

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

B E T W E E N :

COLLEGE OF OPTICIANS OF ONTARIO

- and -

JAVAD SHEIDAEI

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF OPTICIANS OF ONTARIO (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26(1)1 of the *Health Professions Procedural Code* (the “Code”) which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this Notice of Hearing as Schedule “A”. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Code* for the purposes of deciding whether the allegations are true.

The hearing will be held before a panel of the Discipline Committee (the “Panel”) **at a place, date and time to be determined by the Registrar of the College**. You may have a representative appear on your behalf.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel finds that you have committed professional misconduct, it may make an order, doing one or more of the following:

1. Directing the Registrar to revoke your Certificate of Registration;
2. Directing the Registrar to suspend your Certificate of Registration, for a specified period of time;
3. Directing the Registrar to impose specified terms, conditions and limitations on your Certificate of Registration, for a specified or indefinite period of time;
4. Requiring you to appear before the Panel to be reprimanded;

5. Requiring you to pay a fine, of not more than \$35,000.00, to the Minister of Finance;
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Code; and/or
7. If the Panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed professional misconduct or finds you to be incompetent, the Panel may make an Order requiring you to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses;
2. The College's costs and expenses incurred in investigating the matter; and
3. The College's costs and expenses incurred in conducting the hearing.

You are entitled to know what evidence against you the College has or knows about. The initial disclosure has been served with this Notice of Hearing. To communicate with the solicitors for the College please contact:

Rebecca Durcan
Steinecke Maciura LeBlanc
Barristers & Solicitors

401 Bay Street
Suite 2308, P.O. Box 23
Toronto, ON M5H 2Y4
Direct: (416) 644-4783
Fax: (416) 593-7867

YOU MUST ALSO MAKE disclosure in accordance with section 42.1 of the Code, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

If you prefer to communicate with the College in French or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

IF YOU DO NOT ATTEND THE HEARING in person or if you are not represented by someone, the Panel may proceed in your absence and you will not be entitled to any further notice of the proceedings.

Date: September 1, 2021



Fazal Khan
Registrar
College of Opticians of Ontario

TO: **JAVAD SHEIDAEI**

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██████████

**STATEMENT OF SPECIFIED ALLEGATIONS
JAVAD SHEIDAEI**

The Registrant

1. Javad Sheidaei (the “Registrant”) registered with the College of Opticians of Ontario (the “College”) in or around 1999.

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.

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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Lawyers for the College of Opticians
of Ontario