

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF CHIROPODISTS OF ONTARIO**

PANEL:

Peter Ferguson, Chair
Riaz Bagha
Andrew Gassmann

BETWEEN:

COLLEGE OF CHIROPODISTS OF ONTARIO)
(the “College”))

DEBRA MCKENNA for the College

- and -)

DAVID CHOI)

Self-represented

JUSTIN SAFAYENI, Independent Legal
Counsel

Heard: November 12, 2020

Court Reporter is Bruce Porter

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on November 12, 2020 by way of videoconference hosted by Victory Verbatim in Toronto.

Preliminary Issue

This hearing involved two separate Notices of Hearing in respect of two separate proceedings by the College against David Choi (the “Member”)¹. The first proceeding was in respect of matter #1822. The second proceeding was in respect of matter #1918. Both the College and the Member expressly confirmed that they consented to a single, combined hearing before this Panel, to deal with both matters. In these circumstances, the Panel agreed to hear the two matters together at the same time, pursuant to section 9.1(1) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

¹ David Choi had, in fact, resigned his membership prior to the hearing commencing. Nevertheless, the documents referred to him as a “Member” (rather than a former Member) and so we will use that terminology throughout our Decision and Reasons for the sake of consistency.

The Allegations

The allegations against the Member as stated in the Notice of Hearing dated December 20, 2019, in matter 1822, (Exhibit 1, Tab 1) are as follows:

STATEMENT OF ALLEGATIONS

1. David Choi (the “Member”) was at all material times a registered member of the College.
2. During the period in or about July 2018 (“Relevant Period”), the Member engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 750/93 under the *Chiropody Act, 1991*:
 - a. paragraph 2 (failing to meet or contravening a standard of practice of the profession), and, in particular, the College’s standards pertaining to:
 - i. Assessment and Management;
 - ii. Patient Relations;
 - iii. Records; and/or
 - iv. Prescription Custom Foot Orthoses;
 - b. paragraph 10 (practising the profession while the member is in a conflict of interest);
 - c. paragraph 14 (providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective, unnecessary or deleterious to the patient or is inappropriate to meet the needs of the patient);
 - d. paragraph 17 (failing to keep records as required by the regulations);
 - e. paragraph 18 (falsifying a record relating to the member’s practice);
 - f. paragraph 20 (signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement);
 - g. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
 - h. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
 - i. paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts), specifically:
 - i. Ontario Regulation 750/93 (Professional Misconduct) under the *Chiropody Act, 1991*, as specified in this Notice of Hearing;

- ii. Ontario Regulation 203/94 (General) under the *Chiroprody Act, 1991*, and, in particular, the Advertising (Part II) and Records (Part III);
- iii. Ontario Regulation 830/93 (Registration) under the *Chiroprody Act, 1991*; and/or
- iv. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and/or
- j. paragraph 33 (engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, the Member was a chiroprodist registered with the College.
2. During Relevant Period, the Member was engaged in the practice of chiroprody at Medical Orthopedics Inc., located at 220 Royal Crest Road in Markham, Ontario (the "Clinic").
3. On or about September 18, 2018, the College received a complaint from Manulife about the Member (the "Complaint").
4. As set out in the Complaint, Manulife commenced a "secret shopper" investigation during the summer of 2018 in relation to the Clinic. The focus of the investigation related to patients at the Clinic who were offered and received incentives in the form of free shoes with the purchase of orthotics.
5. As part of the investigation, a Manulife investigator (identifying herself under the alias Emily Daniels) contacted the Clinic to arrange an assessment for orthotics. During her initial call with the Clinic, the investigator was asked which patient had referred her to the Clinic and her occupation. Upon advising that she was a teacher, the investigator was asked to provide her benefits plan and certificate number.
6. The investigator attended at the Clinic for her appointment on July 5, 2018.
7. Upon arrival, the investigator was greeted and asked by the Clinic reception staff to complete medical intake forms. Prior to completing the forms, the investigator was asked by the Member to follow him into the treatment room.
8. While in the treatment room, the investigator informed the Member that she had sore feet and she expressed an interest in orthotics. In response, the Member asked the investigator a number of questions and completed an assessment.
9. The assessment conducted by the Member included a gait analysis and measuring the investigator's feet for orthotics with the use of foam box impressions.

