

## ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

**Citation:** *College of Chiropractors of Ontario v. Mandlsohn*, 2025 ONCPDT 7

**Date:** July 24, 2025

**Tribunal File No.:** 24-010-CP

### BETWEEN:

College of Chiropractors of Ontario

**College**

- and -

Jamie Brian Mandlsohn

**Registrant**

### FINDING AND PENALTY REASONS

**Heard:** June 17, 2025, by videoconference

#### **Panel:**

David A. Wright (Tribunal Chair)

Itraf Ahmad (public)

Cesar Mendez (chiropractor)

#### **Appearances:**

Debra McKenna, for the College

Lisa E. Hamilton, for the registrant

#### **RESTRICTION ON PUBLICATION**

Pursuant to Rule 2.2.2 of the HPDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

The Ontario Chiropractors and Podiatrists Discipline Tribunal is the Discipline Committee established under the Health Professions Procedural Code.

## **Introduction**

[1] In a Facebook group that included a significant proportion of the current and likely future registrants of the College, Mr. Mandlsohn posted a message that discouraged readers from making reports to the College, using the implicit threat of litigation. He also sent insulting messages to the group's administrator. In addition, he failed to co-operate with a College investigation and did not respond substantively to an inquiry from the College's investigator within thirty days.

[2] Mr. Mandlsohn admitted, and we found, that he committed misconduct by failing to meet the standard of practice of the profession in relation to social media and failing to reply within thirty days to a written inquiry from an agent of the College. He also admitted, and we found, that the same conduct constituted a failure to comply with the College's governing legislation and was disgraceful, dishonourable, or unprofessional. The parties made a joint submission on penalty, whose main components were a reprimand, suspension of three months, education and mentoring. They also agreed on costs of \$25,000. Because the penalty did not bring the administration of the professional discipline system into disrepute, we made the requested order.

[3] The parties agreed that Tribunal Chair David Wright, who conducted pre-hearing conferences in this matter, could be assigned to sit on this panel.

## **Findings of Misconduct**

### The Facebook Comments

[4] The College has approximately 800-plus registrants. The registrant was part of a Facebook group with 579 members called "Chiropodists/Podiatrists" that was limited to registrants and chiropody students. In Facebook terminology, the group was "private," meaning that only those admitted to the group could see its contents and posts.

[5] Mr. Mandlsohn posted the following in relation to a post about the College's Social Media Standard:

This chat room is private and not open to the public and yes someone can send something to the college and report what is said but you have to think will the college protect the person who provided the information once lawyers are involved protecting the registrant who wrote the post. The registrant will find out in discovery who provided the information and may decide to legally

go after the person who leaked the information. The person who provided this information will need to protect themselves legally and obtain their own council [*sic*] if the posting registrant decides to seek damages.

[6] In addition, Mr. Mandlsohn made comments to the effect that the College had engaged in illegal or criminal activity. Finally, he sent various insulting messages to a group administrator.

[7] The fact that the group was “private” in Facebook lingo is of little significance. While only registrants and chiropody students could be members, there were hundreds in the group. His comment quoted above was directed at all the members of that group. It was the equivalent of a speech at a large convention of chiropodists or an article in a publication directed at chiropodists and nothing like a private conversation. It was a public statement, even if not available directly to all members of the public.

[8] Mr. Mandlsohn says that, at the time, he did not intend the comments to be aggressive, bullying or encourage others to ignore their professional responsibilities. He now recognizes that others could reasonably interpret them as bullying and discouraging members of the group from reporting misconduct to the College or abiding by the College’s standards.

[9] The post can only be read as a suggestion that if someone reported possible misconduct to the College, they could face legal action. And while it started by referring to reports about what was said in the group, its implications went well beyond that. A reader of the post would think they could face legal action for providing any information about another registrant to the College (or indeed, another health regulator).

[10] This discouraged registrants from fulfilling their professional obligations. In fact, registrants must report alleged misconduct. Section 24 of the College’s Code of Ethics obligates registrants to “[r]eport any alleged unethical conduct, incompetent, unsafe practice or abuse of a patient by a health care provider to the appropriate College and/or authority.” Under the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18 (Code), registrants are required to make reports to health colleges in certain circumstances, for example if they have reasonable grounds to believe another health professional has sexually abused a patient (s. 85.1).

Discouraging the group members from making such reports could have significant consequences.

[11] Another implicit message in Mr. Mandlsohn's post is that it is acceptable for a health professional to respond to a complaint or report by retaliating against the complainant. It is not, and such retaliation may be professional misconduct.

