 27, 2020 and at one or both of the Calgary denturist Clinics owned by him, he inadvertently:

- (i) Failed to transport medical devices for offsite reprocessing, including failing to use leakproof containers;
- (ii) Failed to dispose of used surgical gloves which were used in the fabrication of dentures but which were not used with patients; and/or
- (iii) Failed to properly clean denture fabrication work areas and equipment.

During the hearing, the Hearing Tribunal confirmed that all of the above facts were agreed upon by both parties.



## Admission of Unprofessional Conduct

In an Admission of Unprofessional Conduct (entered as Exhibit 2), Mr. Lanzl stated and acknowledged the following:

1. That at all times respecting these proceedings I was a Regulated Member of the College.
2. That I hereby admit and acknowledge that I am guilty of unprofessional conduct with respect to the following charges in these proceedings:
  1. On or about May 27, 2020 and at one of the Calgary denturist clinics owned by him, Anthony Lanzl stored pornographic images from a website, as automatically saved by his web browser, on a personal laptop computer that was sometimes used for business purposes.
  2. On or about March 17 and 18, 2020, Anthony Lanzl failed to follow the College of Alberta Denturists directive to cease operations (except for defined emergency services) effective March 17, 2020 due to the COVID-19 health pandemic.
  3. On or about May 27, 2020 and at one or both of the Calgary denturist clinics owned by him, Anthony Lanzl inadvertently:
    - a. Failed to transport medical devices for offsite reprocessing, including failing to use leakproof containers;
    - b. Failed to dispose of used surgical gloves which were used in the fabrication of dentures but which were not used with patients; and/or
    - c. Failed to properly clean denture fabrication work areas and equipment.
3. That I have no objection to this Admission being entered as an Exhibit at the February 17, 2021 hearing before a Hearing Tribunal of the College.
4. I have no objection to the composition of the Hearing Tribunal hearing this matter.
5. I have no objection to the jurisdiction of the Hearing Tribunal hearing this matter.
6. That I am aware of my right pursuant to Section 72(1) of the HPA, to be represented by legal counsel regarding these matters.



## SUBMISSIONS OF THE PARTIES

### (a) Complaints Director's Legal Counsel

Mr. Maxston, counsel for the Complaint's Director, began his submissions by noting that the hearing was proceeding virtually by the consent of all parties, and that Mr. Lanzl was represented by counsel, Mr. Wolch. They were both present at the hearing via Zoom.

Mr. Maxston noted that there was an Amended Notice of Hearing, Notice to Attend, and Notice to Produce dated February 9, 2021, and that he would not be reading the Allegations into the record.

In terms of procedure, Mr. Maxston outlined the order in which the submissions would be put before the Hearing Tribunal, and Mr. Wolch noted on the record that he was in agreement with the procedure as set out by Mr. Maxston.

Mr. Maxston noted that under the HPA, the regulated member is entitled to thirty (30) days' notice of the hearing.

However, in this case, the Amended Notice of Hearing, Notice to Attend, and Notice to Produce was dated February 9, 2021, which did not provide Mr. Lanzl with the required notice. Mr. Maxston noted that this was due to the fact that the parties had been negotiating. He asked Mr. Wolch to indicate, on the record, that they were waiving the required notice period under the HPA. Mr. Wolch did so, on the record.

All four Exhibits were entered into the record, as set out by their Exhibit number, above. Mr. Maxston submitted that the Hearing Tribunal has two tasks: first, to determine whether the allegations were in fact factually proven, and second, if proven, whether those facts constituted unprofessional conduct under the HPA.

Specifically, Mr. Maxston noted the definition of "unprofessional conduct" under section 1(1)(pp) of the HPA, which includes the following definitions:

(pp) "unprofessional conduct" means one or more of the following, whether or not it is disgraceful or dishonourable:

- (i) displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
- (ii) contravention of this Act, a code of ethics or standards of practice;
- ...
- (xii) conduct that harms the integrity of the regulated profession;

To find out whether the Hearing Tribunal found the allegations to constitute unprofessional conduct under the HPA, Mr. Maxston noted that the Hearing Tribunal had some "tools", including the College's Code of Ethics and the Standards of Practice, and in particular, the Standards of Practice relating to "Infection Prevention and Control" (Part 3).



