

**IN THE MATTER OF PART 3 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF GRACE AKPAN
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Sharilyn Nagina, KC – Chair and Benchers
Cal Johnson, KC – Former Benchers
Tammy Pidner – Public Adjudicator

Appearances

Will Cascadden, KC – Counsel for the Law Society of Alberta (LSA)
Grace Akpan – Self-represented

Hearing Dates

April 7, 2026

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT – SANCTION PHASE

Overview

1. Grace Akpan is a lawyer who practices in Calgary, Alberta. She was admitted to the Alberta bar in 2019. Prior to this matter, Ms. Akpan had no disciplinary record with the LSA.
2. On May 17, 2022, Ms. Akpan notarized a document entitled, “Notice of Interest, in-trust” and the attached exhibits for her client, AM. Ms. Akpan also provided AM with a “Notary Public Affidavit of Identity Certificate” which she also notarized. Paragraph 5 of the Certificate states:

The certificate verifies only the identity of the person who signed the document(s) to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document(s).
3. AM subsequently filed a package of documents with the Court of King’s Bench. The package included the notarized Notice of Interest, in-trust and the notarized Notary Public Affidavit of Identity Certificate (collectively, the Notarized Documents).
4. The Notarized Documents have been the subject of proceedings in the Court of King’s Bench and Court of Appeal and underlie the citation at issue in this matter.

5. The following citation was directed to a hearing by a Conduct Committee Panel on May 13, 2025:

It is alleged that Grace Akpan brought the administration of justice into disrepute by notarizing improper documents contrary to express Law Society of Alberta direction, and that such conduct is deserving of sanction.

6. On September 16, 2025, the Hearing Committee (Committee) convened a hearing into the conduct of Ms. Akpan, based on the above citation (Merits Hearing). After reviewing all the evidence and exhibits, and hearing the testimony and arguments of the LSA and Ms. Akpan, the Committee found Ms. Akpan guilty of conduct deserving of sanction pursuant to section 71 of the *Legal Profession Act (Act)* for the reasons set out in its decision dated February 26, 2026, *Law Society of Alberta v. Akpan*, 2026 ABLS 4 (Merits Decision).
7. This Committee reconvened on April 7, 2026 to hear evidence and arguments regarding the appropriate sanction against Ms. Akpan.
8. After reviewing all of the evidence and exhibits and hearing the arguments of the LSA and Ms. Akpan, for the reasons set out below, the Committee finds that, based on the facts of this case, the appropriate sanction is a one-month suspension commencing on September 15, 2026 and a referral to Practice Review, specifically, to cooperate with the Manager of Practice Management, including practice assessment meetings and potential requirements for undertakings and substance CPD, until release by the Practice Review Committee.
9. In addition, pursuant to section 72(2) of the *Act*, the Committee orders costs in the amount of \$7,000.00, payable within 12 months of reinstatement following her suspension.

Preliminary Matters

10. As noted in the Merits Decision, there were no objections to the constitution of the Committee nor to its jurisdiction and a public hearing proceeded. No objections or private hearing applications were made during the sanction phase of the hearing, so the hearing continued before this Committee in public.

LSA Documents

11. The deadline for the parties to submit their materials for this application was March 24, 2026, 14 days prior to the hearing.
12. Ms. Akpan submitted a substantive written submission and authorities on March 20, 2026.
13. The LSA submitted its materials on March 25, 2026, one day after the submission deadline. The LSA materials contained two items: (i) transcript excerpts from the Merits Hearing; and (ii) the LSA's estimated Statement of Costs which the LSA is required to provide. The LSA did not submit a substantive written argument on sanction or costs.

