

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

DR CLAUDIA ELENA SURDILA MRCVS

DECISION OF THE DISCIPLINARY COMMITTEE

1. Dr Surdila appeared before the Disciplinary Committee (“the Committee”) to answer the following charge (as amended):

That, being registered in the Register of Veterinary Surgeons, you:

1. On 18th December 2019, at the Mehedinti Tribunal, Criminal Department, Romania, were convicted of the offence of using or presenting in bad faith false, inaccurate or incomplete documents or statements to unlawfully obtain funds from the general budget of the European Union or from budgets administered by the European Union or on its behalf, under continuous form;

and were sentenced to:

- Two years imprisonment, suspended for two years;
- A two year period of supervised probation, during which you were obliged to comply with a number of supervision requirements and to undertake 60 days of unpaid work in the community;
- Disqualification for two years from the right to be elected to public authorities or public office, or to hold a position involving the exercise of state authority, such disqualification suspended for two years;

- An order for payment of 19,544.7 Romanian lei in damages plus court expenses;

the above sentence having become final by the decision of the Craiova Court of Appeal on 11 November 2020;

AND that it is alleged that the above conviction renders you unfit to practise veterinary surgery.

Preliminary matters

Application to amend

2. Miss Curtis appeared on behalf of the College and Mr Phillips appeared as a lay representative on behalf of Dr Surdila. Before the allegation was put to Dr Surdila, Miss Curtis made an application to make three amendments as follows:

- to correct the spelling of Romania;
- to remove reference to “following trial”, because Dr Surdila did not in fact contest matters and entered a guilty plea;
- to remove the erroneous pound sign from the figure of damages.

3. Mr Phillips, on behalf of Dr Surdila, did not object to the proposed amendments.

4. The Committee accepted the advice of the Legal Assessor that it could amend the charge at any time up until the findings of facts, provided that to do so would not cause injustice. The Committee noted two of the requested amendments were clearly typographical errors and would not cause any injustice. The other amendment requested was to accurately reflect the fact that Dr Surdila did not contest matters at trial. The Committee noted that there was no objection to the proposed amendments. In all the circumstances, the Committee was satisfied that the requested amendments were necessary and would not cause any injustice. Accordingly, the Committee allowed all the amendments requested.

Admissions

5. Dr Surdila admitted the facts as contained within the charge.

Background

6. Miss Curtis then proceeded to open the case on behalf of the College.
7. At all times material to the charge before the Committee, namely the date of the conviction, Dr Surdila was registered as a Veterinary Surgeon. At the actual time of committing the offence she was a student.
8. On 18 December 2019, at the Mehedinti Tribunal, Criminal Department in Romania, Dr Surdila was convicted, following a guilty plea, of the offence outlined above. She received a suspended prison sentence, together with supervised probation, disqualification and an order for damages, as detailed in the particulars of the charge. There was an unsuccessful appeal against sentence, with the result that the sentence took effect on 11 November 2020.
9. The College instructed Ms Amalia Gogoci, a specialist in Romanian criminal law, to provide expert assistance with regards to the nature of the findings against Dr Surdila. Ms Gogoci is an associate in a law firm in Bucharest and specialises in criminal law. She confirmed that the findings amount to a conviction for a criminal offence according to the law of Romania.
10. Dr Surdila reported the conviction to the College and provided copies of the relevant Court documents. They include a record of the original decision of the Court on 18 December 2019 and notification that the Court Order became final on 11 November 2020.
11. Miss Curtis said that the College had a limited amount of underlying information relating to the offences, although it appeared that Dr Surdila appeared at Court alongside two co-defendants, namely her sister and a Mr B. The only other notable information about the case came from Dr Surdila herself, as outlined below.
12. On 23 March 2021, in response to a request from the College, Dr Surdila sent an email to the College, providing her account of what happened, as follows:

“My family already owned a few bee hives in a mountainous area close to my home town before any of this started. Think of it as an allotment where my family and I occasionally

spent time. We were passionate about beekeeping. In 2010 I had been made aware of a stimulus programme for young persons to become involved with their own business.

We (my sister and I) used a consultancy service which we paid to handle an application for EU funding to grow our bee keeping operation. The project was supposed to grant a small amount of funding over a period of 5 years in yearly installments. In order for the application to be successful, we had to belong to a bee keeping co-op local to our area. The consultant signed us up as part of the no hassle service which they advertised and promise everything was legal.