After this, Mr. Maxston went through the Agreed Statement of Facts (Exhibit 3) very briefly, and noted the facts which are outlined above and were agreed upon by both parties. He then reviewed the Admission of Unprofessional Conduct (Exhibit 2) provided by Mr. Lanzl.

To conclude, Mr. Maxston advised that in his view, both responsibilities of the Hearing Tribunal had been satisfied: the facts had been proved by virtue of the Agreed Statement of Facts, and the question of whether this constituted unprofessional conduct was proven by virtue of the Admission of Unprofessional Conduct.

(b) Anthony Lanzl's Legal Counsel

At this time, Mr. Wolch was provided with an opportunity to speak on behalf of Mr. Lanzl.

Mr. Wolch noted that he agreed with Mr. Maxston on the submissions made, but advised that the Hearing Tribunal was not to take the brevity of the submissions of either party as suggesting that they did not take these allegations seriously.

He noted that Mr. Lanzl has been a regulated member of this professional for forty (40) years, and that this has been a very difficult day for him to come before a Hearing Tribunal.

Mr. Wolch advised that Mr. Lanzl knows that he should have shut down his services immediately, but Mr. Lanzl did not see the email (enclosing the Directive). Mr. Wolch stated he was providing some context to the charges.

Mr. Wolch noted that Mr. Lanzl holds this profession very dearly, and that he finds undergoing this process embarrassing. This was all that Mr. Wolch wished to add.

(c) Questions from the Hearing Tribunal

After both parties had an opportunity to make submissions, the Hearing Tribunal took a brief adjournment to consider whether it had any questions to pose to the parties.

After the adjournment, back on the record, Mr. Sharma asked the parties to clarify paragraph 8 of the Agreed Statement of Facts (Exhibit 2), as it seemed to suggest that only the admissions on the specific charges were proven facts.

Mr. Maxston clarified that all of the content of the Agreed Statement of Facts was admitted as proven by both parties, and noted that the Agreed Statement of Facts had an error in it – it should have referenced paragraph 9. This satisfied Mr. Sharma.

At this point, the Chair, Ms. Matusko, noted that the parties had not provided the Hearing Tribunal with any of the specific provisions of the College's Code of Ethics or Standards of Practice which were at issue here.

Mr. Maxston replied that he was willing to undertake to provide these, in detail, to the Hearing Tribunal once he discussed them with his client, and that he would copy Mr. Wolch on this email. Mr. Wolch also had an opportunity to reply. The Chair agreed to this process and advised that their submission on these would be taken in to account in the final written decision.



Mr. Maxston provided written submissions on the applicable Standards of Practice and Code of Ethics provisions in an email dated March 5, 2021. Mr. Wolch provided a reply on the applicable Standards of Practice and Code of Ethics provisions in a letter dated March 17, 2021. These were reviewed and considered by the Hearing Tribunal.

## **FINDINGS OF UNPROFESSIONAL CONDUCT**

The Hearing Tribunal carefully considered the Agreed Statement of Facts and the Admission of Unprofessional Conduct which were both agreed to by both parties.

The documents contained in Exhibits 2 and 3 clearly support the allegations in the Amended Notice of Hearing. The Hearing Tribunal finds that the conduct in all three allegations has been factually proven.

The Hearing Tribunal also considered whether the proven conduct constitutes unprofessional conduct.

The HPA defines unprofessional conduct as follows:

1(1)(pp) “unprofessional conduct” means one or more of the following, whether or not it is disgraceful or dishonourable:

- (i) displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
- (ii) contravention of this Act, a code of ethics or standards of practice;
- ...
- (xii) conduct that harms the integrity of the regulated profession.

