

ONTARIO CHIROPODISTS AND PODIATRISTS DISCIPLINE TRIBUNAL

Citation: *College of Chiropractors of Ontario v. Scotti*, 2025 ONCPDT 9

Date: September 18, 2025

Tribunal File No.: 24-003-CP

BETWEEN:

College of Chiropractors of Ontario

College

- and -

Paul Anthony Scotti

Registrant

MOTION REASONS

Heard: In writing

Panel:

Sophie Martel (chair)

Appearances:

Debra McKenna, for the College

Lisa Spiegel and Nabil Dawood, 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] Following receipt of a patient complaint about the registrant and an ensuing investigation, the College's Inquiries, Complaints and Reports Committee (ICRC) referred allegations to the Discipline Committee (now the Tribunal) against Mr. Scotti, the registrant chiropodist (registrant). The Notice of Hearing alleges that from approximately March 2023 to November 2023, the registrant engaged in conduct that constitutes professional misconduct pursuant to several different paragraphs of s. 1 of the Professional Misconduct Regulation (O. Reg. 750/93) under the *Chiropody Act, 1991*, SO 1991, c. 20 (Professional Misconduct Regulation). Some of these allegations relate to the registrant's prescribing of orthotics to the patient, his relationship to the orthotics manufacturer and alleged misrepresentations about that relationship.

[2] The registrant submits that the complaint, which led to the referral of allegations to the Tribunal, contained no references to allegations concerning orthotics manufacturing and that no notice of these allegations was provided to him prior to the ICRC's referral. He suggests that the manufacturing orthotics allegations inappropriately made their way into the Notice of Hearing.

[3] The registrant intends to bring a motion to quash the Notice of Hearing based on a denial of procedural fairness, a lack of jurisdiction, and/or an abuse of process. Before that motion is heard, he has brought the current motion for an order that the College disclose to him certain information pertaining to the ICRC meetings.

[4] I dismiss the registrant's production motion for all records made in relation to the ICRC meetings and any information shared with the ICRC that has not already been disclosed to him that was before the ICRC.

The orthotics manufacturing allegations

[5] The Notice of Hearing alleges that the registrant engaged in professional misconduct pursuant to several paragraphs of s. 1 of the Professional Misconduct Regulation. The Notice of Hearing also includes particulars for the professional misconduct allegations. The registrant takes issue with some of the allegations and particulars, which he has together labelled as forming the "orthotics manufacturing allegations." These consist of the following allegations and particulars:

Allegations

- paragraph 10 – practising the profession while the member is in a conflict of interest;
- paragraph 14 – providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective, unnecessary or deleterious to the patient or is inappropriate to meet the needs of the patient;
- paragraph 17 – failing to keep records as required by the regulations;
- paragraph 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- paragraph 21 – submitting an account or charge for services that the member knows is false or misleading;
- paragraph 30 – contravening the *Chiropody Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, including, but not limited to, Ontario Regulation 203/94, Part II (Advertising) and Part III (Records);
- 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:

- During the relevant period, the registrant’s primary practice location was reported to the College as being the West Toronto Foot & Ankle Clinic Inc., located at 781 The Queensway, Unit N, in Toronto, Ontario (Clinic).
- The registrant was and remains the owner, director and/or shareholder of the Clinic.

- During the relevant period, the registrant also operated Body Sync, which was a business name registered by the Clinic under the *Business Names Act*, RSO 1990, c. B 17.
- Body Sync was advertised by the registrant as an “independent” laboratory that manufactured orthotics and orthopaedic shoes. The registered business address for Body Sync was the registrant’s home address.
- The orthotics dispensed to the patient were purportedly manufactured by “Body Sync.” As a result of wearing the orthotics prescribed by the registrant, the patient experienced increased pain in the foot, which also radiated to the leg and hip.
- In prescribing orthotics to his patients, the registrant engaged in the practice of over-prescribing or over-utilizing specific treatment options – a business practice that is contrary to the College’s standards and/or conflicts of interest policy.
- In prescribing orthotics to his patients, the registrant signed, issued, and/or submitted documents that were false and/or misleading, including but not limited to misrepresenting his relationship to Body Sync.

Complaint, investigation and ICRC meetings

[6] The registrant argues that the complaint contained no references to the orthotics manufacturing allegations and that no notice in respect of these allegations was provided to him prior to the ICRC’s referral of such allegations to the Discipline Committee.