For the first two years, we had been members of a legitimate apiculture coop. In 2013, for reasons I am not aware of, we were switched over to a co-op owned and operated by Mr B [name redacted], which released a certificate of membership which was attached to our project folder.

After 3 years of operation, a harsh winter caused losses to our hives and damaged our operation to the point where we decided it was no longer feasible. My family and I were also otherwise engaged with university and work and could no longer put in the necessary efforts anyway. We stopped the business then and there.

We did not hear anything of this since then until 2019 when Mr B's coop was found to not have had the proper license under the Classification of Economic Activity in the National Economy. He apparently had no legal right to offer us membership in his co-op as he was not licensed for bee-keeping.

All projects and applications containing false paperwork issued by Mr. B were prosecuted. The consultant, an employee of the County Office of Agricultural Consultancy, had us sign paperwork at each stage and provided assurances that it was all in accordance with the law. I had signed everything in good faith.

When I tried to contact the consultant to aid us in our legal defense proceedings, I was made aware that she had since passed away.

I was found guilty of supplying false documents in order to obtain EU funding. I have paid back the grant in full, equivalent to 3400 plus interest. I am currently liaising with

the probation service in my home town and keep in touch with a case worker regarding the two years suspended sentence.

Mr. B is now in prison.

The appeal we have put forward was denied and the final court decision was given on 11.11.2020.”

13. For the hearing before the Committee Dr Surdila provided a statement. She provided more details of her background and how she came to set up a small business with her sister selling honey from their bees. She said:

“My family kept a small number of beehives, maybe half a dozen or so, on a property of ours outside of town. This was a small plot of land up in the mountains outside Drobeta-Turnu Severin where we sometimes went on weekends and in the summer for recreational purposes. It is not dissimilar to an allotment in the UK. The honey was mainly used by our family but we sometimes also gave away or sold off a bit of the excess to friends and acquaintances. The price of natural organic honey is quite high so we were always discussing it might make a good source of income one day if scaled up.

*In 2010 I became aware of a scheme whereby young persons could apply for EU funding to develop their own businesses. There were adverts for this on television and promotional materials available throughout the university as well. The scheme was called *Help for young farmers*” as I recall and it was one of many such programmes running in Romania at the time. Romania had only recently joined the EU (in 2007) and the scheme was designed to provide access to the newly available EU funding.*

My sister and I thought that we could use the funding to formalize and scale up our bee keeping hobby into a source of extra income for the family. After a bit of research, we found a local office of AFIR (Agency for Financing Rural Investment).

This agency had consultants that would handle the complicated administrative process of applying for funding so that the applicants would be free to focus on their enterprises. We employed one such consultant, a lady of venerable age, who offered to prepare our

application for a fee of 100 euros a year. It is more than a decade since I last met this lady and I can no longer remember her name.

My sister and I provided information as and when requested and the consultant processed the applications, periodically calling us in for signatures on documents. I now understand that part of the documentation we had to periodically sign while dealing with the application for funding was a declaration that we belonged to a recognised bee-keeping cooperative as a condition for receiving EU funding. However, at the time we both signed what was asked of us to sign, trusting the consultant but without understanding exactly what it was that we were signing.

I now regret my naivete and lack of judgement very much. Even though it is now impossible, I wish I could go back and read what I was signing properly and ask more questions. I tell myself that I was young, in a hurry and did not fully understand the importance of a signature on a legally binding document but I still cannot help but shudder at my behaviour in those moments.

My sister and I went on to set up beehives on separate plots of land in different localities close to our home town. We had help from family to periodically check on the bees. We figured that if we had two locations, it would give the bees more territory to harvest honey and more space to grow in the future. It also nurtured a bit of competitive spirit which suited our good-natured sibling rivalry.

The scheme awarded us with 1500 euros per year each, by direct bank transfer, which was enough to supplement our own efforts. Things went well for two years for both of us until a very harsh winter caused unsustainable losses to our bee families/colonies. Given both my and my sister's increasing commitment to university studies and my family being more busy with their work, we decided to stop our venture. To this purpose we informed the consultant who prepared statements for us to sign detailing our retreat from the funding scheme and the closure of our respective activities. The initial programme initially offered funding for up to 5 years but we stopped at 3. It was regrettable but we felt our studies had to take precedence.”

14. Dr Surdila then detailed how she then moved to the UK after graduating in 2015, registered with the RCVS and began working in Scotland as a Veterinary Surgeon in a practice in Motherwell.

