

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

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

- and -

WAYNE BASSARAGH

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Chiropractors of Ontario has referred specified allegations against **Wayne Bassaragh** to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*. Further information about the allegations is contained in a Schedule of Allegations which is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code* for the purposes of deciding whether the allegations are true.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.

2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
Barristers & Solicitors
4100-66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
f. (416) 365-1876
e. dmckenna@weirfoulds.com

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date: September 30, 2019



Felecia Smith, LL.B., Registrar
College of Chiropodists of Ontario
180 Dundas Street West
Toronto, ON M5G 1Z8

TO: Wayne Bassaragh
96 Tianalee Crescent
Brampton, Ontario
L7A 2X4

STATEMENT OF ALLEGATIONS

1. At all material times, Wayne Bassaragh (“**Mr. Bassaragh**” or the “**Member**”) was a registered member of the College.

2. During the period in or about February 17, 2017 and November 5, 2018 (the “**Relevant Periods**”), 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*:
 - (i) paragraph 2 (failing to meet or contravening a standard of practice of the profession);

 - (ii) paragraph 31 (contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital, nursing home or other facility or agency that provides health services to the public if, i. the purpose of the law, by-law or rule is to protect the public health, or ii. the contravention is relevant to the member’s suitability to practise); and/or

 - (iii) 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

3. During the Relevant Periods, Mr. Bassaragh was a chiroprapist registered with the College to practise chiropody in the Province of Ontario.
4. In or about February 2017, the Member was engaged in the practice of chiropody at the Rexdale Community Health Centre located in Toronto, Ontario (the "**Clinic**"). The Member had been employed at the Clinic since May 4, 1998.
5. On or about February 17, 2017, while the Member was working at the Clinic, he placed a thermos or canister in the bathroom at the Clinic. The bathroom was used by staff working at the Clinic.
6. The thermos placed in the Clinic bathroom by the Member had a hidden camera installed inside of it. The camera was placed in the bathroom by the Member to surreptitiously record the activities occurring in the Clinic bathroom.
7. The Member's camera filmed approximately nine individuals who entered the Clinic bathroom and used the toilet.
8. All of the individuals recorded by the Member's camera entered the washroom, lowered their pants, and sat on the toilet. The buttock area of each individual using the toilet was exposed and recorded by the Member's camera. The genital area of many of the individuals was also exposed and filmed by the Member's camera.
9. On or about February 17, 2017, one of the staff working at the Clinic discovered the thermos located in the bathroom. As a result, the Toronto Police Service was contacted and conducted an investigation.
10. On or about February 17, 2017, the Member was arrested by the Toronto Police Services and interviewed by police. He was subsequently charged with a number of offences, including ten counts of voyeurism contrary to section 162(1)(b) of the

Criminal Code of Canada in relation to the Member's camera being placed by him in the Clinic bathroom.

11. On or about February 21, 2017, the College received a mandatory report from Safia Ahmed, the Executive Director of the Clinic, pursuant to section 85.5(1) of the *Health Professions Procedural Code*.
12. On or about November 5, 2018, the Member pleaded guilty and was convicted by the court of four counts of voyeurism contrary to section 162(1)(b) – counts 1, 2, 3 and 13 of the indictment. Count 13 of the indictment was a charge of voyeurism arising from an incident unrelated to the Clinic bathroom that occurred in or about February 1 to February 29, 2016.
13. In pleading guilty to the offences, the Member admitted that on or about February 17, 2017, he did, without a lawful excuse, surreptitiously make visual recordings in a place which a person can reasonably be expected to expose their genitals and/or anal area and when that person had a reasonable expectation of privacy, for the purpose of recording the person in such a state, contrary to section 162(1)(b) of the *Criminal Code of Canada*.
14. On or about April 15, 2019, the Member appeared in court to be sentenced. He received a suspended sentence and three years of probation, pursuant to which he is subject to a number of conditions.

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