[7] The evidence about the complaint, the investigation and the ICRC meetings is found in the attachments to the registrant’s submissions and the College-submitted affidavit of Ms. Clarke, the Deputy Registrar, Professional Conduct for the College.

[8] Ms. Clarke explains that the College is a small organization that operates with limited staff and relies on external resources to assist in its day-to-day operations. In the summer of 2023, there were only four employees at the College, including Ms. Clarke and the Registrar.

[9] Peter Stavropoulos is a registrant and the elected president of the College's Council. He acts in multiple roles at the College. He performs the role of the College's Acting Practice Advisor, which is a resource on the practice of chiropody in Ontario available to registrants and the public. Additionally, Mr. Stavropoulos is the Chair of the ICRC and a member of the Tribunal.

[10] In June 2023, the patient complainant (patient) reached out via e-mail to Mr. Stavropoulos as the practice advisor. The patient sent several emails to Mr. Stavropoulos in which she sought information and shared some concerns about the treatment provided by the registrant. She asked if a registered chiropodist could communicate a diagnosis identifying a disorder of the foot as the cause of a person's symptoms. She shared that the orthotics she purchased from the registrant were given without guidance and hurt her feet. She also shared a draft letter setting out various allegations with respect to her experience with the registrant. She included the following in her draft letter:

Additionally, the bio on his clinic's website states: "Custom orthotics are manufactured onsite by Paul." However, on my invoice from June 6th it states the opposite: "Our custom orthotics are manufactured off-site." This means that Mr. Scotti sold me a PCFO product under false pretenses, with me believing that he is a Podiatrist who personally manufactures the devices he sells.

[11] Mr. Stavropoulos responded to the patient's communications by providing general information about the scope of practice of a chiropodist and the prescription custom foot orthoses standards of practice. He also provided information about filing a complaint with the College.

[12] On August 21, 2023, the patient filed a complaint with the College. The complaint raised several issues. The patient complained that the registrant had misrepresented his qualifications, that he had misdiagnosed her with plantar fasciitis, and that he had prescribed orthotic insoles done using impression foam which had worsened her foot symptoms. In her complaint, the patient also referenced her communications with Mr. Stavropoulos through whom she learned that only podiatrists may communicate a diagnosis.

[13] The complaint does not include the information the patient had provided to Mr. Stavropoulos that there appeared to be a discrepancy in the registrant's website, which indicated that custom orthotics were manufactured onsite as compared to his receipt for orthotics, which indicated that orthotics were manufactured off-site by a third party.

[14] Ms. Clarke is the one who received the patient's complaint. As required, she sent it to the registrant for his written submissions, which he provided on August 22, 2023. The patient subsequently provided further materials to the College on August 23, 2023. These materials included the patient's written communications with the registrant, her ultrasound results and the invoice issued by the registrant for the customs orthotics. The invoice includes the following statement contained in a box:

Our Custom Orthotics and Orthopedic shoes are manufactured off-site by an independent Pedorthic lab:

Body Sync – Custom Orthotic Specialists

39 Moynes Ave., Toronto ON M8Y 3B7

PFOLA Member (Prescription Foot Orthotics Lab Association)

[15] These additional materials were also forwarded to the registrant who provided further written submissions on September 8, 2023. The registrant denied that his service was negligent. He also stated:

As a Pedorthist, the orthotics are made in-house, and I use the foam box casting method in hind foot supination. This is the preferred casting method for the construction of accommodative and functional orthoses.”

[16] The materials provided by the patient and registrant were then sent to an ICRC committee. As the Chair of the ICRC, Mr. Stavropoulos selects a panel from among the ICRC members (of which there are currently 24) to investigate a complaint filed with the Registrar or to consider a report made by the Registrar. Ms. Clarke explains that neither the name of the registrant nor the patient is provided to the ICRC Chair for the purpose of selecting a panel. Matters are only identified by their assigned file number. Furthermore, while a matter is being considered by the ICRC, Mr. Stavropoulos is not provided with the complaint or any information about the complaint, unless he is assigned to the panel for that file, which he was not in this case.

[17] The appointed ICRC panel members to this complaint were Cesar Mendez (professional member), Eliot To (professional member) and Rashad Nazeer (public member). The panel held three meetings to review the file: September 19, 2023, November 7, 2023, and December 4, 2023.

