

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

PANEL:

Nosheen Chaudhry, Chair
Sasha Kozera
Winnie Linker

BETWEEN:

COLLEGE OF CHIROPODISTS OF ONTARIO)
(the "College"))

ALEXANDRA WILBEE for the College

- and -)

OMAR QURESHI)
(the "Member"))

Self-represented

JUSTIN SAFAYENI, Independent Legal
Counsel

Heard: August 10, 2021

Court Reporter is Matthew Grist-Algie

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee on August 10, 2021 by way of videoconference hosted by Victory Verbatim in Toronto.

The Allegations

The allegations against the Member as stated in the Notice of Hearing dated September 16, 2020 (Exhibit 1) are as follows:

STATEMENT OF ALLEGATIONS

1. At all material times, Omar Mohammad Qureshi (the "Member") was a registered member of the College of Chiropractors of Ontario (the "College").
2. The Member engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, Ontario Regulation 750/93 under the *Chiropractic Act, 1991*, S.O. 1991, c. 20:

- a. 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); and/or
- b. paragraph 36 (Failing to comply with an order of the Complaints Committee, the Discipline Committee or the Fitness to Practise Committee).

PARTICULARS OF THE ALLEGATIONS

1. In or around October 2013, the Member was ordered by the Discipline Committee to pay costs to the College in the amount of \$38,000.00.¹
2. In or around April 2014, the Member was ordered by the Divisional Court to pay costs to the College in the amount of \$15,000.00 plus interest.
3. In or around September 2014, the Member was ordered by the Court of Appeal for Ontario to pay costs to the College in the amount of \$1,500.00 plus interest.
4. As of September 15, 2020, the Member continues to owe outstanding overdue costs to the College.

Member's Plea

The Member admitted that he engaged in professional misconduct as described at paragraphs 2(a) and 2(b) of the Notice of Hearing.

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 (Exhibit 2), which provided as follows:

FACTS

1. At all material times, Omar Mohammad Qureshi (the "Member") was a registered Member of the College of Chiropractors of Ontario (the "College").

¹ The original Notice of Hearing included the figure "\$38,0000.00". At the hearing, counsel for the College confirmed this was a typographical error and that the proper figure was \$38,000.00.
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2. In or around October 2013, the Member was ordered by the Discipline Committee to pay costs to the College in the amount of \$38,000.00.ⁱⁱ A copy of the order of the Discipline Committee dated October 7, 2013 is attached as Tab A to this Agreed Statement of Facts.
3. In or around April 2014, the Member was ordered by the Divisional Court to pay costs to the College in the amount of \$15,000.00 plus interest. A copy of the order of the Divisional Court dated April 10, 2014 is attached as Tab B to this Agreed Statement of Facts.
4. In or around September 2014, the Member was ordered by the Court of Appeal for Ontario to pay costs to the College in the amount of \$1,500.00 plus interest. A copy of the order of the Court of Appealⁱⁱⁱ dated September 5, 2014 is attached as Tab C to this Agreed Statement of Facts.
5. As of September 15, 2020, the Member had paid \$37,400.00 but continued to owe outstanding overdue costs and interest to the College in excess of \$20,000.00.
6. The Member has since paid the outstanding amount to the College and currently does not owe any amount to the College.
7. Clause 51(1)(c) of the *Health Professions Procedural Code*, that is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, provides that:
 - 51 (1) A panel shall find that a member has committed an act of professional misconduct if,
 - ...
 - (c) the member has committed an act of professional misconduct as defined in the regulations.
8. *Ontario Regulation 750/93*, made pursuant to the *Chiropractic Act, 1991*, S.O. 1991, c. 20 (the "*Professional Misconduct Regulation*"), defines the following as acts of professional misconduct, as alleged in the Notice of Hearing:

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.

...

ⁱⁱ The original Agreed Statement of Facts included the figure "\$38,0000.00". At the hearing, both parties confirmed this was a typographical error and that the proper figure was \$38,000.00.

ⁱⁱⁱ The original Agreed Statement of Facts referenced the "Divisional Court" instead of the "Court of Appeal". At the hearing, both parties confirmed that this was an error and the proper reference was to the Court of Appeal.

36. Failing to comply with an order of the Complaints Committee, the Discipline Committee or the Fitness to Practise Committee.

9. The Member admits to all of the allegations of professional misconduct as set out in the Notice of Hearing.
10. Based on the facts set out above, the Member admits that he committed acts of professional misconduct within the meaning of the paragraphs 33 and 36 of section 1 of the *Professional Misconduct Regulation* as alleged in the Notice of Hearing.
11. For greater clarity, for the purpose of paragraph 33 of section 1 of the *Professional Misconduct Regulation*, the Member specifically admits that his conduct was dishonourable and unprofessional.