### **(a) Allegation 1**

For allegation 1, which related to the finding of pornographic material on a computer owned by Mr. Lanzl, the Hearing Tribunal finds that this allegation demonstrated a lack of judgment in the provision of professional services.

In using his computer which was partially used for business purposes, to access pornography, which was stored on such a computer, Mr. Lanzl demonstrated a lack of judgment, as he should have not been using a computer he used for business for this purpose.

In addition, this allegation demonstrates a breach of the Code of Ethics of the College (“the Code of Ethics”), which requires that all regulated members of the College abide by the following:

An Ethical Denturist will abide by ...

### **The Fundamental Ethics**

- 2. Ensure that their conduct is professional and that they will not take physical, emotional or financial advantage of their Patients.



7. Uphold the honour and dignity of the profession by maintaining integrity and ethical behaviour.

While no patients were directly affected, clearly, the conduct under this allegation was not professional. In addition, the conduct did not uphold the honour and the dignity of the profession by maintaining integrity and ethical behaviour.

Finally, the Hearing Tribunal found that this allegation harms the integrity of the regulated profession, as regulated members of a profession would be expected to establish proper boundaries with the use of a business computer, and the public would not find this usage appropriate.

Although no evidence was before the Hearing Tribunal on this matter, in the event that a client or a member of Mr. Lanzl's staff located these images, which the Hearing Tribunal recognizes were automatically saved by Mr. Lanzl's web browser, it could have caused significant issues for Mr. Lanzl and could have placed the reputation of the profession in further jeopardy.

For these reasons, the Hearing Tribunal finds that allegation 1 was unprofessional conduct under section 1(1)(pp)(i), (ii) and (xii) of the HPA.

(b) Allegation 2

For allegation 2, the Hearing Tribunal finds that this allegation was unprofessional conduct for the reasons that follow.

The conduct in this allegation related to Mr. Lanzl continuing to practice notwithstanding a clear Directive, dated March 17, 2020, from the College which advised that "Effective immediately there is a mandatory suspension of all non-essential denturist services. This suspension is effective immediately, not at the end of business today".

The Directive was provided to the Hearing Tribunal as part of Exhibit 3, and in his Agreed Statement of Facts, Mr. Lanzl admitted to continuing to provide non-emergency denture treatment to patients on or about March 17 and 18, 2020.

The Hearing Tribunal found that for this allegation, Mr. Lanzl demonstrated a lack of judgment and a lack of knowledge by failing to take note of and immediately abiding by a mandatory and pressing Directive of his regulator, the College.

Before March 17 and 18, 2020, it was well known in the community that the rapid spread of COVID-19 could result in a cessation of activity in many industries, and the Hearing Tribunal finds that Mr. Lanzl should have been monitoring his College's regulations in respect of issuing a suspension of non-emergency services.

Not seeing the email or failing to realize its import is not a justification for this conduct, given the importance of a Directive of this nature for the safety of the public in the face of a global pandemic.



In addition, this allegation demonstrates a breach of the Code of Ethics, which requires that all regulated members of the College abide by the following:

An Ethical Denturist will abide by ...

The Fundamental Ethics

1. Have as their first consideration, the well-being of their patients above their own.
3. Practice the profession in a safe, aseptic and professional environment.

The Responsibilities to Patients

14. Take all reasonable steps to prevent any injury or harm to patients. When injury or harm has occurred, fully disclose it to the patient.

The Responsibilities to the Profession

29. Recognize and abide by the authority provided to the Regulated Body, the College of Alberta Denturists.

Both parties agreed that section 3 of the Code of Ethics was breached. The Hearing Tribunal also found that sections 1, 14, and 29 applied in the circumstances of this case and were breached by Mr. Lanzl. In failing to abide by the Directive, Mr. Lanzl did not take into consideration the well-being of his patients or his responsibilities to his patients or recognize and abide by the authority of the College.

Mr. Lanzl's conduct also breached the Standards of Practice, Part I, General, Standard 2: Accountability, as follows:

- iv. Maintain high levels of safety by adhering to the requirements contained in the current College of Alberta Denturists Infection Prevention and Control Standards document and the current Alberta Occupational Health and Safety Act, Regulation and Rules.
- v. Abide by all current legislation and regulations applicable to the profession of denturism in Alberta.

