

Alberta Dental Association and College Hearing Tribunal Decision February 24, 2014

On February 24, 2014, a Hearing Tribunal found Marvin Schnapp guilty of unprofessional conduct and deemed Dr. Marvin Schnapp's registration and practice permit to be cancelled.

The hearing arose because of statements made by Marvin Schnapp in the hearing of another complaint. Specifically, Dr. Schnapp stated during his questioning of a witness who was also the complainant, "If I had a gun, I'd blow his brains out right now." Dr. Schnapp also called this complainant witness a liar, malicious, and vicious.

The Hearing Tribunal found Dr. Schnapp to be guilty of unprofessional conduct. This included representing himself in a way that did not contribute to the public's trust and confidence in the profession, or failing to strengthen the profession, which harms the integrity of the dental profession, contravened the standards of practice, and Articles B1 and C1 of the Code of Ethics because:

He threatened or stated to a complainant witness during a hearing of a disciplinary matter that "If I had a gun, I'd blow his brains out right now; and

He called the complainant witness a liar, malicious and vicious during the hearing of the proceeding.

In response to the complaint, Dr. Schnapp expressed that he was very frustrated. The Hearing Tribunal stated that there are no circumstances that could justify a threat of this nature being made against a witness at an Alberta Dental Association and College hearing. It stressed this conduct was totally unacceptable and unprofessional. The Hearing Tribunal was unequivocal in stating that this conduct will not be tolerated and will attract the most severe sanction possible under the Health Professions Act.

The Hearing Tribunal accepted the argument that Dr. Schnapp was ungovernable based on a pattern of conduct that demonstrated his refusal to acknowledge and respect his obligations to comply with the regulatory authority of the Alberta Dental Association and College. It noted the definition of ungovernable to be "a pattern of conduct which demonstrates the member is unprepared to recognize his or her professional obligations and the regulator's role."

The Hearing Tribunal ordered that:

Dr. Schnapp's registration and practice permit be deemed to be cancelled under section 82(2) of the Health Professions Act;

Dr. Schnapp pay the costs of the investigation and hearing of \$14,819.00.