

ROYAL COLLEGE OF VETERINARY SURGEONS

V

DR JANOS NEMETH MRCVS

JUDGMENT

1. Dr Janos Nemeth, MRCVS, ("the Respondent") appeared before the Disciplinary Committee ("the Committee") to face the following allegation made by the RCVS ("the College"):

"That, on 5 December 2006, you fraudulently entered your name in the Register of Veterinary Surgeons ("the Register") maintained by the Royal College of Veterinary Surgeons, more particularly in that you dishonestly represented that a letter dated 19 October 2006 submitted with your application for registration was written by and/or signed by Dr Sandor Mille, President of the Hungarian Veterinary Chamber, when it was not so written, and/or so signed and you knew it was not so written and/or so signed.

"And that your name should be removed from the Register in accordance with sections 14 and 16(1)(c) of the Veterinary Surgeons Act 1966."

2. The Respondent is a Hungarian national. He qualified as a veterinary surgeon in Hungary in 1988 and practised there for many years.
3. At some time shortly before 5 December 2006, the Respondent applied to the College to be registered as a veterinary surgeon in the United Kingdom.
4. European legislation provides for the mutual recognition of veterinary qualifications in member states of the European Union. This allows for a veterinary surgeon from one member state to register and work as a veterinary surgeon in another member state. The relevant legislation consists of two Directives, the "Recognition Directive", (Directive 78/1026/EEC), which sets out the requirements for member states to recognise the qualifications of nationals from other member states and the "Training Directive" (Directive 78/1027/EEC), which sets out the specific requirements of the training and qualifications themselves.
5. The UK has implemented this legislation, most recently by means of the Veterinary Surgeons Qualifications (European Recognition) Order 2003, which made amendments to the Veterinary Surgeons Act 1966 ("the Act").¹ Section 5A of the Act sets out a list of the criteria to be fulfilled as a pre-requisite to the registration in the UK of a veterinary surgeon from another member state. The applicant must be a national of a member State and must also either:

¹ The 2003 Order implements amendments to Directives 78/1026 and 78/1027 which were made by Directive 2001/19 EC.

- a) hold a scheduled European qualification in veterinary surgery granted in a member State *on or after* the date which that State implemented the Recognition Directive; or,
- b) hold a scheduled European qualification in veterinary surgery granted *before* the member State implemented the Recognition Directive, in which case the applicant must also produce a certificate from the competent authority of the member State confirming that either:
- (i) the scheduled European qualification meets the requirements of the training Directive (a certificate of competency) or
 - (ii) the applicant has lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate (a certificate of acquired rights).
6. There is one scheduled European qualification in veterinary surgery which is recognised from Hungary, namely the Diploma of Veterinary Surgery issued by the Faculty of Veterinary Sciences of Szent Istvan University in Budapest (Schedule 1A VSA). Hungary implemented the Recognition Directive on 1 May 2004 and therefore those who obtained the Diploma from the University in Budapest before that date must also provide a certificate of competency or a certificate of acquired rights.
7. The Recognition Directive also provides that a member state which requires proof of good character from its own nationals may require a certificate issued by a competent authority in the member state of origin, attesting that the requirements of good character or good repute for taking up the activities in question have been met (Article 6). This is consistent with section 10 of the Veterinary Surgeons Act, which provides that an applicant for registration must produce or send to the Registrar the documents conferring or evidencing his qualification, his name and address and "*such other particulars if any as may be required*" for the registration.
8. The College requires an EU national to provide, in addition to evidence of his identity and qualification, documentation from a competent registration authority of an EU member state confirming current membership and good professional standing.
9. In support of his application for registration, the Respondent submitted the following documents:
- a copy of the identification page of his passport,
 - a copy of a degree certificate from Budapest University, with a translation;
 - a copy of a certificate issued by the Ministry of Agriculture and Rural Development in Budapest confirming that the veterinary science degree awarded to The Respondent before Hungary's implementation of the Recognition Directive fulfilled the training requirements under the terms of the EU directive 1978 (a Certificate of Competency).
 - a copy of a Certificate of Compliance from the Hungarian Veterinary Chamber (HVC); and
 - a copy of a Certificate of Good Standing from the HVC

