

College of Chiropodists v. David Berardo
Summary of the Decision of the Panel of the Discipline Committee

The Discipline Panel accepted the joint submission on finding and the joint submission on order. On June 23, 2003, the Panel found Mr. Berardo guilty of professional misconduct under paragraphs 2, 17, 18, 20, 21, 33 and 34 of section 1 of Ontario Regulation 750/93, (Professional Misconduct) as amended, made under the *Chiropody Act, 1991*. These sections are as follows:

- s.2 – Failing to meet or contravening a standard of practice of the profession.
- s.17 – Failing to keep records as required by the regulations.
- s.18 – Falsifying a record relating to the member's practice.
- s.20 – Signing or issuing, in the member's professional capacity, a document that contains a false or misleading statement.
- s. 21 – Submitting an account or charge for services that the member knows is false or misleading.
- s. 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.
- s.34 – Failing to reply within thirty days to any written enquiry from the College or its officers, employees or agents

Having found Mr. Berardo guilty of professional misconduct the Panel ordered the following:

1. Mr. Berardo's certificate of registration be suspended for a period of 36 months commencing immediately (i.e. June 23, 2003)
2. Fifteen months of the thirty-six (36) month suspension be suspended provided Mr. Berardo has paid the costs and expenses ordered to be paid to the College in full. If not, Mr. Berardo would serve the remainder of his suspension.
3. Mr. Berardo was also ordered to pay \$7,000 to the College for its costs and expenses for investigating and hearing this matter.