14. Ms. Akpan objected to the Committee considering the two items submitted by the LSA one day late. In response to a question from the Committee, Ms. Akpan confirmed that the one-day delay did not prejudice her ability to prepare for the sanction and costs hearing; rather, Ms. Akpan's objection was on the basis of procedural fairness.
15. The Committee directed that the two items submitted by the LSA would be considered with written reasons to follow. These are the written reasons.
16. Rule 90.7 of the Rules of the LSA (Rules) provides that not less than 14 days prior to the commencement of a hearing, the parties must provide the Tribunal Office and all other parties with a list of authorities the party anticipates relying on at the hearing and copies of all documents that the party intends to introduce into evidence at the hearing.
17. Pursuant to Rule 90.8, notwithstanding Rule 90.7, a hearing committee may admit additional evidence upon any terms and conditions it deems appropriate.
18. The two new documents that the LSA sought to admit were transcript excerpts from the Merits Hearing and the LSA's Estimated Statement of Costs. Both documents were provided to Ms. Akpan 13 days prior to the sanction hearing.
19. As the provision of these materials to Ms. Akpan thirteen days prior to the sanction hearing did not cause Ms. Akpan any prejudice, the Hearing Committee exercised its discretion under Rule 90.8 to admit the documents.

Alleged Delay

20. Paragraph 234 of the Pre-Hearing and Hearing Guideline (Guideline) states:

Generally, the Hearing Committee will reserve its decision and endeavour to issue a written Hearing Committee report with its decision and reasons within 90 days of the hearing.
21. Ms. Akpan alleged that the Merits Decision was released approximately 73 days after the 90-day period referenced in paragraph 234 of the Guideline. She submitted that the alleged delay should be addressed before sanction and costs because it could affect both issues, and she characterized the delay as a potential abuse of process under *Law Society of Saskatchewan v. Abrametz*¹.
22. Ms. Akpan submitted that the delay was significant and unexplained. She argued that it caused personal prejudice, including reputational harm, professional consequences, continuing emotional stress, and institutional prejudice because unexplained delay may undermine public confidence in the tribunal process. In response, the LSA argued that the 90-day period noted in paragraph 234 of the Guideline is aspirational rather than mandatory because it provides that a hearing committee will "endeavour" to issue reasons

¹*Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29.

within 90 days. The LSA submitted that missing that target does not, without more, establish procedural unfairness or an abuse of process.

23. The LSA further submitted that Ms. Akpan had not demonstrated actual prejudice arising from the additional time taken to issue the Merits Decision. The LSA argued that the consequences identified by Ms. Akpan flowed from the existence of the disciplinary proceedings, not from the additional 73 days, and that the timing of the decision was not unusual in professional discipline matters.
24. The Committee accepts that paragraph 234 establishes an aspirational but not a mandatory deadline. The use of the word “endeavour” indicates that the 90-day period is a target intended to guide the timely release of reasons, but it does not create an automatic consequence if reasons are issued outside that period.
25. The Committee also accepts that delay may, in appropriate circumstances, amount to an abuse of process. However, the existence of delay alone is not sufficient. A party alleging abuse of process must establish that the delay is inordinate and that it caused significant prejudice affecting either the fairness of the proceeding or the integrity of the administrative process.
26. Although the Merits Decision was issued outside the 90-day objective, the Committee is not persuaded that the circumstances establish unreasonable delay. This was a fully contested matter involving a substantial record, multiple legal issues, OPCA²-related documents, and prior court proceedings. The preparation of reasons required careful review and deliberation by the Committee.
27. The Committee is also not satisfied that Ms. Akpan established prejudice arising from the timing of the Merits Decision. The reputational, professional, and emotional consequences she identified are consequences that may arise from the existence of disciplinary proceedings generally. The evidence does not establish that those consequences were caused by the additional period required to issue the reasons.
28. Nor is the Committee persuaded that the timing of the Merits Decision caused institutional prejudice. A reasonable and informed member of the public would understand that adjudicative bodies require adequate time to consider evidence, deliberate, and prepare reasoned decisions. The fact that an aspirational target was not met does not, without more, undermine confidence in the LSA’s hearing process.
29. Accordingly, the Committee finds that paragraph 234 of the Guideline does not impose a mandatory deadline, that the issuance of the Merits Decision outside the 90-day objective does not constitute unreasonable delay in the circumstances of this case, and that Ms. Akpan has not established personal or institutional prejudice arising from the timing of the decision.