After a period there she then set up her own business in a rural location, comprising two clinics, together with a colleague who dealt with the business side of the practice. She was, and continues to this day, to be the only vet in the practice, with the occasional assistance from locums. She has approximately 1500 active clients.

15. Then, in 2019, Dr Surdila said she heard from her family that she and her sister were to be prosecuted, along with a Mr B, for obtaining EU funding under false pretences. She said:

“This came as a terrible shock and shame to me. I immediately realised that the consequences of being convicted threatened to destroy my lifelong ambition to fulfil my vocation as a veterinary surgeon.

As I now know, in 2013, before we withdrew from the scheme due to loss of the hives, and for reasons I do not know, the consultant switched our membership of the original cooperative we joined to one that was run by Mr [B].

Mr [B’s] cooperative was not licensed for bee keeping and he had no right to provide my consultant with the membership certificate, for which of course he charged a fee. Mr [B’s] fraud was across a large number of cases, not just ours, and I believe he is still in prison following his own conviction.

This was all explained to me by the lawyer I had hired to help me with the proceedings, Marian Valon. He told me that our involvement with Mr [B] as recorded on our file rendered our whole EU funding application invalid, right from the outset, even if the original cooperative we had been signed up to was legitimate. Mr Valon advised me that the only hope I had was to have a favourable statement to explain what had happened from my former consultant, but we soon after found out that she had since died.

As it was, I had signed legally binding documents with a false declaration and there was no way out. In light of this, Mr Valon advised that the best way forward was to admit guilt, pay back what I had received and move on. I attach to this statement as Exhibit CS1A and CS1B a statement from my lawyer confirming that I pleaded guilty to the charges against me without reservation.

Also, by then I was already living and practising in the UK and it was extremely difficult for me to deal with proceedings in the Romanian criminal system, which I had no previous knowledge or experience of anyway.

At the time, I was working full time in my nascent practices in the UK as the only vet. I had to work to survive. Also I was then and still am regularly sending money back to my family home in Romania. My father is retired and has only a meagre pension. I could see no imaginable way for me to attend a lawsuit, and since I was pleading guilty I believed it would not make any difference.

When I was convicted (as was my sister) I was advised that the sentence I received was very harsh in the circumstances where we had been led down the path of making a false application by third parties in whom we had placed trust and confidence (and who we had paid for their services).

My lawyer advised that we should appeal the sentence, citing that it should have been a fine to be paid and not a suspended imprisonment. The DNA (National Department for Anti-corruption) prosecutor also appealed the decision in order to have it judged in a Court of Appeals and as such make it final. It is also DNA policy to push for a maximum punishment as part of Romania's campaign to discourage corruption. I am not aware of more information on this. This is what was explained to me by my lawyer.

My appeal was rejected as unfounded and unfortunately the court of Appeal ratified the original decision, in 11/11/2020.”

16. Dr Surdila said that she had completed all the requirements of the sentence that were imposed, namely:

- paid 15800 RON back to the Agency for Rural Investment Financing;
- paid 12877 RON in interest on the funding received;
- paid 2800 RON court costs;
- attended meetings with the Probation Counsellor in January, May, September and November 2021, was exempted from the scheduled meetings in March and July 2021 and January 2022 because of Covid restrictions and is due to attend further meetings in April, July and October 2022;

- completed 60 working days of unpaid community service, starting on 21.9.21 and ending on 25.11.21, at the Drobeta-Turnu Severin City Hall.

17. In conclusion Dr Surdila said:

“I can only ask to be believed when I say that I know in my heart there is no prospect of me repeating the sort of errors that I made back in 2010. I have already learnt a very hard lesson about the consequences that can follow from not being careful to take full responsibility for what I sign and declare.

I deeply regret what I have done and the manner in which I did it. Even though my mistakes happened long ago, I have been paying for them heavily throughout the recent years. Besides the many hours of introspection and arguing with myself, besides the heavy stress that I had to suffer, on top of the stress coming from these unprecedented times and the profession itself there has also been the financial costs. All the spare money that I have earned in this profession since my graduation had to go towards making this right.

Between paying for the damages, legal expenditure, travel expenditure, having to miss work and financially supporting my family, I have no savings. Due to COVID-19 restrictions and my situation, my practices have financially regressed and my income is low – about two thirds of what a new graduate vet would need to be paid, and current locum rates are even higher (if you can find one at all). Missing more work would mean closure of my practices. The stains on my records would make finding other work, in Romania or the UK, difficult if not impossible.