[18] On September 19, 2023, at the request of the ICRC panel, the Registrar appointed investigators to inquire into and examine the conduct or actions of the registrant related to the complaint. Among the instructions given to the investigator were to attend the registrant's clinic to confirm that he had submitted the complete patient chart and to collect five random charts of patients who had been prescribed orthotics by the registrant within the last six months.

[19] The investigation report was prepared by Mr. Bardel (from one of the appointed external firm investigators). The information attached to his report of October 12, 2023, includes the registrant's invoice for the patient's initial consultation on May 29, 2023, for a "biomechanical evaluation," a "detailed gait analysis," "functional assimilation testing," and "3D plaster casting."

[20] Following the ICRC's second meeting on November 7, 2023, the investigator was instructed to conduct additional inquiries about the following documents provided by the College:

- Business Profile Report for a business called Body Sync (expired as of April 20, 2009)
- Business Profile Report for a business called Body Sync (expired as of March 23, 2019).
- Business Profile Report for a business called West Toronto Foot and Ankle Clinic Inc. (active)
- Transfer/Deed of Land for [registrant's home address].
- Land Registry Document for [registrant's home address].

[21] The investigator provided these documents to the registrant and later interviewed him about them. Mr. Bardel's addendum to his investigation report of November 24, 2023, indicates that the registrant confirmed that both Body Sync and West Toronto Foot

Ankle Clinic were his businesses. He had established Body Sync prior to becoming a chiroprapist, which he operated out of his home. The registrant stated that there were still clients with the Body Sync business name on their orthotics, that he still maintained a website for the business but that he no longer billed for any services, including orthotics, under this name. The West Toronto Foot and Ankle Clinic is his current place of practice where he treats foot and ankle ailments and manufactures and dispenses orthotics. The registrant indicated that the transfer/deed of land and land registry document were the deed and title to his home and questioned the relevance of these documents.

[22] On November 24, 2023, the College sent the addendum report to the registrant for his review and requested a response from him by December 1, 2023. The registrant responded on November 24, 2023, seeking an extension until December 8, 2023, because he was out of the country. Ms. Clarke for the College replied that same day stating that as the panel was meeting to review the matter on December 4, 2023, she required his response before then. On November 25, 2023, the registrant replied that he had nothing to add to the documents.

[23] According to Ms. Clarke, all materials collected during the investigation were forwarded to the ICRC panel.

[24] On December 4, 2023, the ICRC panel referred allegations of misconduct against the registrant. These included the allegations that the registrant has labelled as the orthotics manufacturing allegations.

[25] As provided by the Tribunal's Rules of Procedure, a case management conference is held after a matter is referred to it. The registrant submits that the College's disclosure was incomplete and that it is only following the case management conference of February 12, 2025, when the registrant requested disclosure of notes Mr. Stavropoulos had about any discussions with the complainant and members of the ICRC, that the College provided him with additional disclosure. According to the registrant, on March 6, 2025, the College disclosed for the first time emails between the complainant and Mr. Stavropoulos prior to the filing of the complaint, additional documents gathered during the investigation and the names of the ICRC panel members.

[26] There were then further requests by the registrant for additional information including requests for any emails/discussions between Mr. Stavropoulos and the investigator or other College staff, minutes from ICRC meetings, a list of who attended the meetings, and correspondence from Ms. Clarke to anyone at the College pertaining to this matter. In its responses, the College advised that there were no other communications between Mr. Stavropoulos and others on this matter, that Mr. Stavropoulos had no communications about this matter with the ICRC members, that there were no minutes of ICRC meetings and that meetings of the ICRC were confidential and subject to deliberative secrecy.

[27] On April 10, 2025, the registrant advised the College that he remained of the position that he was entitled to know who was in the room with the ICRC members. On April 11, 2025, the College did not provide the names of others in attendance at the ICRC meetings and set out the facts it would be asserting in opposing the registrant's production motion:

- Mr. Stavropoulos was not in attendance at any of the ICRC meetings involving this matter.
- Mr. Stavropoulos had no communications (direct or otherwise) about the Registrant and/or the patient with any of the ICRC panel members.
- The ICRC panel members are selected for a particular matter anonymously – meaning, the name of the Registrant or any complainant is not provided to the Chair (Mr. Stavropoulos) – matters are only identified by a file number.
- In his role on the ICRC (or otherwise), Mr. Stavropoulos would not be aware of who the panel members were that were selected for this matter or what file number had been assigned to this complaint.
- Other than the comment in the complaint itself, Ms. Clarke had no knowledge of the emails between Mr. Stavropoulos and the patient or the contents of those emails until recently.
- [Ms.] Clarke learned about those emails and the contents of those emails in response to the Registrant's request at the previous case conference to make inquiries of Mr. Stavropoulos.