By failing to recognize the authority of the College in its Directive and pressing on with non-emergency services, Mr. Lanzl did not abide by the Code of Ethics or Standards of Practice provisions noted above. He did not put his patients' well-being first by continuing to practice, and he also put the public's health at risk. By continuing to practice in breach of the College's Directive, Mr. Lanzl was practicing in an unsafe manner as there was a significant risk of spreading COVID-19 at that time.

Mr. Lanzl did not abide by the directions provided by his regulator. Self-governance in a regulated profession is a privilege, not a right. The public has a right to expect that professionals who are



self-regulated will monitor and carefully abide by their College's directives, especially in the face of an urgent and deadly pandemic.

By failing to take note of and abide by the Directive, Mr. Lanzl put that public health at risk. The Hearing Tribunal wishes to make it clearly known that members of this profession will not accept this cavalier behaviour and will ensure appropriate sanction for members who are not following the directives of the College.

All members must be oriented toward monitoring the College's mandates and following them closely to preserve the College's ability to maintain the integrity of the profession and the public's trust that denturists are a well-regulated profession and safe in the care they provide.

Accordingly, the conduct demonstrates a lack of knowledge and judgment on the part of Mr. Lanzl. It also represents a breach of the Code of Ethics and is conduct that harms the integrity of the regulated profession. The conduct clearly meets the definition of unprofessional conduct in s. 1(1)(pp)(i),(ii) and (xii) of the HPA.

(c) Allegation 3

For allegation 3, the Hearing Tribunal finds that this allegation was unprofessional conduct for the reasons that follow.

Allegation 3 relates to charges respecting Mr. Lanzl's inadvertent failure to transport medical devices for offsite reprocessing, including failure to use leakproof containers, a failure to dispose of used surgical gloves which were used in the fabrication of dentures but not used on patients, and a failure to properly clean denture fabrication work areas and equipment.

First, this allegation clearly demonstrates a lack of knowledge, skill and judgment on the part of Mr. Lanzl.

The Hearing Tribunal took note of the fact that ensuring proper sanitation and upholding the Infection Prevention and Control Standards of Practice are "fundamentals" to the practice of denturists. These fundamentals are taught at length in the basic training of a denturist and form a central part of any denturist's practice, and ensure the safety of the public, the patients, and the denturists and their staff.

Considering his many years of practice, Mr. Lanzl should have known the proper protocols for the transportation of medical devices, the proper disposal methods for gloves, and the proper method of cleaning a denture fabrication work area. He was not a new member to the profession and these are fundamental requirements of his practice.

The Hearing Tribunal finds that the conduct under this allegation demonstrated a lack of care by Mr. Lanzl which did not put the well-being of his patients first, nor was he practicing in a safe and aseptic environment. In addition, as will be addressed below, he failed to adhere to the Standards of Practice.

The Hearing Tribunal finds that the conduct breached the following provisions of the Standards of Practice:



## Standards of Practice, Part 3: "Infection Prevention and Control"

### L. Selection of Products and Processes for Reprocessing

1. All reusable instruments/devices must have written device-specific manufacturer's cleaning, decontamination, disinfection, wrapping and sterilization instructions.
  - The products and processes used in the reprocessing of an instrument/device must be determined by the intended use of the instrument/device in accordance with the Spaulding Classification. (See chart in Section Z)
  - The processes and products used for reprocessing must be compatible with each other and the instrument/device.
  - If disassembly/reassembly is required, the responsible DHCP must ensure that the manufacturer's instructions used include detailed instructions and wherever possible, diagrams.

### N. Distribution and handling of contaminated instruments and devices

4. All personnel who handle any contaminated instrument/device, must handle those instruments/devices in a manner that:
  - Reduces the risk of exposure and/or injury to self, other personnel and patients; and
  - Reduces the risk of contamination of any environmental surface.