10. During her assessment, the investigator asked the Member whether orthotics would help her sore feet and she also expressed an interest in orthotics for high-heeled shoes. In response to this inquiry, the Member said words to the effect that orthotics would help but not fix the problem entirely. He also expressed reluctance in recommending orthotics for high-heeled shoes.
11. Upon being advised that she was a teacher, the Member informed the investigator that her insurance coverage included two pairs of orthotics. He then instructed the investigator to return to the front desk where the staff would explain the process for submitting the insurance claims to her insurer and for receiving her orthotics.
12. Upon returning to the reception, the investigator was instructed on how to complete her insurance forms – one form for the Member’s assessment for \$90.00 and a second form for the orthotics at \$700.00.
13. After paying for the \$90.00 assessment fee, the investigator was handed a plastic card by reception staff with a number “2” on it and was then directed to the adjoining shoe store, A Smart Step, for “next steps”.
14. As instructed, the investigator attended the adjoining shoe store and was greeted by staff. The investigator was then informed by staff that she had a \$200 plus tax shoe allowance for any shoes in the store. In addition, she was provided with a list of other shoe outlets and was told by staff that they could order shoes from any of those outlets that the investigator liked.
15. On or about July 24, 2018, the investigator received an email indicating that her orthotics and shoes were ready for pick-up. Thereafter, on or about July 26, 2018, the investigator attended at the Clinic. After paying for her orthotics and signing-off on the insurance form (which had been re-dated to July 26, 2018), the investigator was again directed to the adjoining shoe store by the Clinic staff.
16. Upon entering the shoe store, the investigator was greeted by staff. After providing her name to staff, the investigator was handed a bag containing her orthotics and a pair of Michael Kors dress shoes. The investigator tried on the shoes and then left the store.
17. The Member was not involved in dispensing or fitting the investigator’s orthotics and the investigator was not provided with any use or follow-up instructions.
18. During the Relevant Period or at any time, the Member did not disclose to the College that the Clinic was one of his practice locations.

The allegations against the Member as stated in the Notice of Hearing dated September 9, 2020, in matter 1918, (Exhibit 1, Tab 3) are as follows:

STATEMENT OF ALLEGATIONS

1. David Choi ("Mr. Choi" or the "Member") was at all material times a registered member of the College.
2. During the period from about March 2016 to May 2019 ("Relevant Period"), the Member engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 750/93 under the *Chiropody Act, 1991*:
 - a. paragraph 2 (failing to meet or contravening a standard of practice of the profession), and, in particular, the College's standards pertaining to:
 - i. Assessment and Management;
 - ii. Patient Relations;
 - iii. Records; and/or
 - iv. Prescription Custom Foot Orthoses;
 - b. paragraph 10 (practising the profession while the member is in a conflict of interest);
 - c. paragraph 17 (failing to keep records as required by the regulations);
 - d. paragraph 18 (falsifying a record relating to the member's practice);
 - e. paragraph 20 (signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
 - f. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
 - g. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
 - h. paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts), specifically:
 - i. Ontario Regulation 750/93 (Professional Misconduct) under the *Chiropody Act, 1991*, as specified in this Notice of Hearing;
 - ii. Ontario Regulation 203/94 (General) under the *Chiropody Act, 1991*, and, in particular, the Advertising (Part II) and Records (Part III);
 - iii. Section 30(1) of the *Regulated Health Professions Act, 1991*;
 - iv. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and/or

- i. paragraph 33 (engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional).

PARTICULARS OF THE ALLEGATIONS

1. At all material times, the Member was a chiroprapist registered with the College.
2. During Relevant Period, the Member was engaged in the practice of chiropody at My Orthotics, located at 200 Finch Avenue West, suite 227 in Toronto, Ontario (the “Clinic”).
3. On or about May 7, 2019, the College received a complaint on behalf of Sun Life Assurance Company of Canada (“Sun Life”) about the Member (the “Complaint”).
4. As set out in the Complaint, Sun Life conducted a review of claims submitted to Sun Life in order to ensure the accuracy and validity of those claims.
5. In or about June 2018, Sun Life has received a tip from a plan member (S.R) about a “cash-splitting” scheme that was occurring at the Clinic. As a result, Sun Life commenced an investigation with respect to the Member and the Clinic.
6. During the course of its investigation, Sun Life interviewed approximately sixteen plan members and it was confirmed that false claims for chiropody assessments, purportedly conducted by the Member, has been submitted to Sun Life.
7. The investigation revealed that Sun Life plan members did not receive chiropody assessments conducted by the Member. Rather, notwithstanding claim documents and/or patient records submitted to Sun Life indicating otherwise, the assessments were completed by staff.
8. As part of its investigation, the Member was interviewed by Sun Life. The Member explained that he typically only saw and/or assessed a patient one time. For any subsequent visits and/or for the renewal of an orthotics prescription, the Member permitted staff to conduct the patient assessments and/or determine whether the patient needed to see the Member for an assessment.
9. When orthotics were prescribed, the Member would simply sign the prescription. The Member did not see and/or assess the patients. In terms of records, Clinic staff would photocopy the Member’s initial assessment and the Member would re-sign the re-assessment.
10. The re-assessment was submitted to Sun Life to support the insurance claim.
11. Notwithstanding that the Member did not assess the patients, an \$80.00 fee was charged and/or submitted to Sun Life for the purported chiropody assessments conducted by the Clinic staff.