² Organized pseudo-legal commercial argument.

30. For these reasons, the Committee rejects Ms. Akpan's delay application. No abuse of process has been demonstrated, no remedy is warranted on the basis of delay, and the alleged delay does not constitute a mitigating factor affecting sanction or costs.

Submissions on Sanction

31. The facts related to the sanctionable conduct are set out in the Merits Decision. This phase of the hearing is to consider the appropriate sanction for that conduct.

Submissions of the LSA

32. LSA counsel argued that, pursuant to section 49(1) of the *Act*, having made a finding of guilt on the citation, the Committee determined that Ms. Akpan's conduct is incompatible with the best interests of the public or members of the LSA and tends to harm the standing of the legal profession generally.
33. LSA counsel referred to the fundamental purposes of sanctioning as set out in paragraphs 185 and 186 of the Guideline. LSA counsel referenced paragraphs 188 and 191 of the Guideline, and the British Court of Appeal decision in *Bolton v. The Law Society*,³ for the principle that the purpose of the sanctioning is not to punish. It is to ensure that the public is protected and the reputation of the profession is maintained in the face of the conduct at issue.
34. While LSA counsel argued that OPCA matters are an attack on the foundation of our legal system, counsel specifically noted that Ms. Akpan's guilt was in not identifying OPCA documents. She did not commit any fraud on the justice system.
35. The LSA emphasized that although Ms. Akpan was not alleged to have intentionally participated in an OPCA scheme, her failure to identify and refuse to notarize the documents facilitated the use of OPCA materials in the court process and thereby harmed the administration of justice.
36. LSA counsel submitted that based on the sanctioning factors, the appropriate sanction is a suspension of three months to properly reflect both the seriousness of the misconduct and the manner in which Ms. Akpan allowed this situation to arise, including her conduct throughout these proceedings.
37. The LSA submitted that a meaningful suspension was required to maintain public and judicial confidence in the profession, to denounce the misconduct, and to deter other lawyers from notarizing OPCA documents without proper review.
38. The LSA referred to the duties of a lawyer when presented with an OPCA document as prescribed in *Meads v. Meads*⁴.

³ *Bolton v. The Law Society*, 1993 EWCA Civ 32.

⁴ *Meads v. Meads*, 2012 ABQB 571.

39. The LSA submitted that despite undisputed evidence that Ms. Akpan notarized OPCA documents, Ms. Akpan: has demonstrated a complete lack of acknowledgement of her misconduct; refused to take responsibility for her misconduct; and demonstrated a lack of concern for the consequences of what happened. These factors support a longer suspension.
40. LSA counsel did acknowledge Ms. Akpan's apology letter to the Courts; however, he noted that Ms. Akpan has not apologized to the LSA or to the members of the LSA for the harm that this situation has created to the reputation of the profession.
41. LSA counsel noted that despite the lengthy court proceedings, the relevant LSA eBulletins that reference the *Meads* decision and outline how to identify an OPCA document, and the LSA investigation and hearing process, Ms. Akpan's evidence is that she still does not know what an OPCA document is. This demonstrates an unwillingness on the part of Ms. Akpan to learn what an OPCA document is and supports a more severe sanction.
42. LSA counsel argued that the following factors also support a more severe sanction:
- As a lawyer, Ms. Akpan had a positive obligation to be aware of OPCA documents and to refrain from notarizing them;
 - Ms. Akpan has not demonstrated meticulous future compliance with her obligations regarding OPCA documents;
 - There has been no meaningful cooperation in this case by Ms. Akpan, including no admitted facts, no admission of guilt, no acknowledgement of wrongdoing, no effort to understand what happened, and no demonstrated effort to assure the Committee that the conduct will not be repeated;
 - Ms. Akpan has maintained the position that she did nothing wrong and has not demonstrated that she understands why her conduct was improper or what constitutes an OPCA document;
 - The Courts have directed the LSA to address issues involving OPCA documents, and the LSA must demonstrate that it is doing so by imposing a serious sanction, particularly where a member refuses to take responsibility; and
 - Protection of the public requires a suspension to ensure that Ms. Akpan does not repeat this conduct.
43. LSA counsel submitted that a mitigating factor to be considered by the Committee is that Ms. Akpan is not the subject of any additional disciplinary matters.