10. The Respondent attended a registration ceremony at the RCVS on 5 December 2006 and was admitted to the Register.
11. On or about 19 February 2008, a caseworker at the Professional Conduct Department received an anonymous telephone call, asking if the Respondent, Dr Nemeth, was indeed a veterinary surgeon. As a result, the caseworker asked the Registration Department to authenticate the Respondent's qualifications. A thorough examination of the original application took place at the College, during the course of which Ms Jenny Harris of the RCVS Registration Department emailed Dr Zsolt Pinter, Secretary General of the HVC, on 5 March 2008 asking if he could confirm whether the Respondent was registered with the HVC and if so, also to confirm his registration number. If not currently registered with the HVC, he was asked whether he had ever been registered and if so, for what period and under what number. She also asked for confirmation that a Certificate of Good Standing had been issued by the HVC on 19 October 2006.
12. Meanwhile, a meeting took place at the College on 10 March 2008, attended by the Respondent and Mr Michael Hepper, senior case manager in the Professional Conduct Department and Ms Christine Fraser, Head of the Registration Department at the College. The Respondent had been asked to bring all the original documentation relating to his qualifications with him. At the meeting, the Respondent produced his original passport and degree certificate. However, he was unable to produce the original Certificate of Good Standing. The Respondent said that if he could not find the original Certificate he would contact the HVC to obtain a duplicate within the next week.
13. On 14 March 2008, an email reply was received from Dr Pinter of the HVC confirming that the Respondent had been a member of the Pest County Chamber between 19 May 2004 and 1 December 2006 when his membership was withdrawn due to non-payment of fees for more than 12 months. Dr Pinter also confirmed that no Certificate of Good Standing had been issued by them dated 19 October 2006. By way of explanation, he confirmed that the registration number on the Certificate of Good Standing – 12611 – could not be correct because the highest number of registrations issued by the Chamber was 3763.
14. Following the meeting at the College on 10 March 2008, nothing further was heard from the Respondent. Eventually Mr Hepper spoke to him on the telephone on 25 March 2008 and explained to him that the College had received information that the Certificate of Good Standing was not genuine and that an allegation would be raised by the College against him.
15. The Respondent was served with the witness statements on 7 August 2008. These witness statements included a statement from Dr Gabor Gonczi that the purported Certificate of Good Standing was a forgery and had not been issued by the HVC. The Notice of Inquiry was served on the Respondent on 16 October 2008.
16. The Respondent did not reply to the questions raised in the Notice of Inquiry despite repeated requests by the College. It was only on Thursday 19 February 2009, four days before the hearing, that the Respondent advised the College of his intention to attend the hearing.

17. At the hearing, Ms Jenny Harris, Registration Officer at the College, gave evidence to the Committee that she was on duty at the registration ceremony on 5 December 2006. She explained that her usual practice was to check the original passport produced by the applicant to see that it matched the copy sent in and that the photograph was of the person who attended. She compared the original documents provided on the day with the copy documents already supplied. She then annotated the Respondent's application form by writing in the membership number, date of registration and "EU" at the top of the page. The Respondent would have then signed the Register. Ms Harris further gave evidence that an original Certificate of Good Standing from the Hungarian Chamber would have been on yellow paper with a red and green heading and that the signature and stamp would have been familiar to her. Ms Harris gave evidence that she would have recognised the signature of Dr Mille, President of the HVC. Ms Harris was adamant that no candidate presenting a copy document, rather than an original document, would have been allowed to register on that day.
18. This Registration procedure was confirmed by Ms Christine Fraser, the Head of the RCVS Registration Department. The Committee accepts the evidence of Ms Harris and Ms Fraser.
19. On 30 November 2006 the Respondent had forwarded to the College an email dated 15 November 2006 from the HVC to which were attached two documents: a Certificate of Compliance issued by the HVC and a Certificate of Good Standing which also appeared to have emanated from that Chamber. The College had accepted this email and its attachments in good faith.
20. Subsequently, Dr Gabor Gonczi, President of the HVC, provided a statement confirming that the Certificate of Good Standing was a forgery.
21. Dr Gonczi explained that, before anyone can hold themselves out as a veterinary practitioner in Hungary, he or she must be a member of the HVC. In order to practise, a veterinary surgeon must first obtain a local licence from a County Chamber to work in a specific geographical area and in a particular specialty. Once that licence has been granted, the practitioner automatically becomes a member of the HVC.
22. On 19 May 2004, the Respondent was granted a licence by the Pest County Chamber to work on egg production farms. He therefore automatically became a member of the HVC. On 29 March 2006, his licence from the Pest County Chamber was withdrawn at his request (although he continued to be a "member without a licence" of the Pest County Chamber until this membership was revoked with effect from 1 December 2006 for non-payment of fees over the preceding twelve months). This in turn triggered the removal of his name from the HVC Register.
23. The Respondent told the Committee that he understood almost all of the proceedings, and the documentary evidence, both of which were in English. His spoken English was relatively good, although sometimes unclear if he spoke quickly. However, in the interests of justice, and for the avoidance of any doubt about the Respondent's understanding of the proceedings, the Committee obtained the services of an interpreter and the Respondent gave his own evidence to the Committee through this interpreter. Similarly, all questions from the Committee were relayed to the Respondent via the interpreter, where necessary.
24. The Respondent informed the Committee that he had arrived in England in February 2006. Initially he had not entered practice as he wished to improve his English. In late

