

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

PANEL:

Sasha Kozera, Chair, Professional Member
Winnie Linker, Public Member
Stephen Haber, Professional Member

BETWEEN:

)	ALEXANDRA WILBEE, for the
)	College
COLLEGE OF CHIROPODISTS OF ONTARIO)	
(the “College”))	
- and -)	JOSHUA LERNER for the Member,
)	SIDNEY JAMES ORD
)	
SIDNEY JAMES ORD)	
)	FREDRICK SCHUMANN, Independent
)	Legal Counsel
)	
)	Heard: June 1, 2021
)	

Reason for Decision

1. This matter came on for hearing before a panel of the Discipline Committee on June 1, 2021. With the consent of the parties, this matter was heard by videoconference. At the outset, the parties advised that they would be seeking a stay of the allegations contained in the Notice of Hearing, as described below.

2. At the conclusion of the hearing, we advised the parties that we would grant the orders requested. These are the reasons for our decision.

The allegations

3. A Notice of Hearing was issued on September 21, 2020 making allegations against Sidney James Ord (the “**Member**”). The full Notice of Hearing is currently available on the College’s website. The allegations related to OHIP billing and infection prevention control.

Motion

4. The College moves for an order:

(a) staying the allegations of professional misconduct in the Notice of Hearing and indefinitely adjourning the hearing of this matter;

(b) An order directing the Registrar to post on the public register a copy of the specified allegations, as set out in the Notice of Hearing dated September 23, 2020, and a notation that these allegations have been stayed and the hearing has been indefinitely adjourned; and

(c) An order directing the Registrar to post on the public register a notation and synopsis of the Undertaking and Acknowledgement provided by Mr. Ord dated May 17, 2021.

5. The Member consents to the order sought by the College.

6. On May 17, 2021, the Member signed an Undertaking and Acknowledgement in which he agreed to permanently resign his registration with the College and never re-apply, on the basis that the College would seek an indefinite adjournment of the hearing regarding the allegations referred to the Discipline Committee. The Undertaking and Acknowledgment provides that, if Mr Ord breaches it, the allegations against him will be addressed by the Discipline Committee at a full hearing.

7. In the Undertaking and Acknowledgment, the Member also agreed to pay costs in the amount of \$8,000.00 on account of the College's expenses of investigation and prosecution.

8. The Member resigned from the College, as of May 18, 2021. He also paid the agreed costs amount.

Reasons for decision

9. The issue before the Panel is whether it would be consistent with the College's mandate to protect the public interest to resolve this proceeding by way of resignation and an undertaking not to reapply, rather than a full hearing at which the allegations of professional misconduct would be adjudicated.

10. This College has resolved other matters in a similar manner: *College of Chiropodists of Ontario v Bello*, 2018 ONCOCOO 1; *College of Chiropodists of Ontario v Pak*, 2020 ONCOCOO 2. So have other professional colleges operating under the *Regulated Health Professions Act, 1991*, SO 1991, c 18: *College of Massage Therapists of Ontario v Puniyanikodan*, 2021 ONCMTO 1; *Ontario College of Pharmacists v Saleh*, 2017 ONCPDC 19.

11. The Member's resignation and undertaking not to reapply will protect the public. We note that this is actually a greater consequence for the Member than could be imposed at a full hearing, since, even if his registration was revoked at a full hearing, he would be entitled to reapply in the future.


12. The College's obligation of public transparency will be served by the orders sought regarding the public register, and by these reasons.

13. The profession and the public will also avoid the costs of a full hearing.

14. Also, both parties are asking us to make the requested order. We agree with the parties that, where an order resolving a proceeding is requested by both parties, we should make that order unless it is clear that the proposed order would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

15. We regard the proposed disposition as consistent with the public interest. Accordingly, we will make the order requested by the parties. The disciplinary proceedings against the Member are stayed, and the hearing of that proceeding is indefinitely adjourned.

I, Sasha Kozera, 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:



Sasha Kozera, Chair and Professional Member

June 4, 2021

Date

Winnie Linker, Public Member
Stephen Haber, Professional Member