44. In reply, the LSA also noted that Ms. Akpan's current practice areas, including real estate, estates, commercial work, wills, and some immigration matters, are areas in which lawyers must remain alert to the risk of becoming the tool or dupe of others.
45. LSA counsel referred to section 3.2-13 of the LSA Code of Conduct (Code) and related commentary. The commentary notes that, "A lawyer should be on guard against becoming the tool or dupe of an unscrupulous client..."
46. In support of a three-month suspension, LSA counsel relied on the following cases:
- 1) *Notaires (Order professionnel des) v. Lalonde*⁵: Lalonde was a notary public who notarized a series of OPCA documents on several occasions. Lalonde was found guilty of conduct deserving of sanction and was suspended for three months. Lalonde cooperated with the investigation and admitted guilt.
 - 2) *Pretam Kaur Purewal v The Law Society of Upper Canada*⁶: Purewal unknowingly participated in a mortgage fraud scheme when she should have been aware of what was going on. This case explains when a dupe is responsible and guilty of misconduct and when they are not. Purewal was disbarred and the disbarment was upheld on appeal.
 - 3) *LSA v. Laurich*⁷: Laurich was an unwitting dupe in a series of mortgage fraud schemes. Laurich admitted guilt. Laurich's carelessness, lack of vigilance, and willful blindness were such that his conduct was found to be deserving of a suspension of five months.

Submissions of Ms. Akpan

47. Ms. Akpan provided a written brief and made oral submissions on sanction.
48. With respect to the LSA's submission that a three-month sanction is appropriate, Ms. Akpan argued that she should not be subject to any sanction.
49. Ms. Akpan argued that a three-month sanction was inappropriate for the offence because there was no intention. Ms. Akpan stated that if the Committee did impose a sanction, she would be seeking that it be stayed pending her appeal.
50. Ms. Akpan argued that she had not been cited for incompetence or for failing to read LSA bulletins, and submitted that those matters should not be used to justify a punitive sanction.
51. Ms. Akpan also referred to portions of the decision in *Meads* in the context of the documents that she notarized, and stated:

"...And again, I ask: If the record of the Court confirms that this person is complaining

⁵ *Notaires (Ordre professionnel des) v Lalonde*, 2014 CanLII 47759 (QC CDNQ).

⁶ *Pretam Kaur Purewal v The Law Society of Upper Canada*, 2009 ONLSAP 0010.

⁷ *LSA v. Laurich*, 2014 ABL 45.

about money and about warrant of arrest, is that OPCA? I have already apologized to the Court, but I just need clarification. Maybe that's where I'm having issues that I need education. ..." [emphasis added]

52. Ms. Akpan submitted that, if the Committee concluded there remained a concern about her understanding of OPCA documents, the appropriate response was education or clarification rather than a suspension.
53. In response to LSA counsel's submission that Ms. Akpan is not remorseful for her actions, Ms. Akpan referred to the Court of Appeal decision wherein the CA acknowledged that Ms. Akpan did apologize and had sent a letter to Rooke J.
54. Ms. Akpan also emphasized that since the 2022 notarization, no further OPCA-related complaint or discipline matter had been brought against her.
55. In response to the LSA's authorities on sanction, Ms. Akpan submitted that the cases were distinguishable because they involved repeated conduct, fraud, or active participation in improper schemes, whereas the Committee had found no intentional misconduct on her part.
56. Ms. Akpan did not make any specific submissions on the application of the factors for consideration in determining the appropriate sanction as set out in the Guideline.
57. Many of the arguments contained in Ms. Akpan's written submission challenged the Merits Decision and do not relate to sanctioning matters.

