

# Summary of Discipline Committee Hearing



## DR. DEREK CHOONG

Hearing Date: June 1, 2021

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- the member accessed, possessed, made available and/or distributed child pornography
- the member engaged in conduct unbecoming a veterinarian

### BRIEF SUMMARY

Between 2008 and March 2012, the member accessed, possessed, and made available child pornography through a peer-to-peer file sharing program that was installed on a computer that was not used in the practice of veterinarian medicine or located in any business associated with veterinarian medicine.

### DECISION

The member pleaded guilty that he engaged in conduct unbecoming a veterinarian as described in the Agreed Statement of Facts.

### PENALTY

- Reprimand
- Suspension of the member's licence to practise veterinary medicine for 12 months
- The member shall participate in a forensic psychiatric assessment and provide a copy of the report to the Registrar.
- The member will undergo counselling, treatment, or other course of action recommended by the assessor, and demonstrate to the Registrar that he is at low risk of repeating the conduct at issue in these proceedings.
- The member will pay costs to the College of \$5,000

### PANEL'S REASONING

The member pleaded and was found guilty with respect to the allegations in the Notice of Hearing.

The College and the member negotiated an Agreed Statement of Facts, which the Panel

found acceptable, including an admission of conduct unbecoming a veterinarian.

Professional conduct is not limited to the conduct of the veterinarian related to the practice of veterinary medicine, but also includes the conduct of the veterinarian outside the practice as a member of the society at large.

Penalty and Costs Decision: The panel understood that it should not depart from a joint submission on penalty unless granting the order would bring its process into disrepute or otherwise be contrary to the public interest.

Bearing this in mind, the panel considered the parties' submissions on penalty and costs. Counsel for the College summarized the four general principles relevant to penalty: protection of the public, general deterrence, specific deterrence, and rehabilitation.

Suspension of the member's veterinary licence for a minimum of 12 months and the public reprimand provide specific deterrence to this member as well as to the profession.

The 12-month suspension was similar to other cases as presented by the College and while these cases were from other professions all did include a significant period of licence suspension, if not revocation.

The requirement to participate in a forensic psychiatric assessment, undergo counselling, treatment or other course of action recommended by the assessor provides both rehabilitation and protection of the public.

With respect to costs, the panel agrees that \$5,000 is fair and reasonable in the circumstances, having been shown cost awards found in similar cases.

The panel was satisfied that the joint submission was within a range of reasonable and appropriate penalties given the circumstances.

At the conclusion of the hearing, the member waived his right of appeal and received his

reprimand. The reprimand is printed below:

*Dr. Choong, as you know, this Discipline panel has ordered you be given an oral reprimand as part of the sanction imposed upon you. The purpose of the reprimand is to convey the seriousness of your misconduct.*

*The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.*

*You will be given an opportunity to make a statement at the end of the reprimand if you wish.*

*The panel has found that you have engaged in professional misconduct within the meaning of paragraph 45 conduct unbecoming a veterinarian of subsection 17(1) of regulation 1093 under the Veterinarians Act. This is of special concern to us since your conduct has put at risk the integrity of the profession as a whole. Child pornography is not a victimless activity. The children portrayed and directed to perform actions are being traumatized and victimized.*

*This panel encourages you to take this time out and your assessment seriously. We expect you to fully participate in your rehabilitation not just to satisfy this order but to better yourself as a citizen and a member of the veterinary community.*