

# **COLLEGE OF VETERINARIANS OF BRITISH COLUMBIA**

**In the Matter of The Veterinarians Act, R.S.B.C. 1996 c. 476**

**and**

**DR. ANDREW JONES**

**BCVMA INQUIRY HEARING 09-01**

**BCVMA Complaint Files No. 06-042 and A06-042**

Pursuant to the Veterinarians Act, SBC 2010 c. 15 subsection 88(1) and  
the Veterinarians Act, RSBC 1996 c. 476 subsections 17(2)-(4)

## **COUNCIL DECISION**

**Date of Decision: September 20, 2010**

### **General Matters**

1. Pursuant to the Veterinarians Act SBC 2010 c. 15, subsection 2(1), the British Columbia Veterinary Medical Association ('BCVMA') was continued and renamed the College of Veterinarians of British Columbia ('CVBC').
2. The Council of the CVBC (the 'Council') on or about May 7, 2010 received and began to consider the Report of the Inquiry Committee, dated May 5, 2010 (the 'Report'), in the matter of Dr. Andrew Jones (the 'Respondent'), BCVMA Inquiry Hearing 09-01 regarding BCVMA Complaint Files No. 06-042 and A06-042 (the 'matter').
3. The said Inquiry Committee was struck pursuant to section 15(1) of the B.C. Veterinarians Act, RSBC 1996 c. 476 (the 'Act'), to hear into and decide on the charges in the matter.
4. The Council met on September 20, 2010 to receive submissions regarding the Report.
5. The following members of the Council were present: Dr. Chris Armstrong, Mr. David Dewhirst, Dr. J. Andrew Forsyth, Dr. Ken Gummesson, Dr. Dave Kirby, Dr. Patrick O'Grady and Dr. Avtar Ubi.

6. The Council heard submissions on the Report from the prosecuting counsel for the CVBC, the legal counsel for the Respondent and the Respondent.
7. No staff of the CVBC were present at the September 20, 2010 meeting of the Council.

### **Inquiry Committee Findings**

8. The Council accepts the Report, including and more particularly the following ultimate conclusions:
  - “With respect to Charge #1, the Panel finds, on a balance of probabilities, that between December 1, 2005 and October 31, 2008, Dr Jones violated ss. 8, 26, 27, 97, 100 and 104 (a), (b), (c), (d) and (e) of the Code of Ethic (Bylaws).”
  - With respect to Charge #2, the Panel “found that the Respondent’s marketing activities discussed at length in the context of Charge #1, above, constitute breaches of the Code of Ethics (Bylaws) and those same violations amount to an ongoing breach of his undertakings to the BCVMA of December 13, 2004 and November 29, 2005 that he would “...conform to the marketing provisions of the BCVMA Code of Ethics in any and all marketing activities.”
  - The Panel are “concerned that a veterinarian, a professional person, would breach his two written undertakings to the BCVMA ... a veterinarian’s assurance to the profession that he or she will not violate the Code of Ethics (Bylaws) should be honoured.”
  - “this Panel was dismayed, disheartened and discouraged by the extent to which the Respondent, Dr Andrew Jones, expresses a disparaging attitude towards his colleagues and his profession throughout his writings.”
  - “The Panel considered Dr Jones’ marketing material a serious example of his unprofessional behaviour in that his marketing material has an all pervading, persistent theme of denigrating other members of his profession in order to draw attention to himself. In his self laudatory statements, Dr Jones’ constant harangues serve to throw the veterinary profession into disrepute.”

### **Council Finding**

9. The Council further concludes that the Respondent was guilty of unprofessional conduct.

## **Council Decisions Regarding Penalties**

10. The Council heard submissions from the prosecuting counsel for the CVBC, the legal counsel for the Respondent and the Respondent regarding what penalties and remedial measures are appropriate and should be imposed. The Council reviewed and carefully considered all of the materials and submissions presented by the parties in determining the appropriate disposition of this particular matter.
11. The Council heard a submission from the Respondent that he would voluntarily surrender his license as of February 1, 2011 as a penalty for his violations of the Bylaws Code of Ethics.
12. The Council carefully considered the submission from the Respondent that he would voluntarily surrender his license but the Council concludes that cancellation of registration was not an appropriate penalty for the infractions committed by the Respondent.
13. The Council is very concerned that the Respondent was either unable or unwilling to abide by two personal written undertakings to the BCVMA that required that he refrain from unacceptable marketing activities. The Council feels that a veterinarian's personal integrity is of utmost importance in their professional deportment and to the profession. When a veterinarian makes a promise, the public and the profession should be assured that the promise will be kept.
14. The Council is also very concerned with the tone and nature of Dr Jones' marketing activity. Specifically, Dr Jones' marketing activity was found to be highly self laudatory and "manipulative, unverifiable and in extremely poor taste." Such marketing activities have the potential to be damaging to the Respondent's colleagues, the veterinary profession as a whole and also to the public in that it may serve to erode the confidence the public has in their veterinarian. Furthermore, it may prevent or delay the public from seeking appropriate veterinary care and lead to unnecessary pain and suffering in their animals.
15. In weighing the mitigating factors with respect to the imposed penalty, the Council gives significant consideration to the Respondent's lengthy period of practice with no offences against the BCVMA Bylaws. The Council also notes the Respondent's efforts to support a non profit shelter in Nelson, B.C. and his contributions to the community at large.
16. The Council also notes that this issue did not involve the care and treatment of any animals by the Respondent, but rather it involved issues of professional deportment.
17. Taking into account the findings of the Inquiry Committee, the submissions to the Council by the CVBC prosecutor and the Respondent and his legal counsel, Council believes that a significant fine is needed in this case of significant misconduct to deter Dr Jones and others from repeating such conduct therefore the Council

thereby orders that the following penalties and costs be imposed upon the Respondent:

- a. a formal reprimand;
  - b. a formal warning against future violations of the CVBC Bylaws including the Code of Ethics;
  - c. a penalty of a fine of \$20,000.00 for Charge #1 for violating the BCVMA marketing guidelines in a manner repugnant to the Inquiry Panel and Council and drawing Dr Jones' colleagues and his profession into disrepute;
  - d. a penalty of a fine of \$10,000.00 for Charge #2 for violating on two occasions his personal undertakings to the BCVMA regarding his marketing practices as a veterinarian;
  - e. 100% of the costs of the inquiry, such costs to be assessed by a registrar of the Supreme Court;
  - f. the penalty for Charge #2 (\$10,000.00) must be paid forthwith while the remaining monies (\$20,000.00 for charge #1 and the costs of the Inquiry) must be paid on or before January 31, 2011.
18. Pursuant to section 59(5) of the CVBC Bylaws, upon direction of the Council, a member who fails to pay fines or costs or take remedial actions within the time limited for doing so shall be suspended from membership.



Dr. J. Andrew Forsyth,

Vice President of the College of Veterinarians of British Columbia

On behalf of the Council of the College of Veterinarians of British Columbia

Dr. Chris Armstrong  
Mr. David Dewhirst  
Dr. J. Andrew Forsyth  
Dr. Ken Gummesson  
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