Analysis and Decision on Sanction

58. The Committee has considered all the materials properly before it in coming to this decision. Accordingly, references in this decision to specific portions of the material should not be taken as an indication that the Committee did not consider all of the material.
59. Pursuant to section 72(1) of the *Act*, on finding that a member is guilty of conduct deserving of sanction, the Committee shall order that the member be disbarred, suspended, or reprimanded. Section 72(2) permits a Committee to impose conditions on the member's suspension or practice in addition to the sanction referenced in subsection (1).
60. Paragraph 185 of the Guideline outlines that the fundamental purpose of sanctioning is to ensure the public is protected from acts of professional misconduct and to maintain public confidence in the profession. These purposes are critical to the independence of the profession and the proper functioning of the administration of justice.
61. Other purposes are set out in section 186 and include: specific deterrence of the lawyer; protection of the public through disbarment or suspension; general deterrence of other

lawyers; ensuring the LSA can effectively govern its members; and denunciation of the misconduct.

62. Paragraph 191 of the Guideline states that:

Suspension is appropriate for the denunciation of serious or repeated misconduct where it is reasonable to believe that temporarily removing the lawyer from the profession will result in compliance with professional standards in the future. Aggravating and mitigating factors may be recognized in determining the length of the suspension.

63. Paragraphs 198 and 199 of the Guideline outline the factors to consider in determining the appropriate sanction. The relevant factors are discussed below.

64. The factors in support of a more serious sanction are:

(a) Degree to which the misconduct constitutes a risk to the public, a risk to the reputation of the legal profession, impacts the ability of the legal system to function properly, and causes harm (Guideline, paragraph 198(a), (b), (c), and (f)).

Pursuant to the *Meads* decision, notarizing an OPCA document, even in the absence of intent to participate in an OPCA scheme, constitutes a risk to the public and harms the ability of the legal system to function properly.

Further, Ms. Akpan's admission at the Merits Hearing that even at that time she may be unable to recognize an OPCA document constitutes a risk to the ability of the legal profession to function properly.

(b) The potential harm to a client, the public, the profession or the administration of justice that is reasonably foreseeable at the time of the lawyer's misconduct, and which, but for some intervening factor or event, would likely have resulted from the lawyer's misconduct (Guideline, paragraph 198(g))

The OPCA document notarized by Ms. Akpan was not accepted for filing by the court. However, had the document been accepted for filing, it is reasonably foreseeable that it could have caused harm to the administration of justice and to the reputation of the profession. The Notarized Documents did cause substantial harm to the administration of justice to the extent of the time and expense involved in the various court hearings resulting from that submission.

(c) Acknowledgement of wrongdoing, including self-reporting and admission of guilt and level and expression of remorse. (Guideline, paragraph 204(c) and (d))

Ms. Akpan has acknowledged that she notarized the OPCA document; however, she has continued to try to justify doing so by relying on the verification of AM's government

issued identification and the alleged merits of his actions throughout these proceedings.

While Ms. Akpan has expressed remorse in the Court of Appeal proceedings, she has not done so expressly in these proceedings. The Committee found the level and expression to be minimal at best and marginalized by her continued attempts to argue her actions were defensible and justified.

65. The factors in support of a less serious sanction are:

(a) The number of incidents involved. (Guideline, paragraph 198(h))

There was one discrete incident involved and the parties have advised the Committee that there have not been any additional incidents.

(b) Whether the member acted intentionally, knowingly, recklessly or negligently (Guideline, paragraph 199)

While Ms. Akpan may not have acted intentionally or knowingly, she did act recklessly and negligently in ignoring the specific directions of the LSA issued prior to her so acting.

(c) Prior Discipline Record (Guideline, paragraph 204(a))

Ms. Akpan does not have a prior discipline record.