12. In addition to not conducting and/or documenting an adequate assessment for the prescription of the orthotics, including casting orthotics with the use of a foam box, the Member was not involved in dispensing or fitting the orthotics and/or did not provide patients with dispensing advice and/or follow-up care.

13. The Sun Life plan members/patients identified in the investigation as are follows:

- C.B. (and dependents)
- M.B. (and dependents)
- J.D. (and dependents)
- P.J. (and dependents)
- Y.K. (and dependents)
- E.K. (and dependents)
- S.M. (and dependents)
- R.M. (and dependents)
- D.P. (and dependents)
- A.P. (and dependents)
- Y.P. (and dependents)
- A.R. (and dependents)
- S.R. (and dependents)
- J.S. (and dependents)
- G.T. (and dependents)
- K.Y. (and dependents)

Member's Plea

The Member admitted that he engaged in professional misconduct as described at paragraphs 2(a)-(j) of the Notice of Hearing in matter #1822, and at paragraphs 2(a)-(i) of the Notice of Hearing in matter #1918.

The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

Agreed Statements of Facts

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts in matter #1822 (Exhibit 1, Tab 2), which provided as follows:

1. At all material times, David Choi (the “Member”) was a chiroprapist registered with the College.
2. During the period in or about July 2018 (the “**Relevant Period**”), the Member was engaged in the practice of chiropody at Medical Orthopedics Inc., located at 220 Royal Crest Road in Markham, Ontario (the “**Clinic**”).
3. On or about September 18, 2018, the College received a complaint from Manulife about the Member (the “**Complaint**”).
4. As set out in the Complaint, Manulife commenced a “secret shopper” investigation during the summer of 2018 in relation to the Clinic. The focus of the investigation related to patients at the Clinic who were offered and received incentives in the form of free shoes with the purchase of orthotics.
5. As part of the investigation, a Manulife investigator (identifying herself under the alias Emily Daniels) contacted the Clinic to arrange an assessment for orthotics. During her initial call with the Clinic, the investigator was asked which patient had referred her to the Clinic and her occupation. Upon advising that she was a teacher, the investigator was asked to provide her benefits plan and certificate number.
6. The investigator attended at the Clinic for her appointment on July 5, 2018.
7. Upon arrival, the investigator was greeted and asked by the Clinic reception staff to complete medical intake forms. Prior to completing the forms, the investigator was asked by the Member to follow him into the treatment room.
8. While in the treatment room, the investigator informed the Member that she had sore feet and she expressed an interest in orthotics. In response, the Member asked the investigator a number of questions and completed an assessment.
9. The assessment conducted by the Member included a gait analysis and measuring the investigator’s feet for orthotics with the use of foam box impressions.
10. During her assessment, the investigator asked the Member whether orthotics would help her sore feet and she also expressed an interest in orthotics for high-heeled shoes. In response to this inquiry, the Member said words to the effect that orthotics would help but not fix the problem entirely. He also expressed reluctance in recommending orthotics for high-heeled shoes.
11. Upon being advised that she was a teacher, the Member informed the investigator that her insurance coverage included two pairs of orthotics. He then instructed the

investigator to return to the front desk where the staff would explain the process for submitting the insurance claims to her insurer and for receiving her orthotics.

12. Upon returning to the reception, the investigator was instructed on how to complete her insurance forms – one form for the Member’s assessment for \$90.00 and a second form for the orthotics at \$700.00.
13. After paying for the \$90.00 assessment fee, the investigator was handed a plastic card by reception staff with a number “2” on it and was then directed to the adjoining shoe store, A Smart Step, for “next steps”.
14. As instructed, the investigator attended the adjoining shoe store and was greeted by staff. The investigator was then informed by staff that she had a \$200 plus tax shoe allowance for any shoes in the store. In addition, she was provided with a list of other shoe outlets and was told by staff that they could order shoes from any of those outlets that the investigator liked.
15. On or about July 24, 2018, the investigator received an email indicating that her orthotics and shoes were ready for pick-up. Thereafter, on or about July 26, 2018, the investigator attended at the Clinic. After paying for her orthotics and signing-off on the insurance form (which had been re-dated to July 26, 2018), the investigator was again directed to the adjoining shoe store by the Clinic staff.
16. Upon entering the shoe store, the investigator was greeted by staff. After providing her name to staff, the investigator was handed a bag containing her orthotics and a pair of Michael Kors dress shoes. The investigator tried on the shoes and then left the store.
17. The Member was not involved in dispensing or fitting the investigator’s orthotics and the investigator was not provided with any use or follow-up instructions.
18. During the Relevant Period or at any time, the Member did not disclose to the College that the Clinic was one of his practice locations.
19. Based on the admitted facts outlined in paragraphs 1 to 18, the Member admits that he engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation, O. Reg. 750/93* under the *Chiropody Act, 1991*, as follows:
 - a. paragraph 2 (failing to meet or contravening a standard of practice of the profession), and, in particular, the College’s standards pertaining to:
 - i. Assessment and Management;
 - ii. Patient Relations;
 - iii. Records; and/or
 - iv. Prescription Custom Foot Orthoses;