- The ICRC panel members were never provided with the emails between Mr. Stavropoulos and the patient or the contents of those emails.

In addition, as indicated in my email dated March 17, 2025, Ms. Clarke has conducted a search and there were no emails in 2023 (prior to the referral) between Mr. Stavropoulos and Ms. Clarke about Mr. Stavropoulos' emails with the patient. Furthermore, Ms. Clarke had no discussions with Mr. Stavropoulos about his communications with the patient.

Other information provided by Ms. Clarke in her affidavit

[28] In her affidavit submitted as part of this motion, Ms. Clarke provided the names of those who attended the ICRC meetings in addition to the appointed ICRC panel members. She indicates that she attended all three meetings (September 19, November 7 and December 4, 2023). She also states that the College's counsel attended the meetings of November 7, 2023, and December 4, 2023. Finally, she states that no other individuals attended the meetings.

[29] Additionally, in her affidavit, Ms. Clarke swears to much of the information contained in the College's email of April 11, 2025. She states that aside from communicating with Mr. Stavropoulos about selecting an ICRC panel, she never had any communications with him about this file or discussions about the substance of the complaint and/or the parties involved. In particular, prior to the referral by the ICRC of the allegations to the Discipline Committee, she never had communications with Mr. Stavropoulos or consulted with him about his contact with the patient in his role as the practice advisor. She was not aware of his emails with the patient in June 2023. She first saw these emails in February 2025 when she communicated with Mr. Stavropoulos to follow up on the registrant's disclosure request. Ms. Clark confirms that none of the June 2023 emails or information from them was provided to the ICRC panel in 2023. Furthermore, based on her inquiries, she confirms that Mr. Stavropoulos never communicated with any member of the ICRC panel or anyone else on behalf of the College about his contacts with the patient.

Information sought by the registrant

[30] In its initial submissions, the registrant sought the following information:

- the identities of all individuals present at the meetings of the ICRC in which matters were discussed pertaining to the complaint against the registrant, and the resulting investigation;
- all records made in relation to any such ICRC meeting set out in the above paragraph; and
- any information shared with the ICRC that has not already been disclosed to the registrant as having been before the ICRC.

[31] As noted earlier, as part of its responding motion materials, the College provided some of the information sought by the registrant. In her affidavit, Ms. Clarke indicated that in addition to the three named ICRC panel members, she attended all ICRC meetings on this matter and that the College's counsel attended the second and third meetings on November 7, 2023, and December 4, 2023. She states that no other individuals attended the meetings.

[32] The College refuses to produce the following three categories of documents:

- Notes of the Panel's meetings regarding File 2337;
- Materials prepared by counsel for File 2337; and
- Emails with the Panel members, counsel and/or staff about File 2337 that are protected by solicitor-client privilege and/or deliberative privilege.

[33] The registrant's reply submissions note that prior to receiving the registrant's motion materials, the College had refused to provide the identities of those present at the ICRC meetings (with the exception of the assigned ICRC panel members). The registrant asserts that it is this refusal which led to this motion. He submits that he should not have had to bring this motion since he had previously requested this information and the College had refused to provide it. Its refusal led to the motion, with additional relief being requested.

[34] In his reply submissions, the registrant acknowledges that emails between the ICRC panel and legal counsel and materials prepared by counsel are protected by solicitor-client privilege. He does not seek disclosure of such documents. In the

registrant's submission, however, this does not apply to communications with Ms. Clarke who is a member of the Law Society of Ontario but is registered in the non-practising class and is not the College's counsel.

[35] Except for the solicitor-client privileged documents, the registrant continues to request the production of all records made in relation to the ICRC meetings and any information shared with the ICRC that has not already been disclosed to the registrant as having been before the ICRC.

