

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**VLAD BUTNARU MRCVS**

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**COMMITTEE DECISION ON SANCTION**

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1. In reaching its decision on sanction, the Committee took into account all the evidence and documents provided, together with the submissions made by Mr Wood and all matters of personal mitigation, including a testimonial. The Committee also referred to the RCVS Disciplinary Committee Procedure Guidance. The Committee had in mind that the purpose of sanctions was not to punish Dr Butnaru, but to protect animal welfare, maintain public confidence in the profession and maintain proper standards of conduct and performance. The Committee was also cognisant of the need to ensure that any sanction is proportionate. The Committee accepted the advice of the Legal Assessor.
  
2. The Committee first considered any aggravating and mitigating factors in this case. The Committee found the following aggravating factors:
  - premeditated misconduct;
  - financial gain - Dr Butnaru said he was paid to complete the application which contained his false declaration;
  - abuse of professional position;
  - blatant or wilful disregard of the role of the RCVS and the systems that regulate the veterinary profession;
  - negligible insight.

3. When assessing the level of insight shown by Dr Butnaru, the Committee considered the accounts he had given in evidence, much of which had not been mentioned before the hearing, the way in which he was evasive and the way in which his accounts evolved to answer the questions being put to him and which the Committee disbelieved. The Committee considered he was deliberately unhelpful when giving his evidence and demonstrated no insight into his dishonest behaviour, claiming he had been tricked and blaming others for what had happened.
4. The Committee considered the following mitigating factors:
  - no previous disciplinary history;
  - admissions to some of the matters alleged on the first day of the hearing, showing some limited insight;
  - expressions of remorse, although these were more to do with the impact of this case upon him;
  - a positive testimonial.
5. The Committee considered the testimonial to be of limited assistance as it covered a very brief period. It was from a Practice Manager where Dr Butnaru has worked as a locum Veterinary Surgeon since 30 October 2023. She says she has observed Dr Butnaru act professionally in his duties and remain calm in difficult or stressful situations. She says Dr Butnaru has formed good relationships with both clients and staff and has been willing to assist the team even when not working.
6. In his statement, Dr Butnaru said, *“I understand that veterinary surgeons are in a position of trust.”* In his oral evidence he said that he would not sign a declaration on a passport application again without ensuring he had actually scanned the horse and read the result himself. He also spoke of being embarrassed and the impact of the investigation, portraying himself as a victim of rogues.
7. The Committee first considered taking no further action. However, the Committee considered public confidence in the profession, and the College as its regulator, would be undermined if no further action were taken in a case involving dishonesty directly connected with the role of a Veterinary Surgeon.

8. The Committee did not consider this was an appropriate case for judgment to be postponed because there was no requirement to monitor Dr Butnaru's professional conduct over a period of time.
9. The Committee next considered whether to reprimand and/or warn Dr Butnaru about his behaviour. The Guidance issued by the College indicates that a reprimand may be appropriate where:
  - (a) The misconduct is at the lower end of the spectrum of seriousness; and
  - (b) There is no future risk to animals or the public; and
  - (c) There is evidence of insight.
10. It was quite clear that the misconduct in this case was at the highest end of the spectrum of seriousness, as indicated in the Disciplinary Committee's Guidance. In addition, the Committee considered that, as well as the dishonest behaviour, acting in a way that undermined a system designed to promote animal welfare was also at the highest end of the spectrum of seriousness, since animal welfare is at the very heart of the profession. For these reasons alone it would be inappropriate and disproportionate to either reprimand or warn Dr Butnaru.
11. Furthermore, Dr Butnaru has failed, in the Committee's view, to demonstrate adequate insight into his disgraceful conduct. He has not accepted acting dishonestly, despite admitting that he had made a false and misleading declaration on the passport application. In his statement and oral evidence he sought to deceive the Committee into believing an account of how he came to read the 535 microchip over a WhatsApp video link with PL, an account which the Committee did not believe. Dr Butnaru did not provide insight into his dishonest behaviour and the wider impact his actions were likely to have on public confidence in Veterinary Surgeons, the passport process and the profession as a whole.
12. The Committee next considered whether to order that the Registrar suspend Dr Butnaru's registration. The Guidance states that suspension may be appropriate where some or all of the following apply:

- a) The misconduct is serious, but a lesser sanction is inappropriate and the conduct in question falls short of being fundamentally incompatible with remaining on the register;
- b) The respondent veterinary surgeon has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;
- c) The respondent veterinary surgeon is fit to return to practice (after the period of suspension).