(d) Length of time the lawyer has been in practice (Guideline, paragraph 204(b))

Ms. Akpan was called to the bar in 2019. At the time of the misconduct, Ms. Akpan had been called to bar for approximately three years.

66. Another factor to consider is the level of cooperation by the member during the conduct proceedings. LSA counsel submitted that there was a lack of cooperation by Ms. Akpan in pre-hearing and hearing matters. However, there was insufficient evidence presented by the parties to enable the Committee to make a determination on this factor.
67. The LSA provided the three cases discussed above with respect to the appropriate sanction in this matter. In these cases, the sanctions included a suspension of three months, five months, and a disbarment.
68. Ms. Akpan's sanction authorities addressed delay and procedural fairness. She did not provide any cases with respect to a range of potential sanctions.
69. Ms. Akpan's admission that despite the lengthy court and disciplinary proceedings she may still be unable to recognize an OPCA document highlights the risk that there is a

potential that Ms. Akpan may repeat this behaviour in the future. As such, a sanction that protects the public and provides additional training for Ms. Akpan is appropriate.

70. Ms. Akpan was a junior lawyer at the time that the misconduct occurred. There was one discrete incident, Ms. Akpan has neither a prior disciplinary record nor are there any additional disciplinary matters pending.
71. Based on the above, the Committee finds that temporarily removing Ms. Akpan from the profession with a referral to Practice Management will result in compliance with professional standards in the future and protects the public. Based on the sanctioning factors, the Committee finds that the three-month suspension requested by the LSA is too severe in this case.
72. Rather, the Committee directs a suspension of one month and a referral to Practice Management is appropriate.

Costs

Submissions of the LSA

73. The LSA sought costs in the amount of \$14,663.26, as set out in its Estimated Statement of Costs.
74. The LSA also submitted the decision in *LSA v. Scott*⁸ for a summary of the principles for the Committee to apply when making a costs decision.
75. LSA counsel also noted that costs are discretionary, not mandatory. Costs are not intended to be punitive but rather to reflect the actual appropriate allocation of costs between the member and the LSA.
76. The LSA submitted that no reduction was warranted because the matter was fully contested and required the LSA to prove every element of the citation. In particular, the LSA relied on the absence of admitted facts or an admission of guilt, the time required to respond to Notices to Admit, and the need to address matters that it characterized as having limited relevance to the issues before the Committee.
77. The LSA therefore submitted that the full amount claimed in the Estimated Statement of Costs should be awarded.
78. In rebuttal, LSA counsel accepted there was an incorrect date in one entry of the LSA's Estimated Statement of Costs but denied Ms. Akpan's other allegations of other inaccurate entries. He also advised that additional time incurred by the LSA was not included in the Estimated Statement of Costs.

⁸ *Law Society of Alberta v. Scott*, 2025 ABLS 21

Submissions of Ms. Akpan

79. Ms. Akpan opposed any costs award. She challenged the accuracy and reasonableness of the Estimated Statement of Costs and identified specific entries that she submitted were excessive, inaccurate, or unsupported.
80. Ms. Akpan submitted that the time claimed for reviewing and responding to her Notices to Admit was disproportionate to the length and content of those documents. She also questioned entries relating to correspondence and hearing attendance time.
81. Ms. Akpan further alleged that the Estimated Statement of Costs was advanced to recover, through costs, amounts that had been set aside by the Court of Appeal.
82. On that basis, Ms. Akpan requested that the Estimated Statement of Costs be rejected and that no costs be ordered. In the alternative, she requested that any costs order be stayed pending appeal.
83. Ms. Akpan did not make any specific submissions on the costs factors outlined in the *Scott* decision.