### O. Cleaning Reusable Instruments and Devices

1. Reusable instruments/devices must be thoroughly cleaned prior to proceeding with disinfection or sterilization. The cleaning process must include any necessary disassembly, sorting and soaking, physical removal of materials and/or bioburden, rinsing, drying, physical inspection and proper packaging.
3. Reusable instruments/devices must be cleaned with an appropriate instrument detergent/enzymatic product that is utilized as per manufacturer's instructions and discarded after use.

### V. Internal Laboratory requirement

1. All finishes in the laboratory, for example, chair upholstery, countertops, cabinetry, sinks, and flooring, must be cleanable and intact.
2. All contact surfaces must be cleaned and disinfected at the end of each business day.



The parties addressed the above sections of the Standards of Practice (Part 3 Infection Prevention and Control) in their submissions, except for section V. The Hearing Tribunal finds that section V is applicable (over section S which the parties did make submissions on) since V addresses the laboratory setting.

As noted above, it is critical to the profession that all Standards are carefully adhered to, and the Standards identified above were clearly breached by Mr. Lanzl. Mr. Lanzl did not transport the items in an appropriate container. He also failed to properly clean the denture fabrication work area and equipment. These are not aseptic practices as required by the Standards of Practice.

Finally, the Hearing Tribunal also finds that the conduct that is the subject of this allegation harms the integrity of the regulated profession.

Members of the public are entitled to rely upon proper infection control measures in place by denturists, and to believe that their College and its members are taking the required level of care to ensure that all measures are in place to ensure the cleanliness and safety of the denturist, his or her patients, and members of the public.

By falling below the clear standards of the profession in that regard, Mr. Lanzl also compromised the integrity of the profession.

Accordingly, the conduct demonstrates a lack of knowledge, skill and judgment on the part of Mr. Lanzl. It also represents a breach of the Standards of Practice and is conduct that harms the integrity of the regulated profession. The conduct clearly meets the definition of unprofessional conduct in s. 1(1)(pp)(i),(ii) and (xii) of the HPA.

## **Conclusion**

In sum, the Hearing Tribunal finds that for each allegation, the conduct met the definition of unprofessional conduct. This was also acknowledged clearly by Mr. Lanzl himself in this Admission of Unprofessional Conduct (Exhibit 2) signed by him and provided to the Hearing Tribunal.

## **JOINT SUBMISSION ON PENALTY**

The Complaints Director and Anthony Lanzl presented the Hearing Tribunal with a Joint Submission on Penalty which was entered as Exhibit #4 ("Joint Submission").

The Joint Submission proposed the following orders for Penalty:

1. Mr. Lanzl will pay \$40,000.00 in costs, representing a portion of the costs of the hearing and investigation. The \$40,000.00 in costs are payable in equal monthly installments over 24 months provided that if Mr. Lanzl misses a payment then his practice permit is immediately suspended and the entire balance of the costs must be paid in full before his practice permit is reinstated. As well, the first payment is due and payable by certified funds (i) on the date of the hearing if the Tribunal can verbally advise the parties that day that the joint penalty proposal is adopted by them or (ii) within 30 days of the date of the Hearing Tribunal's written decision. For clarity, the 24 month period for time payment



would begin on the date of the hearing or 30 days after the Tribunal's written decision as applicable.

2. Mr. Lanzl will receive a reprimand from the Hearing Tribunal concerning his unprofessional conduct.
3. A summary of the charges, the Hearing Tribunal's findings and the penalty orders will be published on the College's website with Mr. Lanzl's name.
4. For a period of two (2) years after the date of the Hearing Tribunal's written decision, an individual appointed by the Complaints Director or the Complaints Director himself will conduct two (2) unannounced practice visits per year at either of the clinics owned and operated by Mr. Lanzl for a total of four (4) practice visits over the two (2) year period. Mr. Lanzl will be responsible for the cost of the practice visits. The Complaints Director or the person appointed by the Complaints Director will make every effort to not disrupt the operations of the clinics when an unannounced practice visit occurs and the Complaints Director will, in any event, provide not less than 12 hours notice of each practice visit (i) by email and by phone call/voice-mail message to Mr. Lanzl AND (ii) by copying the said e-mail to Gavin Wolch, Mr. Lanzl's legal counsel.