13. There was no doubting the fact that the misconduct in this case was serious and that no lesser sanction would be appropriate. Dr Butnaru's signature on that application is what gave the subsequent passport its integrity and thus was crucial. The Committee was most concerned that Dr Butnaru was willing to lend himself to some sort of enterprise, the details and purpose of which remain unknown, that doubtless could only succeed with the benefit of a Veterinary Surgeon prepared to make a false declaration on a passport application. Mr Wood spoke of how it was a personal disaster that Dr Butnaru had allowed himself to be drawn into the murky background of whatever was going on here and that was undoubtedly the case. However, the sale of Joey relied on Dr Butnaru's honest declaration on the passport application and thus his actions had far reaching consequences both in relation to Joey and also the wider public interest. The Committee could not ignore the fact that Dr Butnaru had regularly submitted passport applications for traders/exporters of horses and thus would have been very familiar with the process and therefore should have known better.

14. The Committee did very much keep in mind that it was concerned with only one application and there was nothing to suggest the other 278 passport applications he submitted were in any way false, since they had not been looked at by the College. The Committee took into account the importance of the public being able to trust Veterinary Surgeons to act honestly when making declarations on passport applications and the effect of Dr Butnaru failing to do so. His conduct undermined the whole process of the passport system designed to promote animal welfare, protect the public from contaminated horse meat entering the food chain and the trade of stolen horses.

15. The Committee has already observed that there is a distinct lack of insight into his dishonest behaviour and it could not therefore be satisfied that there was "*no significant risk of repeat behaviour.*" He has demonstrated untrustworthiness throughout the

process of the investigation and the hearing itself and thus the Committee could not be satisfied that he would be fit to return to practice after a period of suspension.

16. In light of all these concerns, together with the seriousness of the misconduct, the Committee concluded that Dr Butnaru's conduct could be considered to be fundamentally incompatible with remaining on the Register and that suspension may not, therefore, be a sufficient sanction in the public interest.

17. The Committee therefore considered whether removal might be the appropriate sanction in this case. The Committee referred to its Guidance document, which states the following:

*“Proven dishonesty has been held to come at the ‘top end’ of the spectrum of gravity of disgraceful conduct in a professional respect. In such cases, the gravity of the matter may flow from the possible consequences of the dishonesty as well as the dishonesty itself.”*

*“Removal from the register may be appropriate where behaviour is fundamentally incompatible with being a veterinary surgeon, and may involve any of the following (the list is not exhaustive):*

- Serious departure from professional standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons;*
- Deliberate or reckless disregard for the professional standards as set out in the RCVS Code;*
- Dishonesty (including false certification), particularly where persistent or concealed;*
- putting his own interests before the health or welfare of animals;*
- persistent lack of insight into the seriousness of their actions or the consequences; where the nature and gravity of findings are such that a lesser sanction would lack deterrent effect or would undermine public confidence in the profession or the regulatory process.”*

18. The Committee determined that it was important that a clear message be sent that this sort of behaviour is wholly inappropriate and not to be tolerated. It brings discredit upon Dr Butnaru and discredit upon the profession. For whatever reason, Dr Butnaru chose to make a false, dishonest declaration about the microchip number associated with Joey (Best Catch). It is not known if that was to help cover up the fact that Best Catch USA had been stolen or for some other reason. Whatever the reason, had it gone undetected, it could have allowed Best Catch's history to have remained hidden and RA to have been unaware that he had purchased a stolen horse. It also completely undermined the passport system since it meant that Best Catch USA now had a new microchip number in the replacement passport that did not in fact relate to it.
19. The Committee was cognisant of the importance of a Veterinary Surgeon's signature on any document. This should have been obvious to any Veterinary Surgeon, but particularly someone of Dr Butnaru's 11 years experience (at the time of signing). The Committee was well aware of the impact and ramifications for Dr Butnaru of any decision to remove him from the Register, but had to weigh his interests with those of the public. In doing so it took account of the context and circumstances of the case, all matters of personal mitigation, as detailed above, Dr Butnaru's previous unblemished record and the need to act proportionately. However, for all the reasons given above, the Committee was of the view that the need to uphold proper standards of conduct within the veterinary profession, together with the public interest in maintaining confidence in the profession of veterinary surgeons and protecting the welfare of animals, meant that a period of suspension would not be sufficient. His actions were fundamentally incompatible with remaining on the Register and thus the only appropriate and proportionate sanction in all the circumstances of this case was that of removal from the Register.
20. The Order of this Committee is, therefore, to direct the Registrar to remove Dr Butnaru's name from the Register.

## **DISCIPLINARY COMMITTEE**

**21 December 2023**