

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF OPTICIANS OF ONTARIO**

PANEL: Omar Farouk, Chair
John Battaglia, RO
Dorina Reiz, RO
Elliot Borins
Diane Bristow

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO)	
)	<i>Rebecca Durcan and</i>
)	<i>Justine Wong (articling student)</i>
)	College of Opticians of Ontario
- and -)	
)	No one appearing for the
)	Registrant,
ANTHONY BODINGTON,)	
)	
)	<i>Luisa Ritacca</i>
)	Independent Legal Counsel
)	
)	
)	Heard: February 15, 2022

DECISION AND REASONS

1. This matter came on for a motion hearing before a Panel of the Discipline Committee of the College of Opticians of Ontario (the “College”) on February 15, 2022. This matter was heard electronically, by way of video conference.
2. The Registrant was not present. The College advised that the Registrant was aware of that the motion was proceeding and was satisfied that the Panel consider the request in his absence.

The Allegations

3. The allegations against the Registrant as stated in the Notice of Hearing (Exhibit 1) dated September 1, 2021 as follows:

The Member

1. Anthony Bodington (the “Registrant”) registered with the College of Opticians of Ontario (the “College”) in or around 1972.

Failure to Comply with the Quality Assurance Committee and with an Order of the Inquiries, Complaints and Reports Committee

2. In or around 2017 and 2018, the Registrant failed to complete all of the mandatory requirements of the College’s Quality Assurance program. The matter was subsequently referred to the Inquiries, Complaints and Reports Committee (the “ICRC”) of the College.
3. On or about June 18, 2019, a panel of the ICRC directed the Registrant to complete a specified continuing education or remediation program consisting of a Registrar- approved Ethics and Professionalism course (the “SCERP”), within 90 days of the date of the ICRC decision, and to appear before a panel of the ICRC for an oral caution upon successful completion of the ethics course.
4. From in or around June 2019 to in or around September 2019, the Registrant was repeatedly advised by the College of his obligation to comply with the decision of the ICRC.
5. The Registrant was then advised that he had until December 15, 2019 to comply with the decision of the ICRC.
6. The Registrant failed to complete the SCERP and to attend for the oral caution.

Professional Misconduct Alleged

7. It is alleged that the above conduct constitutes professional misconduct pursuant to one or more of the following:
 - a. Clause 51(1)(b.0.1) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991 (the “Code”) (failing to co-operate with the Quality Assurance Committee); and/or
 - b. Clause 51(1)(c) of the Code, and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 828/93 made under the Opticianry Act, 1991:
 - i. Paragraph 28: Engaging in conduct or performing an act, in the course of practicing opticianry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Motion by the College

4. The College moved for an order indefinitely adjourning the hearing of the allegations as set out in the Notice of Hearing. The Panel understands that the Registrant did not oppose the order sought by the College.

5. In its submissions in support of its motion, the College provided the Panel with the following information:
 - a. On January 19, 2022, the Registrant signed an Acknowledgement and Undertaking (Exhibit 2) in which he agreed to resign and surrender his membership in and certificate of registration with the College.

 - b. The Registrant acknowledged that if he were to ever reapply for membership, registration, licensure or similar status with the College in future he will not be entitled to reinstatement and that instead he will be required to submit a new application for registration with the College.

 - c. The Registrant acknowledged that should he ever reapply for membership with the College in future, the College will be entitled to proceed with this discipline hearing.

6. The College also confirmed that having signed the Acknowledgement and Undertaking, the Registrant understands that he is prohibited from dispensing eyeglasses, contact lenses or subnormal vision devices, using the title “optician”, or holding himself out as a person qualified to practice as an optician in the province.

7. Finally, the College advised that the fact of the Registrant’s resignation and the terms of his Acknowledgement and Undertaking would be made available on the College’s register, as required by law.

Decision and Reasons for decision

8. The issue before the Panel is whether it would be consistent with the College’s mandate to protect the public interest to adjourn this matter indefinitely, given the Registrant’s resignation and undertaking, rather than hold a full hearing at which

the allegations of professional misconduct would be adjudicated. The Panel is satisfied that such an outcome is consistent with its public interest mandate.

9. The Registrant's resignation and undertaking will protect the public. We note that this is actually a greater consequence for the Registrant than could be imposed at a full hearing, since, even if his registration was revoked at a full hearing, he would be entitled to seek reinstatement in the future. However, given his Acknowledgement and Undertaking, should the Registrant wish to be registered again, he would have to submit a new application for registration and meet all registration requirements that are in place at the time of any such application.
10. The College's obligation of public transparency will be served by the fact that this matter proceeded in an open hearing; the Registrant's resignation and undertaking will be available on the College's register; and our decision and reasons will be accessible via the College's website and on CanLII.
11. The profession and the public will also avoid the costs of a full hearing.
12. We regard the proposed disposition as consistent with the public interest. Accordingly, we will make the order requested by the College. The disciplinary proceedings against the Registrant are adjourned indefinitely.

I, **Omar Farouk** 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:



February 18, 2022

Omar Farouk, Chairperson

Date

John Battaglia, RO
Dorina Reiz, RO
Elliot Borins
Diane Bristow