(a) Submissions of the Complaints Director's Counsel on Penalty

Mr. Maxston made submissions with respect to the Joint Submission (Exhibit #4).

He noted that the range of orders that can be made are provided for under s. 82 of the HPA. He specifically noted that if the Hearing Tribunal was considering a fine, there was a table in the HPA with maximum amounts, and these allegations would fall under column 2.

He then turned to the Joint Submission and reviewed Exhibit #4 with the Hearing Tribunal, which he called self-explanatory. He noted that the Joint Submission was the product of careful and prolonged negotiation between the parties, and urged the Hearing Tribunal to accept it. He noted that finding a proper sanction was a subjective exercise, not objective, and was not a science.

He reviewed the following factors as relevant to the Hearing Tribunal's decision:

- a. **Age and experience of the member:** Mr. Lanzl has been a member of the profession for 40 years.
- b. **The previous character of the member and in particular the presence or absence of any prior complaints or convictions:** He noted that Mr. Lanzl had no previous findings or complaints against him.
- c. **The role of the member in acknowledging what had occurred:** He noted, as a mitigating factor, that Mr. Lanzl had admitted that the wrongdoing occurred, and had worked with the College to come to an Agreed Statement of Facts, Admission of Unprofessional Conduct, and Joint Submission.



- d. **The presence or absence of any mitigating circumstances:** He noted that this was a first finding for Mr. Lanzl, that there were a series of incidents from one specific period of time (not a pattern of conduct over multiple periods of time), and noted that the member had admitted his conduct.
- e. **The range of sentence in other similar cases:** Mr. Maxston did not provide any similar cases.

In terms of the reasons why the Hearing Tribunal should accept the Joint Submission, Mr. Maxston noted that the costs were significant (\$40,000.00), there was a reprimand to bring home to Mr. Lanzl the severity of the allegations, that a summary would be published on the College's website with Mr. Lanzl's name, and that Mr. Lanzl would pay for four (4) unannounced practice visits over the next two (2) years.

He noted that Mr. Lanzl's conduct represented a serious breach of the ethical standards in Alberta for denturists, as well as breaches of the Infection Prevention and Control Standards of Practice. However, Mr. Lanzl has admitted his unprofessional conduct and this demonstrates an acceptance of responsibility for his conduct, and this was taken into account in the proposed sanctions.

Regarding the costs, Mr. Maxston noted that the \$40,000.00 payable was only a portion of the investigation and hearing costs, which were extensive due to lengthy negotiations between the parties.

He then reviewed the law if the Hearing Tribunal was going to choose to depart from the Joint Submission. He noted that the caselaw requires that the Hearing Tribunal give significant deference to a joint submission, and that the bar is very high before the Hearing Tribunal can interfere. He cited the test that the Hearing Tribunal had to find that the proposed sanction would bring the "administration of justice into disrepute". In addition, if the Hearing Tribunal felt that test was met, it was obliged to come back and advise on how it planned to depart, and to give both parties an opportunity to make submissions and respond to the proposed sanction.

To conclude, Mr. Maxston urged the Hearing Tribunal to accept the Joint Submission as drafted.

(b) Submissions of Anthony Lanzl's Counsel on Penalty

Mr. Wolch started by thanking Mr. Maxston for his submissions and noted that the Joint Submission comes before the Hearing Tribunal after a lengthy, very productive and very carefully considered negotiating process involving the parties.

Mr. Wolch gave some additional background. He noted that Mr. Lanzl had been practicing in this field for about forty (40) years with no issues. He had come to Calgary in 1982 after originally being from Montreal. Mr. Lanzl was in fact the first denturist in Calgary to offer denturism services on evenings and weekends, which inspired other operators to broaden access to their services, and reach more people who needed it.

