

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF DIETITIANS OF ONTARIO**

PANEL: Cindy Tsai, Chair
Ann Watt
Doug Ellis
Sharanjit Padda

BETWEEN:

COLLEGE OF DIETITIANS OF ONTARIO)	
)	<u>Bernard LeBlanc</u>
)	College of Dietitians of Ontario
- and -)	
)	
MARY DONNELLEY-VANDERLOO)	<u>Mark Coulston</u>
)	Appearing for the Former
)	Member
)	
)	<u>Luisa Ritacca</u>
)	Independent Legal Counsel
)	
)	
)	Heard: June 30, 2022

DECISION AND REASONS

1. This matter came on for a motion hearing before a Panel of the Discipline Committee of the College of Dietitians of Ontario (the “College”) on June 30, 2022. The hearing proceeded by way of videoconference on consent of the parties.
2. At the outset of the hearing, the Panel received a copy of the Notice of Hearing, which was marked as Exhibit 1. The College advised that it would not be proceeding with the allegations at this time and that instead it sought an order adjourning this matter on an indefinite basis. Ms. Donnelley-Vanderloo, the Former Member joined the College in making this request.

Motion by the College

3. The College moved for an order indefinitely adjourning the hearing of the allegations as set out in the Notice of Hearing.
4. In its submissions in support of its motion, the College provided the Panel with the following information:
 - a. On April 1, 2022, the Former Member signed an Acknowledgement and Undertaking (Exhibit 2) in which she agreed to resign and surrender her membership in and certificate of registration with the College.
 - b. The Former Member acknowledged that if she were to ever reapply for membership, registration, licensure or similar status with the College or any other regulatory body in future, the College will be entitled to rely upon her Acknowledgement and Undertaking in any registration or other similar proceeding as reason to deny her application.
 - c. The Former Member confirmed that upon her resignation from the College, she will not be entitled to use the title “Dietitian”, a variation or abbreviation or an equivalent in another language and that she will not be able to hold herself out as a person who is qualified to practise in Ontario as a Dietitian or in a speciality of dietetics.
 - d. The Former Member acknowledged that if she were ever to breach any part of her Acknowledgement and Undertaking, the College will be entitled to proceed with a hearing in this matter and will also be entitled to allege that she breached her Acknowledgement and Undertaking for that purpose.
5. The College also confirmed that the fact of the Former Member’s resignation and the terms of her Acknowledgement and Undertaking would be made available on the College’s register, as required by law.
6. In support of the College’s motion, the Former Member confirmed that she willingly signed the Acknowledgment and Undertaking in April, as she has no plans to return to the practice of the profession and that in fact she has been retired since September 2020. Her counsel advised that the Former Member was not even aware of the complaint that resulted in the referral of these allegations having been made prior to her decision to retire.

Decision and Reasons for decision

7. The issue before the Panel is whether it is appropriate and in keeping with its mandate to protect the public interest to grant the College's request for an indefinite adjournment of the hearing of this matter. In light of the Former Member's resignation and undertaking, the Panel is satisfied that adjourning this matter is consistent with its public interest mandate.
8. The Former Member's resignation and undertaking will protect the public. As described by a panel of the Discipline Committee in the College of Opticians and Boddington decision (February 18, 2022), the impact of the resignation and undertaking is more significant than anything this Panel could impose by way of a sanction following a full hearing.
9. The College's obligation of public transparency will be served by the fact that this matter proceeded in an open hearing; the Former Member's Acknowledgement and Undertaking will be available on the College's register, which is found on the College's website; and this Panel's decision and reasons will be accessible via the College's website as well.
10. The profession and the public will also avoid the costs of a full hearing.
11. 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 Former Member are adjourned indefinitely.

I, Cindy Tsai 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:



Cindy Tsai, Chairperson

July 29, 2022

Date

Ann Watt
Doug Ellis
Sharanjit Padda