[12] While far less serious than the broad group message, sending inappropriate insulting messages to those in charge of a forum related to the profession is also unprofessional. Taken together with the broadly distributed post, they form part of an impermissible series of interactions with professional colleagues in this forum.

[13] Making a finding of misconduct in these circumstances affects the registrant's freedom of expression, guaranteed by s. 2(b) of the *Canadian Charter of Rights and Freedoms*. But the right to express oneself is not absolute. Regulated professionals may face professional sanctions for expression that can lead to harm to the public interest. Before finding misconduct and imposing a penalty in these circumstances, we must consider the impact on the right to freedom of expression and balance it against the benefits of restricting the registrant's expression. See *College of Physicians and Surgeons of Ontario v. Trozzi*, 2023 ONPSDT 22; aff'd *Trozzi v. College of Physicians and Surgeons of Ontario*, 2024 ONSC 6096 (Div. Ct.).

[14] In admitting misconduct, the registrant has accepted that the impact on his expressive rights is outweighed by the benefits that the restriction is intended to achieve. We therefore need not engage in an extensive *Charter* analysis. It suffices to say that the goals here are important. They include discouraging registrants from providing false information that might dissuade registrants from reporting misconduct, and promoting respectful, civil interactions in professional settings. They support the College's regulatory function of protecting the public and avoiding the negative impacts of bullying within the profession.

[15] The benefits for the public outweigh the registrant's interest in this kind of expression. The College's Social Media Standard, which at the time of the registrant's posts had the same wording but was called an Advisory, notes the College's role in guiding professional practice, including on social media. It emphasizes that registrants "should always consider whether the information they are sharing is helpful to the reader or whether it will propagate unnecessary fear, panic and misinformation." It reminds

registrants that, “Negative or unprofessional images and/or statements by Members are harmful to the reputation of the profession and undermine patient or public trust.”

[16] The document also requires group moderators “to ensure that the College’s standards (and relevant legislation) are followed on their respective platforms.” The posting and the insulting comments to the moderator made it more difficult for them to do that work.

[17] Accordingly, we find that the registrant’s interactions on Facebook were professional misconduct because they failed to meet or contravened a standard of practice of the profession (O. Reg. 750/93 under the *Chiropractic Act, 1991*, SO 1991, c. 20 (Professional Misconduct Regulation), s. 1, para. 2). They are also actions that would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional (DDU) (Professional Misconduct Regulation, s. 1, para. 33) and a failure to comply with the Code (Professional Misconduct Regulation, s. 1, para. 30).

#### Failure to Respond to the College

[18] The requirement to respond to the regulator is one of the obligations that comes with the privilege of practising a regulated profession like chiropractic. The College cannot fulfil its mandate to protect the public and investigate allegations of misconduct in a timely manner if registrants do not fulfil this obligation.

[19] Section 76 (3.1) of the Code requires registrants to “co-operate fully with an investigator.” This obligation is further elaborated upon in para. 34 of s. 1 of the Professional Misconduct Regulation, which requires registrants to respond to written inquiries from the College or its agents within thirty days.

[20] A registrant must act in good faith to provide a complete and prompt response. That response must be open, honest and helpful. See *Law Society of Ontario v. Diamond*, 2021 ONCA 255 at para. 50.

[21] After receiving a report about the registrant’s comments in the Facebook group, the College appointed investigators from Benard + Associates (Benard) to conduct an investigation. Benard is a longstanding investigation service used by the College. The registrant was a member of the College’s Inquiries, Complaints and Reports Committee (ICRC) from 2017 to 2019, and would doubtless have seen reports prepared by Benard investigators.

[22] On February 15, 2024, an investigator emailed Mr. Mandlsohn advising that Benard had been appointed by the College to conduct an investigation into a report and asking to arrange a time for a telephone interview over the next two weeks. The investigator stated that she was gathering information “on the College’s behalf.” The registrant did not respond.

[23] On February 22, 2024, the investigator wrote again, repeating the same information and request. The registrant again did not respond.

[24] On February 29, 2024, the investigator wrote again, repeating the same information and request. This time, the registrant wrote back the same day but did not provide his availability. He wrote:

I have not received any communication from the College of Chiropodists regarding this matter. There is no file number on the letter you presented to me today from the College. Please forward me all communications from the college regarding this complaint so I can forward this to my lawyer.

[25] In March, Mr. Mandlsohn continued to correspond with the investigator, advising that his legal counsel would be away until the end of April. On March 25, 2024, a different investigator wrote to him to advise that she had taken over the investigation and asking for the name of his legal counsel. Mr. Mandlsohn did not provide that information either. Instead, he responded that he had not received any correspondence from the College and asked the investigator to forward requests for information to the College. The investigator reiterated that she had been appointed by the College and asked Mr. Mandlsohn if he had given the College his counsel’s name.