Mr. Lanzl has served many low income Calgarians who need his assistance, sometimes in situations where not everyone was as eager or amenable. Along with being a longstanding



member of the profession, Mr. Lanzl was also a very valuable member of the Calgary business community, as the operator of two businesses.

After these charges, Mr. Lanzl chose to resign from one of his positions in the business community to be respectful to both processes, which demonstrates some of the collateral effect that the allegations have had on Mr. Lanzl.

Mr. Lanzl finds this process, and the charges, personally embarrassing, and has learned a lesson here to keep a separation between personal and professional computers, and having personal data become a matter of public record is embarrassing and produces collateral issues for him.

Mr. Wolch noted the age and experience of Mr. Lanzl – he has been doing this a long time. He is a valuable member of the local community, the business community, and is also an artist, a sculptor.

Mr. Lanzl regrets the conduct giving rise to the allegations. He knows he was slow in responding to the direction to stop practicing, and discovered this mistake in hindsight. This was not an intentional violation, but rather a failure to stop on time, which was discovered in hindsight. Mr. Lanzl has an earnest intention to take these lessons to heart and to avoid any future issues, which he has until this point in his forty (40) year career. His acknowledgment is real and genuine, and he holds himself to a very high standard.

Therefore, Mr. Wolch also urged the Hearing Tribunal to accept the Joint Submission as the agreement that was arrived at by the parties.

(c) Questions from the Hearing Tribunal

The Hearing Tribunal then took an opportunity to ask questions of the parties.

The Chair, Ms. Matusko, asked the parties about the reprimand and whether this was a separate document. Mr. Maxston advised, and Mr. Wolch confirmed, that the written decision of the Hearing Tribunal would serve as the reprimand.

After a pause for deliberation, the Hearing Tribunal returned to seek clarification on another matter. Ms. Matusko asked about paragraph 3 of the Joint Submission, and asked Mr. Maxston how long this would be published on the College's website. Mr. Maxston, supplemented by the Complaints Director Mr. Fischer, advised that the summary would stay on the website indefinitely, diarized by year, and that members of the public could seek hard copies of the documents if they were requested.

## **FINDINGS ON PENALTY**

The Hearing Tribunal carefully considered the Joint Submission and the sentencing factors therein, and discussed by the parties. The Hearing Tribunal finds that the proposed sanction is reasonable and appropriate in the circumstances of this case.



On a scale of improper conduct, the Hearing Tribunal does not find that Mr. Lanzl's conduct was on the more serious end of the scale. However, the allegations demonstrate troubling issues with Mr. Lanzl's conduct during that period of time.

For the first allegation, it demonstrated a significant lack of judgment on the part of Mr. Lanzl to use a computer, which was partly used for business purposes, to have pornographic images automatically stored on it. Although there was no evidence of any harm flowing from this, the Hearing Tribunal found this to be a lack of judgment, something Mr. Lanzl has acknowledged as unprofessional and which he has learned from.

For the second allegation, this concerned the Hearing Tribunal, as the Directive that was issued by the College was clearly mandatory, and needed to be followed by all College members, immediately. During a global pandemic, and in the profession of denturists, it is extremely important to follow public safety measures, including those instituted by the College carefully and rigorously. Although Mr. Lanzl did cease practice the day after the Directive, it is not good enough to advise that he did not see the email or know about the notice. Ignorance is no excuse when something as important as the Directive was being brought into place by the College.

Finally, the third allegation troubled the Hearing Tribunal because it suggested carelessness in the manner of Mr. Lanzl's practice. The Hearing Tribunal hopes that Mr. Lanzl will carefully study the Standards of Practice on Infection Prevention and Control and ensure that his practice is brought into good standing immediately. It is the hope of the Hearing Tribunal that during the four (4) mandatory practice visits included in the sanction, these Standards are reviewed with Mr. Lanzl. Ensuring that the practice of denturism is conducted in a safe manner which ensure the safety of the denturists, staff, patients and the public is critical to the profession and the safety of the general public.