2006, he received an offer of employment which required him to apply for membership of the RCVS. The agency offering the job informed him of the registration procedure and documentation required. The Respondent rang the Pest County Chamber asking for the relevant documents, and claims also to have reached an agreement over payment of his necessary subscription to that Chamber, which would have maintained his membership until 31st December 2006.

25. The Respondent gave the Committee considerable detail regarding communications with the Hungarian veterinary authorities and the RCVS, concerning the necessary documentation. He also said that he had been contacted on 2 December 2006 by the RCVS saying that they had received all necessary documentation and inviting him to attend the registration ceremony on 5 December 2006, and to bring all necessary documents.
26. The Respondent told the Committee that he had printed off the Certificate of Good Standing from the email which he claimed he had received from the HVC, taking this to the registration ceremony. He asserted that it was this print-out which had been accepted for the purpose of registration.
27. The Respondent said that he had worked as a veterinary surgeon in England since then. He stressed that neither in England nor in Hungary had there at any time over 18 years been any complaint against him. He further said that his family is in the UK with him and that he and his family are integrated into his local community, and that they planned to make the UK their home.
28. The Respondent stated on several occasions that he had believed all the documents supplied by him to the RCVS to be genuine, asserting that he would have had no need to forge the Certificate of Good Standing, when he believed that he could have obtained this legitimately.
29. Under cross-examination, the Respondent's evidence, despite the assistance of the interpreter, was often confused and amounted to little more than an insistence that he had believed all the documents he supplied to be genuine, that he had not forged anything, and that he had not added anything to the email sent to him by the HVC which he had then forwarded to the RCVS.
30. In a further statement on the third day of the hearing, the Respondent said that he had interpreted the RCVS registration requirements (obtained from the RCVS web site) as not necessarily requiring current membership of the HVC. He took issue with one paragraph in the statement by Dr Gonczi which related to the status of his HVC membership.
31. He stated that, at the registration ceremony, while original registration documents were provided by other Budapest graduates, nonetheless the documents which he had himself printed, had been accepted as genuine.
32. The College must prove the case so that the Committee is sure that the Respondent was acting dishonestly and that the entry on the Register was therefore fraudulent. The Committee considered the following issues: firstly, whether the Certificate of Good Standing was in fact a forgery; secondly, whether the Respondent represented to the College that the Certificate of Good Standing was genuine; and thirdly, whether the Respondent knew that the Certificate of Good Standing was a forgery.