- b. paragraph 10 (practising the profession while the member is in a conflict of interest);
- c. paragraph 14 (providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective, unnecessary or deleterious to the patient or is inappropriate to meet the needs of the patient);
- d. paragraph 17 (failing to keep records as required by the regulations);
- e. paragraph 18 (falsifying a record relating to the member's practice);
- f. paragraph 20 (signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
- g. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
- h. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
- i. paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts), specifically:
 - i. Ontario Regulation 750/93 (Professional Misconduct) under the *Chiropody Act, 1991*, as specified in this Notice of Hearing;
 - ii. Ontario Regulation 203/94 (General) under the *Chiropody Act, 1991*, and, in particular, the Advertising (Part II) and Records (Part III);
 - iii. Ontario Regulation 830/93 (Registration) under the *Chiropody Act, 1991*; and/or
 - iv. section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and/or
- j. paragraph 33 (engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional).

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts in matter #1918 (Exhibit 1, Tab 4), which provided as follows:

1. During the period from March 2016 to May 2019, the Member was engaged in the practice of chiropody at My Orthotics, located at 200 Finch Avenue West, Suite 227, in Toronto, Ontario (the “Clinic”).
2. On or about May 7, 2019, the College received a complaint on behalf of Sun Life Assurance Company of Canada (“Sun Life”) about the Member (the “Complaint”).
3. As set out in the Complaint, Sun Life conducted a review of claims submitted to Sun Life in order to ensure the accuracy and validity of those claims.
4. In or about June 2018, Sun Life has received a tip from a plan member (S.R) about a “cash-splitting” scheme that was occurring at the Clinic. As a result, Sun Life commenced an investigation with respect to the Member and the Clinic.
5. During the course of its investigation, Sun Life interviewed approximately sixteen plan members and it was confirmed that false claims for chiropody assessments, purportedly conducted by the Member, has been submitted to Sun Life.
6. The investigation revealed that Sun Life plan members did not receive chiropody assessments conducted by the Member. Rather, notwithstanding claim documents and/or patient records submitted to Sun Life indicating otherwise, the assessments were completed by staff.
7. As part of its investigation, the Member was interviewed by Sun Life. The Member explained that he typically only saw and/or assessed a patient one time. For any subsequent visits and/or for the renewal of an orthotics prescription, the Member permitted staff to conduct the patient assessments and/or determine whether the patient needed to see the Member for an assessment.
8. When orthotics were prescribed, the Member would simply sign the prescription. The Member did not see and/or assess the patients. In terms of records, Clinic staff would photocopy the Member’s initial assessment and the Member would re-sign the re-assessment.
9. The re-assessment was submitted to Sun Life to support the insurance claim.
10. Notwithstanding that the Member did not assess the patients, an \$80.00 fee was charged and/or submitted to Sun Life for the purported chiropody assessments conducted by the Clinic staff.
11. In addition to not conducting and/or documenting an adequate assessment for the prescription of the orthotics, including casting orthotics with the use of a foam box, the Member was not involved in dispensing or fitting the orthotics and/or did not provide patients with dispensing advice and/or follow-up care.
12. The Sun Life plan members/patients identified in the investigation as are follows:
 - C.B. (and dependents)

- M.B. (and dependents)
- J.D. (and dependents)
- P.J. (and dependents)
- Y.K. (and dependents)
- E.K. (and dependents)
- S.M. (and dependents)
- R.M. (and dependents)
- D.P. (and dependents)
- A.P. (and dependents)
- Y.P. (and dependents)
- A.R. (and dependents)
- S.R. (and dependents)
- J.S. (and dependents)
- G.T. (and dependents)
- K.Y. (and dependents)