In considering the entirety of the record and the Joint Submission, the Hearing Tribunal believes that the proposed orders are the appropriate penalties in this case. The proposed sanction is reasonable and protects the public interest. As such, the Hearing Tribunal accepts the Joint Submission.

## **ORDERS**

The Hearing Tribunal therefore makes the following Orders:

1. Mr. Lanzl will pay \$40,000.00 in costs, representing a portion of the costs of the hearing and investigation. The \$40,000.00 in costs are payable in equal monthly instalments over 24 months provided that if Mr. Lanzl misses a payment then his practice permit is immediately suspended and the entire balance of the costs must be paid in full before his practice permit is reinstated. As well, the first payment is due and payable by certified funds (i) on the date of the hearing if the Hearing Tribunal can verbally advise the parties that day that the joint penalty proposal is adopted by them or (ii) within 30 days of the date of the Hearing Tribunal's written decision. For clarity, the 24 month period for time payment would begin on the date of the hearing or 30 days after the Hearing Tribunal's written decision as applicable.

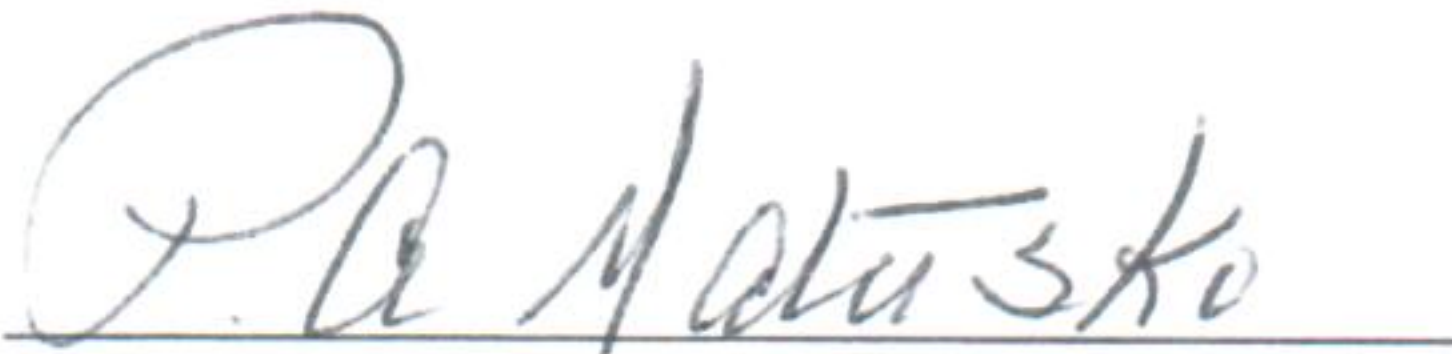


2. Mr. Lanzl will receive a reprimand from the Hearing Tribunal concerning his unprofessional conduct. The written decision of the Hearing Tribunal will serve as the reprimand.
3. A summary of the charges, the Hearing Tribunal's findings and the penalty orders will be published on the College's website with Mr. Lanzl's name.
4. For a period of two (2) years after the date of the Hearing Tribunal's written decision, an individual appointed by the Complaints Director or the Complaints Director himself will conduct two (2) unannounced practice visits per year at either of the clinics owned and operated by Mr. Lanzl for a total of four (4) practice visits over the two (2) year period. Mr. Lanzl will be responsible for the cost of the practice visits. The Complaints Director or the person appointed by the Complaints Director will make every effort to not disrupt the operations of the clinics when an unannounced practice visit occurs and the Complaints Director will, in any event, provide not less than 12 hours notice of each practice visit (i) by email and by phone call/voice-mail message to Mr. Lanzl and (ii) by copying the said e-mail to Gavin Wolch, Mr. Lanzl's legal counsel.

DATED at the City of Edmonton,

in the Province of Alberta,

this 30 day of March 2021



Patricia Matusko, Chair

On behalf of: Cynthia Sweet, DD, Regulated Member  
Jatinder Sharma, DD, Regulated Member