33. The Committee considers that the evidence that the Certificate of Good Standing was a forgery is overwhelming. Dr Zsolt Pinter, Secretary General of the HVC, in an email to the RCVS dated 14 March 2008, stated that there was no record of the Certificate of Good Standing on the HVC files, and indicated that it was not genuine. The evidence of Dr Gabor Gonczi, President of the HVC, contained in a witness statement read to the Committee, confirmed that the certificate of good standing was a forgery. The purported registration number was not a number that had been allocated to any veterinarian by the HVC. Moreover, the name of the President had been spelt incorrectly. Dr Gabor's evidence was not challenged, and in response to questions from the Committee, the Respondent accepted that the Certificate of Good Standing was a forgery. The Committee is, therefore sure that the Certificate of Good Standing was indeed a forgery.
34. The Committee also considers that the evidence that the Respondent impliedly represented to the College that the Certificate of Good Standing was genuine (i.e. written and/or signed by the President of the HVC) for the purpose of his registration application is clear. He did so on two separate occasions: i) when he sent a copy of the Certificate of Good Standing to the College as an attachment to the forwarded e-mail dated 30 November 2006; and ii) when he submitted the Certificate of Good Standing to the College at the registration ceremony on 5th December 2006. Indeed it is part of the Respondent's own case that he submitted the Certificate of Good Standing to the College on these occasions believing it to be genuine. The Committee is, therefore, sure that the Respondent represented to the College that the Certificate of Good Standing was genuine.
35. The Committee considers that the central issue in this case is whether the Respondent knew, when he submitted the Certificate of Good Standing to the College, that it was a forgery, and was not written and/ or signed by the President of the HVC.
36. The evidence indicates that the Certificate of Good Standing was submitted to the College by the Respondent personally on both the occasions referred to above. The Committee is of the view that he must, therefore, have been aware of its origin before he submitted it. The Respondent's case is that he received the Certificate of Good Standing as an attachment to the email sent to him by the HVC on 15 November 2006, together with the Certificate of Compliance. He told the Committee that he then forwarded the e-mail dated 15 November, plus the two attachments, to the College on 30 November. The College submits that the Respondent's case that the Certificate of Good Standing was received as an attachment to the e-mail from the HVC is demonstrably false. The HVC has this week provided a copy of the email that was sent by the HVC to the Respondent on 15 November showing that it carried only one attachment, namely the Certificate of Compliance. This is entirely consistent with the translation of the text of the email from the HVC to the Respondent dated 15 November 2006, referring to "certificate" in the singular, and the fact that the genuine attachment is dated 14 November 2006, the day before the email attaching it (rather than 19 October 2006, a month or so before in the case of the forgery).
37. The College submits that if the Committee is sure that the Certificate did not come from the HVC, the inference must be that the Respondent is lying when he claims that it did. Moreover, if the Certificate of Good Standing was *not* attached with the email from the HVC to the Respondent of 15 November 2006, but was attached to the email forwarded by the Respondent to the College on 30 November 2006, it can only have been added by him.

38. The College submits that the surrounding evidence supports the proposition that the Respondent is lying about his knowledge of the forgery. He has given evidence, for example, that he took a print-out of the Certificate of Good Standing attached to the email dated 30 November to the registration ceremony and that this was accepted. The Committee has heard evidence from Ms Fraser and Ms Harris that, given that the HVC had not sent this the Certificate of Good Standing directly to them, they would not have accepted anything other than an original document produced by the applicant at the ceremony. Ms Harris explained that she was familiar with the appearance of a certificate from the HVC and that the way in which she assessed whether a Certificate of Good Standing such as this was original was by such matters as the weight and colour of the paper, the appearance of the official stamp, the colour of the heading and crest, and by whether any signature was recognizable.
39. The College invites the Committee to draw the inference that the Respondent presented a convincing forgery of an original certificate to Ms Harris, and not a print out of the email attachment that he claims he presented at the registration ceremony, and that he must, in these circumstances, have been fully aware that the certificate that he presented was a forgery.
40. In addition, the College relies on the circumstances surrounding the meeting of 10 March 2008. Firstly, the Respondent did not bring the original Certificate of Good Standing to the meeting, although Mr Hepper gave evidence that he had asked the Respondent to bring the original Certificate of Good Standing with him. Secondly, Mr Hepper and Ms Fraser in their evidence said that the Respondent assured them that he would try to find the original Certificate of Good Standing or contact the HVC for a replacement, yet nothing was heard from either the Respondent or the HVC in this regard. The College would say that this is consistent with the fact that the Respondent knew that the Certificate of Good Standing which he had produced at the ceremony was a forgery, that he did not want to produce it again for close scrutiny at the meeting and that he knew that he could not approach the HVC, as they had not issued the Certificate of Good Standing in the first place.
41. The College further suggests that, given the seriousness of the allegation, and the importance which the Respondent placed on the email attachments, (print-outs of which he produced only on the day of the hearing), one would have expected him to have provided print-outs of these attachments earlier, or at the very least referred the College to them, or asked that the College make enquiries of the HVC to obtain similar copies of the attachments. In fact, the Respondent provided no substantive response to the College's allegation and only produced the attachment print-outs at the last minute. The College would suggest that this was deliberate on the Respondent's part, as he did not want to give the College any more time than was necessary to verify the authenticity of the email correspondence with the HVC (although in the event the College was able to do so).
42. The Respondent has said in evidence that he would not have forged a Certificate of Good Standing when he would have been entitled to a genuine version of that letter in any event. The evidence from the HVC, however, is that his membership of the Pest County Chamber and therefore the HVC was terminated as from 1 December 2006 on the grounds of non-payment of fees. The College submits that it is by no means clear that he would have been entitled to a genuine Certificate of Good Standing had he applied for one, or that, even if he were so entitled, such a certificate would have arrived in time for the ceremony in December 2006.