13. Based on the admitted facts outlined in paragraphs 1 to 12, the Member admits that he engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg. 750/93 under the *Chiropractic Act, 1991*, as follows:

- a. paragraph 2 (failing to meet or contravening a standard of practice of the profession), and, in particular, the College's standards pertaining to:
 - i. Assessment and Management;
 - ii. Patient Relations;
 - iii. Records; and/or
 - iv. Prescription Custom Foot Orthoses;
- b. paragraph 10 (practising the profession while the member is in a conflict of interest);
- c. paragraph 17 (failing to keep records as required by the regulations);

- d. paragraph 18 (falsifying a record relating to the member's practice);
- e. paragraph 20 (signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement);
- f. paragraph 21 (submitting an account or charge for services that the member knows is false or misleading);
- g. paragraph 22 (charging a fee that is excessive in relation to the services or devices charged for);
- h. paragraph 30 (contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts), specifically:
 - i. Ontario Regulation 750/93 (Professional Misconduct) under the *Chiropody Act, 1991*, as specified in this Notice of Hearing;
 - ii. Ontario Regulation 203/94 (General) under the *Chiropody Act, 1991*, and, in particular, Records (Part III);
 - iii. Section 30(1) of the *Regulated Health Professions Act, 1991*;
 - iv. Section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and/or
- i. paragraph 33 (engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional).

Reasons for Decision

In coming to this decision, the Panel considered the following: the Member's admission of professional misconduct for both matters #1822 and #1918, the joint submission of the Agreed Statements of Facts for matters #1822 and #1918, and the parties' submissions.

Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statements of Facts did constitute professional misconduct as alleged in the Notices of Hearing for matters #1822 and #1918, and as admitted by the Member. The Panel found that members of the profession would reasonably regard the conduct admitted as disgraceful, dishonourable and unprofessional.

Penalty

Counsel for the College, as well as the Member, advised the Panel that a Joint Submission as to Penalty and Costs had been agreed upon in respect of matters #1822 and #1918 (Exhibit 1, Tab 5).

The Joint Submission as to Penalty and Costs provides as follows:

The College of Chiropodists of Ontario (the “College”) and David Choi (the “Member”) agree and jointly submit that the Discipline Committee make the following orders with respect to these matters:

1. The Registrar is directed to revoke the Member’s certificate of registration.
2. The Member agrees and undertakes never to reapply and/or seek re-instatement of his registration with the College.
3. In the event that the Member re-applies to the College or seeks reinstatement of his registration within five years of the Discipline Committee’s order, the Member agrees that such conduct would be a breach of his undertaking and may give rise to allegations of professional misconduct being brought against him.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary, with the Member’s name, online and/or in print, including, but not limited to, in the official publication of the College on the College’s website, and/or on the College’s public register.
5. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000.00), which amount shall be paid on the following schedule: \$2,500.00 will be paid on the date this joint submission is accepted by the Discipline Committee and the balance will be paid in monthly installments of \$208.34 on the first day of each month for the twelve months following the Discipline Committee’s order.
6. The College and the Member agree that if the Discipline Committee accepts this Joint Submission as to Penalty and Costs, there will be no appeal or judicial review of the decision to any forum.

Decision and Reasons for Penalty

The Panel considered the Joint Submission on Penalty and Costs. The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member’s practice.

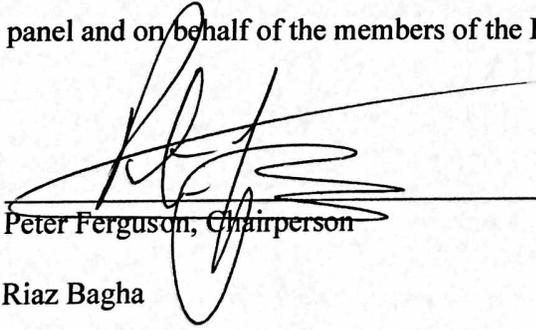
In particular, the Panel found that the Member's conduct is unacceptable and requires an appropriate penalty that will act as a deterrent to other Members.

The Panel also considered the principle that the Panel should accept a joint submission on penalty unless convinced that doing so would bring the process of this College into disrepute and would be contrary to the public interest.

In the circumstances of this case, the penalty proposed by the parties is reasonable and so ordered by the Panel

Consideration was given to the costs imposed. It was the Panel's opinion that because this hearing was uncontested, the financial costs to the College was significantly less than had this been a contested hearing. Therefore, the Panel considered that the \$5,000 amount for costs was fair and reasonable.

I, Peter Ferguson, sign this Decision and Reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel as listed below:


Peter Ferguson, Chairperson

18th Nov 2020.
Date

Riaz Bagha

Andrew Gassmann