[26] Mr. Mandlsohn again did not respond. He said that he would not “facilitate” the request until he received correspondence directly from the College. So, on March 27, 2024, the College’s Deputy Registrar provided the registrant with the Appointment of Investigator and reminded him of his obligation to co-operate. The registrant responded, saying that he had not received the reasons or complaint that authorized the appointment of the investigator. He stated, without telling the Deputy Registrar who his counsel was, that they would be away until the end of April and would not respond until then.

[27] On April 18, 2024, the College was informed that the registrant had retained counsel. Counsel asked that the investigator put the questions in writing. The investigator refused. On May 10, 2024, the registrant agreed to an interview to take place on May 23, 2024, the first date that the registrant and his counsel indicated they were available.

[28] Had the registrant testified, he would have said that he did not trust that the investigator was actually appointed by the College and believed that the inquiry related to a different matter that could not yet be investigated and that he did not have sufficient details to agree to an interview.

[29] There is no requirement that an investigator under the Code be an employee of the College. The investigator, who was from a reputable company that had been retained by the College for years, told the registrant that she had been appointed by the College. Mr. Mandlsohn did not ask the investigator for confirmation. Nor did he write to the College to confirm the appointment. Instead, he first ignored the request, then refused to participate because he had not received any correspondence directly from a College employee and insisted that requests come directly from the College. Even after he received an email from the Deputy Registrar, he still did not answer the simple question of who his lawyer was. He was not open, honest and helpful and therefore did not meet his requirement to act in good faith to respond.

[30] The registrant admits that in declining, delaying and/or otherwise avoiding his interview with the College's investigator from February 29, 2024 to May 23, 2024, he failed to fully and substantively co-operate with the investigation for almost three months. The requirement in the Professional Misconduct Regulation to respond to the College within thirty days means that there must be a substantive response within that time. We find that he failed to comply with this obligation and his duty to co-operate with the College.

### **Penalty and Costs**

[31] When a registrant admits misconduct and the parties jointly propose a penalty, the panel's role is limited. We are not determining the penalty that we would have ordered. Rather, we must implement the parties' agreement unless to do so would bring the administration of the professional discipline system into disrepute. This is a very high bar; a joint submission must not be rejected unless it is "unhinged" from the

circumstances. See *R. v. Anthony-Cook*, 2016 SCC 43; *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 (Div. Ct.) at paras. 9-12.

[32] This stringent standard encourages settlement by ensuring “a high degree of certainty” that the agreed penalty will be accepted, avoiding “the need for lengthy, costly and contentious” hearings: *R. v. Nahanee*, 2022 SCC 37 at para. 2. Other benefits include more expeditious action to protect the public, avoiding an “all or nothing” situation for either party, sparing witnesses the stress of testifying, certainty of when the penalty will start and the ability to reach “creative and meaningful, terms, conditions and limitations that would be difficult to order and implement without buy-in from both parties”: *College of Audiologists and Speech-Language Pathologists of Ontario v. Dame*, 2023 ONCASP 3 at para. 9.

[33] The parties have agreed to a three-month suspension, that the registrant complete McMaster University’s Social Media For Health Professionals course before returning to practice, and that he meet with a mentor to discuss the College’s standards and ethical requirements three times in the year after he returns to practice. He must also provide the Tribunal’s decision to employers for a year.

[34] The College provided us with *College of Chiropodists of Ontario v. Infanti*, 2024 ONCOCOO 2, in which the respondent received a net six-month suspension for conduct that included failure to co-operate with the College in addition to various other forms of misconduct. Mr. Infanti’s misconduct was significantly more serious than that at issue here.

[35] A suspension of three months for two different types of misconduct – the Facebook messages and the failure to co-operate with the College – is within an appropriate range and is not so unhinged from the circumstances that it would bring the administration of the professional discipline system into disrepute.

[36] The parties agreed on a costs award of \$25,000, which is also reasonable in light of costs awards in other cases at this College.