43. The Committee is completely satisfied that the Certificate of Good Standing was not attached to the e-mail from the HVC to the Respondent dated 15 November 2006, but was added as an attachment to the forwarding email sent by the Respondent to the College on 30 November. The Committee found the Respondent's evidence that the Certificate of Good Standing was attached to the 15 November email to be demonstrably false, having regard to the evidence received from the HVC that only one attachment was sent from Hungary, and the fact that the covering email dated 15 November in Hungarian refers to a certificate in the singular. The Committee accepts the College's submission that it follows from this finding that the Respondent was lying to the Committee on this fundamental matter. The Committee concludes that the Certificate of Good Standing was added as an attachment to the forwarded e-mail sent to the College on 30 November, either by the Respondent or someone acting on his behalf, and with the Respondent's knowledge. The Committee accepts the other submissions advanced by the College and outlined above to the effect that the surrounding evidence supports the proposition that the Respondent was lying to the Committee about his knowledge of the forgery.
44. For the avoidance of doubt, the Committee finds the Respondent's explanations for the use of the forged Certificate of Good Standing to be incredible. His evidence that he simply received the forged Certificate of Good Standing from the HVC, and then forwarded it to the College is expressly rejected. His evidence that a simple print-out of the forged Certificate of Good Standing from the email attachment was accepted as an original at the registration ceremony is rejected, having regard to the clear evidence from Ms Harris as to the importance of the production of original documents, in order to be able to authenticate the copies previously sent to the College. The Committee accepts the evidence of Ms. Harris in this regard. The Committee infers from this evidence, and its other findings, that the Respondent must have produced a forgery of an original Certificate of Good Standing on 5 December 2006 that was good enough to satisfy Ms Harris, who was familiar with original documentation from Hungary.
45. The Respondent was unable to provide any convincing explanation as to how he came to make use of a forged Certificate of Good Standing in connection with his registration application. He simply denied that he had forged anything, or had known at the relevant time that the document was forged. The Committee finds his evidence in relation to these matters to be incredible. The Respondent produced no evidence to support his case, apart from exhibiting copied emails and attachments, in spite of having alleged in evidence that he had written to interested parties such as the HVC, and that he had had conversations by telephone with Hungarian officials at the Pest County Chamber, and the HVC.
46. Having considered all of the evidence in the case with great care, the Committee is driven to the conclusion, so that it is sure, that the Respondent *did* know at all relevant times that the Certificate of Good Standing was a forgery, and that he *did* dishonestly represent to the College that the forged document was genuine as the College alleged. Accordingly, the Committee finds that the entry of the Respondent's name on the Register was fraudulently made, and that the allegation made by the College *is* proved.
47. The College invites the Committee, therefore, to direct that the Respondent's name be removed from the Register in accordance with sections 14 and 16(1)(c) of the Veterinary Surgeons Act 1966. The College submits, and the Committee accepts, that, on a true construction of these sections, and having regard to the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004, the Committee has no discretion in the matter, and, if

fraudulent entry is found proved, the Committee *must* direct removal from the Register, Rule 17 of the 2004 Rules provides that:

*"In a fraudulent entry case, if the respondent admits or the Committee determines that the entry was fraudulently made, it **shall** make a direction in writing, signed by the Chairman, that the entry shall be removed from the Register."*

48. Accordingly, the Committee *will* make a direction in writing, to be signed by the Chairman, that the entry of the Respondent's name *shall* be removed from the Register.