Law

Health Professions Procedural Code

[36] Section 26(1) of Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, c. 18 (Code), sets out what an ICRC panel may do:

26 (1) A panel, after investigating a complaint or considering a report, considering the submissions of the member and making reasonable efforts to consider all records and documents it considers relevant to the complaint or the report, may do any one or more of the following:

1. Refer a specified allegation of the member's professional misconduct or incompetence to the Discipline Committee if the allegation is related to the complaint or the report.
2. Refer the member to a panel of the Inquiries, Complaints and Reports Committee under section 58 for incapacity proceedings.
3. Require the member to appear before a panel of the Inquiries, Complaints and Reports Committee to be cautioned.
4. Take action it considers appropriate that is not inconsistent with the health profession Act, this Code, the regulations or by-laws.

[37] Section 27(1) of the Code provides that reasons are required if a panel acts under paragraphs three and four (require a member to appear to be cautioned and/or take appropriate action). Reasons are not required when a panel refers a specified allegation to the Discipline Committee.

Disclosure obligations and deliberative privilege

[38] The College has disclosure obligations during a discipline proceeding. Rule 7.1.1 of the Tribunal's Rules of Procedure indicates that the College shall disclose all potentially relevant documents and things in its possession or control. This rule codifies the principle that, like the Crown in criminal proceedings under *R. v. Stinchcombe*, 1991 CanLII 45, the College must disclose "the fruits of the investigation" and any other potentially relevant documents: *Tribunal File No. 22-017*, 2023 ONPSDT 19.

[39] It has also been stated, however, that while the information gathered during an investigation must be disclosed under *Stinchcombe*, the analysis, comments, and opinions of investigators or counsel fall outside this obligation: *Law Society of Upper Canada v. James*, 2017 ONLSTA 16 at para. 48.

[40] As stated in a case cited by the registrant (*Canadian National Railway Company v. Canada (Transportation Agency)*, 2023 FCA 245 at para. 29), deliberative privilege extends to not only the notes of the decision-makers, but also to internal documents prepared by the administrator's staff, such as evaluations of evidence, legal advice and recommendations:

Deliberative privilege covers internal documents, often prepared by the administrator's staff, that individual decision-makers use to assist their deliberations in the case. For example, staff might prepare evaluations of the evidence, legal advice and recommendations for the individuals deciding the case, much like a law clerk does for a judge on a court. The individuals deciding the case might make personal notes setting out their tentative reflections. These sorts of things are covered by deliberative privilege.

Analysis

[41] The registrant relies on the fact that the orthotics manufacturing allegations were raised in the patient's draft letter to Mr. Stavropoulos, also the Chair of the ICRC, but not in the complaint letter. He submits this raises questions as to how, when, why and on what basis the ICRC referred the orthotics manufacturing allegations to the Discipline Committee. According to the registrant, these outstanding questions make relevant the question of who attended the ICRC meetings and what other information was shared with the ICRC that has not already been disclosed to the registrant as having been

before the ICRC. The registrant submits that this information is relevant not only to him being able to make full answer and defence, but also to: (a) whether the College denied him procedural fairness; (b) whether the ICRC had jurisdiction to refer allegations of professional misconduct to the Discipline Committee; and/or (c) whether there has been an abuse of process in the way in which the ICRC investigated and referred to discipline the allegations raised in the Notice of Hearing.

[42] Some of the information the registrant requested at the outset of his motion has since been provided by the College in its responding materials to the motion: the identities of everyone present at the three ICRC meetings. Furthermore, Ms. Clarke's affidavit provides sworn evidence about the absence of any communications between Mr. Stavropoulos, herself and the members of the ICRC. As a result, what has been disclosed has changed from the time at which the motion was initiated.

[43] In particular, I note that the evidence from Ms. Clarke is that:

- She did not communicate with Mr. Stavropoulos about the substance of the complaint or about his contacts with the patient in his role as the practice advisor.
- She was unaware of Mr. Stavropoulos' emails with the patient in June 2023 at the time that the ICRC was considering the matter.
- Based on her inquiries, Mr. Stavropoulos did not communicate with any member of the ICRC about his contacts with the patient.
- Mr. Stavropoulos' emails with the patient and the information contained in those emails were not provided to the ICRC panel in 2023.
- Mr. Stavropoulos assigns ICRC panel members blindly.