## Order

[37] We made the following order:

### Penalty

1. The Registrant will be reprimanded by the Discipline Tribunal via an electronic hearing, and the fact and nature of the reprimand shall be recorded on the College's public register for an unlimited period of time.
2. An order suspending the Registrant's certification of registration for a period of three (3) months, commencing on June 17, 2025;
3. An order directing the Registrar to impose terms, conditions, and limitations on the Registrant's certificate of registration requiring the following:
  - (a) Prior to returning to practice, the Registrant shall successfully complete the Social Media For Health Professionals course offered by McMaster University, Faculty of Health Sciences Continuing Professional Development Office at his own expense and provide documentary evidence, to the satisfaction of the Registrar, that he has successfully completed the course;
  - (b) Upon returning to practice after completion of the suspension, an order requiring the Registrant to attend, at his own expense, three (3) mentoring sessions over a period of twelve (12) months with a mentor to be selected by the Registrar who has expertise in the College's standards of practice. The terms of the mentoring session are as follows:
    - The mentor shall visit with the Registrant (either in person or virtually as directed by the mentor) on at least three (3) occasions;
    - The mentor shall determine date and the length of each visit;
    - In conducting the mentorship, the mentor shall discuss the College's standards with the Registrant relating to ethical conduct, professional responsibilities, and communications (including, but not limited to, the use of social media);
    - The mentor shall prepare a report to the Registrar after the third visit;
    - The Registrant shall provide the mentor with the Discipline

Tribunal's decision and then provide written confirmation to the Registrar, signed by the mentor, that the mentor has received and reviewed the final decision;

(d) In the event that the Registrant obtains employment to provide chiropody services during the twelve (12) months following the date that the Registrant is able to return to practise after his suspension, the Registrant shall:

- notify any current or new employers of the Discipline Tribunal's final decision;
- ensure the Registrar is notified of the name, address, and telephone number of all employer(s) within fifteen (15) days of commencing employment;
- provide his employer(s) with a copy of: the Discipline Tribunal's Order; the Notice of Hearing; the Agreed Statement of Facts; the Joint Submission on Penalty; a copy of the Discipline Tribunal's decision; and have his employer forward a report to the Registrar within fifteen (15) days of commencing employment confirmation that the employer has received the documents noted above and agrees to notify the Registrar immediately upon receipt of any information that the Registrant is not complying with the College's standards;

4. An order that the Discipline Tribunal's decision be published, in detail with the Registrant's name, in the College's official publication, on the College's website, and/or on the College's public register;

#### Costs

1. The Registrant shall pay costs to the College in the amount of \$25,000 on the following timetable:

- \$12,500.00 on June 17, 2025; and
- \$12,500.00 on December 17, 2025.

**ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL**

**Tribunal File No.:** 24-010-CP

**BETWEEN:**

College of Chiropractors of Ontario

**College**

- and -

Jamie Brian Mandlsohn

**Registrant**

**The Tribunal delivered the following Reprimand  
by videoconference on Tuesday, June 17, 2025.**

**\*\*\*NOT AN OFFICIAL TRANSCRIPT\*\*\***

Mr. Mandlsohn,

Today, we made several findings of professional misconduct relating to your conduct on social media and your lack of cooperation with the College's investigation.

First, we found that in December 2023, you made inappropriate comments in a virtual group on Facebook called Chiropractors/Podiatrists, consisting of 579 of your peers as well as chiropody students. Your comments in this online forum were unprofessional and potentially intimidating. They included suggestions that individuals who report posts to the College could face legal consequences, disrespectful language directed at a group administrator, and unfounded claims that the College engaged in illegal or criminal activity.

You acknowledge that your comments could reasonably be construed by others as harassing, as well as discouraging group members from reporting misconduct or following the College's standards.

When the College's investigator contacted you in February 2024 to schedule an interview, you did not respond. Despite follow-up emails and communications from both the College and the investigator between February and March 2024, you remained uncooperative and declined to schedule an interview until May 2024, nearly three months after the initial request was made.

Based on your conduct, our findings included that you:

- Contravened a standard of practice of the profession, including the College's Social Media standard;
- Engaged in conduct that would be reasonably regarded by your peers as disgraceful, dishonourable or unprofessional; and
- Failed to respond within thirty days to a written enquiry from the College

We are very concerned by your misconduct. As a chiropractor and regulated health professional, you are expected to uphold high standards of professionalism, both in clinical settings and in public forums, including on social media. While social media can be a valuable tool for professional dialogue and engagement, registrants cannot use it to make disrespectful, threatening, or disparaging comments connected with the profession. Your remarks, and your failure to cooperate with the College's investigation, reflect a serious departure from the standards expected of members of our profession.

The privilege of self-regulation comes with important responsibilities, including your duty to act in accordance with the College's standards when making public statements and to cooperate fully with the College. Failing to do so undermines the College's ability to fulfill its public protection mandate. Your conduct risks eroding public confidence in the profession and the regulatory process.

We strongly urge that you use this penalty as an opportunity for serious reflection and improvement. We expect that with the benefit of the Social Media for Health Professionals course and period of mentorship following your three-month suspension, that this conduct will not be repeated in the future.