The Committee's Decision on Costs

84. In *Charkhandeh v. College of Dental Surgeons of Alberta*,⁹ cited at length in the *Scott* decision, the Court of Appeal held:

Going forward, costs in disciplinary proceedings should be awarded based on the wording of the statute, and the principles set out in these reasons. ...¹⁰

85. The issues to be decided by the Committee regarding the award of costs are:

- 1) Where the costs burden should fall,
- 2) Application of the relevant factors when awarding costs,
- 3) Limits on quantum of costs, and
- 4) Types of costs that can fairly be imposed on the professional.¹¹

(1) The Costs Burden

86. Section 52(1)(g) of the *Act* provides that the Benchers may make rules:

respecting the determination of costs that may be attributed to proceedings under this Part and the powers and duties of a Hearing Committee or the Benchers, as the case

⁹ *Charkhandeh v. College of Dental Surgeons of Alberta*, 2025 ABCA 258.

¹⁰ *Charkhandeh*, para. 168.

¹¹ *Charkhandeh*, para. 134.

may be, in making orders under this Part against a member or former member for the payment of all or part of those costs;

87. Section 52(2) of the *Act* provides that:

Rules under subsection 1(g) may, without limitation, include in the classes of costs attributable to proceedings under this Part reasonable costs for the indemnification of the Society for the cost of services performed in connection with those proceedings by any of its salaried employees.

88. Rule 99(1) provides that unless a hearing committee directs that there will be no order for costs, or if the member is found to be not guilty of conduct deserving of sanction, the Executive Director shall prepare a statement of costs showing the specified charges, costs, and expenses outlined in Rule 99(1) that were incurred in connection with the proceedings against the member to that time.

89. Rule 99(2) provides that a hearing committee's order for costs may be made on the basis of the statement prepared pursuant to Rule 99(1) and where the committee orders payment of the costs of the proceedings, the order shall be based on the costs and expenses referred to in subrule 1(a) to (f) and may include all or part of the costs and expenses described in subrule (g).

90. In *Charkhandeh*, the Court of Appeal held that the statutory language of the *Health Professions Act* only provided a basic framework for the exercise of discretion in the use of the powers to award costs by hearing panels and tribunals. The Committee notes that the *Act* is similar to the *Health Professions Act* in that:

- 1) The granting of costs is not presumptive, mandatory or automatic.
- 2) The legislative framework is tilted towards the LSA and away from the regulated professional.
- 3) The language is intentionally broad, including a wide range of expenses covering both the investigative and hearing stages.
- 4) The *Act* does not provide for an external body to review an award of costs (such as an assessment officer).
- 5) Only the professional who is found guilty of unprofessional conduct can be ordered to pay costs to the LSA. There is no power to award costs to the professional.
- 6) Any amount owing is recoverable as a debt pursuant to section 72(5) of the *Act*.¹²

91. In *Charkhandeh*, in relation to the *Health Professions Act*, the Court of Appeal held:

¹² *Charkhandeh*, paras. 133-135.

There is no presumption in the statutory language one way or another. Therefore, it would be an error for a hearing tribunal or appeal panel to award costs based on a presumption that costs should be awarded, or that either the disciplined member or the College should bear the costs. In every case the decision making must carefully consider whether, first of all, costs are warranted, and second, the quantum of costs.¹³

92. The Committee approaches costs on the basis that they are discretionary and are not presumed. The question is whether, in the circumstances of this proceeding, it is fair and reasonable to transfer some or all of the costs incurred by the LSA to Ms. Akpan.

(2) The Relevant Factors

93. Costs are not intended to be a form of sanction. They are only intended to allocate the costs of the process and proceedings.¹⁴
94. The seriousness of the charge is not a relevant consideration in awarding costs. The length and extent of the hearing and the conduct of the parties at the hearing are what is relevant.¹⁵
95. The merits and sanction phases required hearing time, preparation, documentary review, and written reasons. The matter was fully contested and the absence of admissions increased the work required of the LSA. Those considerations support an award of costs. However, costs must remain proportionate and must not operate as an additional sanction.

