

College of Dental Surgeons of Alberta
Hearing Tribunal Decision - September 13, 2022
Appeal Panel of Council Decision – January 19, 2024

IN ACCORDANCE WITH BYLAW 24.5 OF
THE COLLEGE OF DENTAL SURGEONS OF ALBERTA

On September 13, 2022, the Hearing Tribunal of the College of Dental Surgeons of Alberta found Dr. Shouresh Charkhandeh, guilty of unprofessional conduct in relation to a complaint. The Hearing Tribunal ordered on April 11, 2023, that Dr. Charkhandeh's permit be cancelled, pay \$50,000 in fines, and pay 75% of the costs of the investigation and hearing, the details are as follows:

DECISION OF THE HEARING TRIBUNAL

The Hearing Tribunal found Dr. Charkhandeh guilty of unprofessional conduct in relation to a complaint regarding his conduct with a staff member. The Hearing Tribunal was comprised of two dentists and two members of the public appointed by the Government of Alberta.

The Hearing Tribunal made the following finding of unprofessional conduct against Dr. Charkhandeh:

1. On or about November 2012, Dr. Charkhandeh kissed or attempted to kiss the Complainant, forcibly, or without their consent;
2. On or about November 2012, Dr. Charkhandeh masturbated in the Complainant's presence without their consent;
3. On or about November 2012, Dr. Charkhandeh forcibly, or without their consent, manipulated the Complainant's hand to masturbate him;
4. On or about January 2013, Dr. Charkhandeh forcibly, or without their consent, manipulated the Complainant's head to perform fellatio on him; and
5. On or about February 2013, Dr. Charkhandeh forcibly, or without their consent, engaged in sexual intercourse with the Complainant.

In their decision, the Hearing Tribunal Ordered that:

1. Dr. Charkhandeh's registration and practice permit shall be cancelled. The cancellation shall be effective 30 days from the date that the written decision is served;
2. Dr. Charkhandeh shall pay the following fines within 90 days from the date that the written decision is served:
 - a. A fine of \$10,000 for the Hearing Tribunal's finding of unprofessional conduct relating to Allegation 1;
 - b. A fine of \$10,000 for the Hearing Tribunal's finding of unprofessional conduct relating to Allegation 2;

- c. A fine of \$10,000 for the Hearing Tribunal's finding of unprofessional conduct relating to Allegation 3;
 - d. A fine of \$10,000 for the Hearing Tribunal's finding of unprofessional conduct relating to Allegation 4;
 - e. A fine of \$10,000 for the Hearing Tribunal's finding of unprofessional conduct relating to Allegation 5;
3. Dr. Charkhandeh shall pay 75% of the costs of the investigation and hearing.

DECISION OF THE APPEAL PANEL OF COUNCIL

Dr. Charkhandeh appealed the decision of the Hearing Tribunal to an Appeal Panel of Council. An Appeal Panel of Council is comprised of two dentists and two public members who sit on Council of the College of Dental Surgeons of Alberta. On January 19, 2024, the Appeal Panel confirmed the decision of the Hearing Tribunal and the sanctions.

The Appeal Panel found that the decision and the reasons given by the Hearing Tribunal were reasonable and that no grounds had been established to allow the appeal of the merits.

The Appeal Panel found that the sanctions ordered by the Hearing Tribunal were appropriate and upheld the order that Dr. Charkhandeh's practice permit be cancelled.

The Appeal Panel upheld the order of the Hearing Tribunal that Dr. Charkhandeh pay a fine of \$10,000 for each of the five found Allegations totaling \$50,000.

The Appeal Panel upheld the order of the Hearing Tribunal that Dr. Charkhandeh pay 75% of the costs of the investigation and hearing.

The Appeal Panel ordered that Dr. Charkhandeh be directed to pay 75% of the costs of the appeal.

ALBERTA COURT OF APPEAL

Dr. Charkhandeh has appealed the decision of the Appeal Panel of Council to the Alberta Court of Appeal. The Appeal Panel's decision has been stayed pending the Court of Appeal's decision. A decision is not expected before 2025.