

Summary of Discipline Committee Hearing

DR. KENNETH METZGER

Hearing Date: May 3, 2016



ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Knew or ought to have known a posted sign contained misleading information on ownership of dogs and the operation of an alleged accredited veterinary facility on the property
- Failed to maintain the standard of practice of the profession
- Signed or issued a document that contained a false or misleading statement
- An act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as disgraceful, dishonourable or unprofessional
- The member has been found guilty of an offence relevant to the suitability to practise veterinary medicine

BRIEF SUMMARY

Two of the member's clients obtained a license to operate a kennel. The license was revoked by the town's Council three years later.

Search warrants were obtained for the client's property due to concerns the clients were operating an illegal kennel. A large number of dogs were found in the client's barn. The member was present but did not identify himself to the by-law officers.

Five months later, one of the clients pleaded guilty to causing distress to an animal contrary to the Ontario Society for the Prevention of Cruelty to Animals Act. The client was placed on probation for two years and was required to permit inspections by the OSPCA. The inspections were not to include a veterinary facility.

A month later, when by-law officers executed a second search warrant at the client's property, the officers noted a sign on the client's barn door that read:

"Holding Facility Owned and Operated by: Metzger Veterinary Services Governed by Ontario Veterinarian Regulations NO TRESPASSING."

The information on the sign was false as the member did not own or operate a veterinary facility, accredited or otherwise, on the client's property. He also did not own any dogs on the client's property.

The member provided the sign to the clients and knew, or ought to have known, the sign was posted on the client's barn door.

During the inspection, the by-law officers noted a large number of dogs (approximately 67) and a strong ammonia smell.

The member pleaded and was found guilty of one count of supervising more than two dogs, contrary to Perth East By-law 26-2007.

PLEA AND DECISION

The member pleaded and was found guilty with respect to the allegations. The College and the member had negotiated an Agreed Statement of Facts, including an admission of professional misconduct.

PENALTY

- Reprimand
- Suspension of the member's licence for three months, one month of which to be suspended if the member completes the ProBE course and the College's Jurisprudence Exam.
- The member will pay costs to the College of \$5,000.

PANEL'S REASONING

The panel accepted the Agreed Statement of Facts as submitted as none of the allegations were contested. As a result of the guilty finding in the Perth by-law proceeding, the panel must find the member guilty of professional misconduct under the Veterinarians Act.

The panel noted similar penalties imposed by the College in the past and found the penalty to be within the acceptable range.

The panel found that the member's conduct was unacceptable to fellow veterinarians and the public. Especially the fact that the professional misconduct in which the member

engaged involved putting the profession in disrepute.

The panel would like to deter the member and other members of the profession from engaging in this kind of activity.

The panel recognizes the member's willingness to work with the College which reassures the panel that the member recognizes the seriousness of his conduct. The panel acknowledged the member's genuine contrition in the matter and appreciated his apology.