(3) The Limits on Quantum

96. Regarding the reasonableness and proportionality of the quantum of any costs awarded, the Court of Appeal in *Charkhandeh* provided the following direction:
- 1) The expenses must be reasonably incurred having regard to the nature of the investigation, the allegations, and the hearing process;
 - 2) The quantum paid by the regulator must be fair and reasonable;
 - 3) It must not only have been reasonable for the College to have incurred the costs (in substance and as to quantum) but it must also be reasonable to transfer the burden of those costs to the professional. As stated in *Barkwell v. McDonald*, 2023 ABCA 87 at para. 59,, the issue is not only whether the costs were reasonably incurred, “but whether the quantum represents an amount that the losing party in the litigation should reasonably be expected to pay to the winning party.”

¹³ *Charkhandeh*, para. 136.

¹⁴ *Charkhandeh*, para. 138.

¹⁵ *Charkhandeh*, para. 140.

- 4) The costs award must be proportionate to the issues involved, the circumstances of the member, and the overall burden it places on him or her.¹⁶
97. The Committee is satisfied that the categories of costs claimed by the LSA are costs that may properly be considered in a discipline proceeding. The court reporter costs are directly attributable to the hearing, and the legal preparation and attendance time relates to the investigation, hearing, sanction, and costs process.
98. Ms. Akpan did not provide evidence regarding her financial circumstances or the burden that a costs award would place on her. The Committee has nevertheless considered proportionality, the nature of the proceedings, the amount claimed, and the fact that the sanction includes a one-month suspension.
- (4) Types of Costs
99. In *Charkhandeh*, the Court of Appeal provided directions on the types of costs that can be fairly imposed on the professional:
- 1) The decision maker must have a reasonable idea of the types of expenses that are included in the costs sought and make some assessment of whether those expenses were reasonably incurred.¹⁷
 - 2) A professional should not have to pay all or a significant portion of the expenses associated with the infrastructure of the hearing. The professional should only be expected to pay those costs directly associated with the hearing itself.¹⁸
 - 3) Legal fees must be examined for reasonableness, including hourly rate, number and seniority of counsel, and duration and intensity of preparation.¹⁹
100. The LSA provided an Estimated Statement of Costs which it relied upon in seeking \$14,663.26 in costs.
101. The Estimated Statement of Costs contains two types of costs for Merits Hearing and the Sanction Hearing – Review, Preparation, and Attendance and Court Reporter Attendance.
102. The Court Reporter attendance costs of \$2,194.00 are directly attributable to the hearing dates.
103. The hourly rate for LSA counsel as claimed in the Estimated Statement of Costs is \$125 per hour for one counsel. This is a notably low hourly rate. The LSA is in the best position of all the professional regulators in Alberta to determine appropriate hourly rates for legal fees that a professional should reasonably be expected to pay.

¹⁶ *Charkhandeh*, para.144.

¹⁷ *Charkhandeh*, para. 146.

¹⁸ *Charkhandeh*, para. 150.

¹⁹ *Charkhandeh*, para. 152.

104. The Committee accepts that the LSA incurred substantial preparation and attendance time. However, the Committee is not persuaded that the full amount claimed should be transferred to Ms. Akpan. A partial costs award appropriately recognizes that the proceeding required significant LSA resources while ensuring that the costs order remains fair, proportionate, and distinct from sanction.
105. The Committee therefore orders Ms. Akpan to pay costs to the LSA in the amount of \$7,000.00, payable within 12 months of her reinstatement following the suspension.

Concluding Matters

106. The Committee orders Ms. Akpan to be suspended for one month commencing September 15, 2026 and refers her to Practice Review as set out in paragraph 8.
107. The Committee has applied the principles in *Charkhandeh* and concludes that a partial costs award against Ms. Akpan in the amount of \$7,000.00 is fair and proportionate in the circumstances, payable within 12 months of her reinstatement after serving the suspension.
108. No notice to the Attorney General is required.
109. A Notice to the Profession is to be issued pursuant to section 85 of the *Act*.
110. The exhibits, other hearing materials, and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Ms. Akpan will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated July 31, 2026

Sharilyn Nagina, KC

Cal Johnson, KC

Tammy Pidner