[44] To the extent that the registrant continues to seek additional disclosure (beyond the identities of those present at the ICRC meetings), I have considered whether he has discharged his onus to obtain an order for its production. In his reply submissions, the registrant indicates that except for solicitor-client privileged documents, he requests the production of all records made in relation to the ICRC meetings and any information

shared with the ICRC that has not already been disclosed to the registrant as having been before the ICRC.

[45] In my view, the information sought by the registrant is too broad. It potentially extends to notes made by those in attendance at the ICRC meetings (including ICRC panel members) as well as analyses, opinions, and recommendations of College staff, all of which are subject to deliberative privilege.

[46] As stated in *Bokhari v. Top Medical Transportation Services*, 2025 ONSC 1208 at paras 39-40 (Div. Ct.), “deliberative secrecy extends to internal communications and the administrative aspects of the decision-making process.” It quotes from the Court of Appeal for Ontario’s decision in *Payne v. Ontario Human Rights Commission*, 2000 CanLII 5731 at para. 172, which states that for the secrecy to be lifted, a litigant must “show a clearly articulated and objectively reasonable concern that a relevant legal right may have been infringed.” Conjecture or mere speculation will not meet this test.

[47] In my view, the registrant has not pointed to any evidence in the record that supports his suspicions of inappropriate communications between the ICRC panel, College staff and Mr. Stavropoulos. The registrant’s suspicions regarding the inappropriate sharing of the information contained in Mr. Stavropoulos’ email communications with the patient are refuted by the uncontested evidence of Ms. Clarke.

[48] Furthermore, the information sought is not relevant to the main argument the registrant intends to make at his next motion. In his reply submissions, the registrant indicates that it will be his position on his next motion that he did not know that the College had concerns about the orthotics manufacturing allegations and that had he been provided with notice of these allegations, his responses on these issues would have contained important information for the ICRC to review and consider prior to rendering its decision. He adds that he did not receive any direction from the College about his responses to the investigator or any clarification that allegations he had not addressed were still being considered.

[49] As I understand the registrant’s position, his main argument in his next motion (the motion to quash) is one of notice. In my view, the documents he seeks are not necessary for that argument and motion. Whether the registrant received sufficient notice of the allegations against him will be decided based on the disclosure provided to

him prior to the ICRC's referral to the Discipline Committee. This will involve a review of the documents he was given as well as the opportunity and time he was given to respond to that information. The registrant does not require notes made by anyone at the ICRC meeting or other information considered by the ICRC panel members (such as staff opinions and analyses) to support his argument that he did not have notice of the orthotics manufacturing allegations and was therefore denied procedural fairness.

[50] The registrant also intends to argue that the ICRC lacked jurisdiction in referring the orthotics manufacturing allegations to the Discipline Committee. In my view, the documents the registrant seeks are also not relevant to this argument. The ICRC's jurisdiction to refer the orthotics allegations will be based on a review of the applicable legislative provisions that applies to the ICRC's power. That power, as stated earlier, is set out in s. 26(1) of the Code, and more specifically paragraph 1 of that section, which states that the ICRC has the power to refer a specified allegation of the member's professional misconduct or incompetence to the Discipline Committee *if the allegation is related to the complaint or the report*.

[51] It will be open to the registrant to argue that the orthotics manufacturing allegations are not related to the complaint or the report. The registrant does not require the notes and documents produced during the ICRC meetings or other opinions and recommendations from College staff to make this argument. The ICRC's jurisdiction originates in the complaint. The registrant already has the complaint, the documents provided by the patient, his responses to the complaint including his patient file, and the investigator's reports. These are the relevant documents in respect of any eventual challenge to the ICRC's jurisdiction to refer the orthotics manufacturing allegations to the Discipline Committee.

[52] Lastly, I think it important to highlight the fact that the ICRC does not decide whether allegations constitute misconduct or incompetence – that is the role of the Discipline Committee. The ICRC's role in this respect is more like that of a prosecutor who screens allegations of misconduct or incompetence and decides whether to refer them to the Discipline Committee. Section 27(1) of the Code indicates that reasons are not required when the ICRC refers a specific allegation to the Discipline Committee. As submitted by the College, put differently, the registrant has no entitlement to the reasons for the panel's decision, which the disclosure sought by the registrant would reveal.

[53] For these reasons, I dismiss the registrant's motion for production.