ACKNOWLEDGMENTS

12. The Member understands the nature of the allegations that have been made against him and that by voluntarily admitting these facts, he waives his right to require the College to otherwise prove these facts.
13. The Member understands that the Panel of the Discipline Committee can accept that the facts herein constitute professional misconduct, and in particular can accept the admissions by the Member that they constitute professional misconduct.
14. The Member understands that the Panel of the Discipline Committee can make orders as a result of a finding of professional misconduct, as described in the Notice of Hearing.
15. The Member understands that if the Panel makes a finding of professional misconduct, then the Panel's decision and its reasons, or a summary of its reasons, including the facts contained herein, and the Member's name may be published in the College's register and publications as well as the Canadian Legal Information Institute ("CanLII") database.
16. The Member acknowledges that he has been advised to obtain independent legal advice and that he had sufficient opportunity to do so. The Member further acknowledges that he is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress.
17. The Member irrevocably acknowledges and agrees that all the facts in this Agreed Statement of Facts are true and accurate.
18. The Member and the College agree that this Agreed Statement of Facts may be signed in counterparts.

Reasons for Decision

In coming to this decision, the Panel considered the Member's admission of professional misconduct, the joint submission of the Agreed Statements of Facts, and the parties' submissions. The Panel was also satisfied that the Member's admission of professional misconduct was voluntary, informed, and unequivocal.

Following deliberations, the Panel was satisfied that the conduct described in the Agreed Statement of Facts did constitute professional misconduct as alleged in the Notice of Hearing and as admitted by the Member. The Panel found that members of the profession would reasonably regard the conduct admitted as 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 (Exhibit 3). The Joint Submission as to Penalty and Costs provides as follows:

The Parties agree and jointly submit that the Discipline Committee should make the following orders with respect to this matter:

1. an order requiring the Member to appear before the Panel of the Discipline Committee to be reprimanded on August 10, 2021;
2. an order directing the Registrar to suspend the Member's certificate of registration for a period of one month, commencing on August 10, 2021; and
3. an order requiring the Member to pay the College's costs in the amount of three thousand five hundred dollars (\$3,500.00), by August 10, 2021.

The College and the Member agree that if the Discipline Committee accepts this Joint Submission on Penalty and Costs, there will be no appeal or judicial review of the decision to any forum.

The College and the Member agree that this Joint Submission on Penalty and Costs may be signed in counterparts.

Decision and Reasons for Penalty

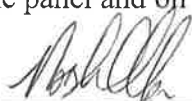
The Panel considered the Joint Submissions on Penalty and Costs. The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty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

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 particular, the Panel considered that both parties had reached an agreement prior to today's proceedings, and the Member has demonstrated remorse and acknowledged his responsibility. Furthermore, the Panel is satisfied that the publication and reporting of the case on the College website and other publications sent out by the College will act as a specific deterrence to the Member and a general deterrence to the profession as a whole. The Panel is also satisfied that the penalty is reasonable in light of the professional misconduct the Member was found to have engaged in, as admitted to in the Agreed Statement of Facts.

In the circumstances of this case, the penalty proposed by the parties is reasonable and so ordered by the Panel. As clarified by the Panel and accepted by the parties at the hearing, the Member's suspension will last from August 10, 2021 until September 9, 2021, meaning that he may resume practicing on September 10, 2021.

I, Nosheen Chaudhry, 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:



 Nosheen Chaudhry, Chairperson
 Winnie Linker
 Sasha Kozera

August 12, 2021

REPRIMAND

As you know, Mr. Qureshi, as part of its penalty order this Discipline panel has ordered that you be given an oral reprimand. You agreed to this term of order as part of your joint submission on penalty filed during the course of the hearing.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

The panel has found that you have engaged in professional misconduct by:

- failing to comply with an order of the Discipline Committee; and
- engaging in conduct or performing an act that would reasonably be regarded by members as dishonourable and unprofessional

The result of your misconduct is that you have let down the public, the podiatric profession, and yourself.

We need to make it clear to you that your conduct is unacceptable.

Of special concern to us is the fact that the professional misconduct in which you engaged involved a failure to abide by and respect orders made by the Discipline Committee and the courts. Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged.

We also want to make it clear to you that while the penalty that this panel has imposed upon you is a fair penalty, a more significant penalty will be imposed by another Discipline panel in the event that you are ever found to have engaged in professional misconduct again.

Do you have any comments with respect to the reprimand?

We are adjourned.