I know that my conviction was for a serious offence and that the College has an obligation to uphold the good reputation of the profession in the public eye. I would not have it any other way, as the public are my clients.

For all the repercussions I have lived with since 2019, my greatest torment has been the constant fear that it could ultimately take away from me the profession that I strived so hard to join and which is my life.

I now leave it the Committee to decide my fate, in the hope that I will be permitted to continue working in my beloved profession.”

The Charge

18. The Charge being admitted, there was no necessity for the parties to make any further submissions on the facts.

The Committee's determination on the Charge

19. The Committee found the charge proved on the basis of Dr Surdila's admission, as supported by the evidence relied on by the College, namely the translated documents from the Mehedinti County Court in Romania.

Fitness to Practise

20. Miss Curtis, on behalf of the College, submitted to the Committee that the nature and circumstances of the offence, which led to the conviction, were such as to render Dr Surdila unfit to practise as a Registered Veterinary Surgeon. She said that the College noted that Dr Surdila, in her email dated 23 March 2021, said that she "*signed everything in good faith*" and that furthermore in her statement, dated 8 March 2022, Dr Surdila continued to indicate that she acted without fully understanding what she was doing. Miss Curtis submitted, however, that the offence for which Dr Surdila was convicted included an element of bad faith akin to dishonesty or deception.

21. Mr Phillips, on behalf of Dr Surdila, indicated that Dr Surdila accepted that her conviction rendered her unfit to practise as a Registered Veterinary Surgeon.

The Committee's Determination on Fitness to Practise

22. The Committee considered the submissions made by the parties. The Committee acknowledged Dr Surdila's candid acceptance that her conviction rendered her unfit to practise. The Committee accepted the advice of the Legal Assessor that, notwithstanding Dr Surdila's acceptance, the issue of unfitness was a matter for the Committee's judgement. The Committee also took into account the Code of Professional Conduct for Veterinary Surgeons (The Code).

23. The Committee found Dr Surdila had breached the following part of the Code:

6.5 Veterinary surgeons must not engage in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession.

24. The Committee next considered what factors either aggravated or mitigated the actual offence committed by Dr Surdila. However, having given it careful thought, the Committee did not consider there to be any mitigating factors or aggravating factors at this stage of the hearing.
25. The Committee took into account the case of CHRE v GDC and Fleischmann [2005] EWHC 87 (Admin), which provides that, as a general principle, a professional who has been convicted of a serious criminal offence should not be allowed to practise until such time as they have satisfactorily completed their sentence. This is also referred to at paragraph 49 of the RCVS Disciplinary Committee Procedure Guidance. The Committee noted the length of the suspended prison sentence, probation and disqualification imposed on Dr Surdila, which are not due to expire until November 2022, and therefore all the elements of the sentence are still current. The Committee considered this to be relevant to the public interest in a finding that the conviction rendered her unfit to practise. Dr Surdila stated that her appeal had been postponed several times due to Covid, so the Committee considered it is possible that otherwise her sentence might have been completed by now.
26. The conduct underlying this conviction involved an element of bad faith as reflected in the wording of the charge. Miss Curtis said this was akin to an element of dishonesty or deception. Whilst, at this stage, not determining whether bad faith necessarily in fact equated with dishonesty, the Committee considered the nature and seriousness of Dr Surdila's conviction meant that her conduct was liable to have a detrimental effect on the reputation of the profession and to undermine public confidence in the profession. The Committee considered that members of the public would be concerned that a Registered Veterinary Surgeon had been convicted of an offence of this nature.
27. Whilst recognising that the conduct concerned occurred long before Dr Surdila qualified as a Veterinary Surgeon, the Committee was satisfied that the facts underlying the conviction fell far below the standard expected of a Registered Veterinary Surgeon. The Committee therefore concluded that Dr Surdila's conviction was of a nature and seriousness that required a finding that she was unfit to practise as a Veterinary Surgeon, on public interest grounds.

Sanction

28. Miss Curtis informed the Committee that Dr Surdila has no previous disciplinary matters recorded against her.
29. Dr Surdila provided a written statement (detailed above), together with: an affidavit from the solicitor who represented her at the criminal court in Romania; a Surveillance Report dealing with her Supervised Probation; and a number of positive testimonials. She also gave evidence on affirmation to the Committee. She reiterated what was contained within her statement. She clarified that she had since remembered the name of the Consultant she had relied on and who had subsequently died. She also said that she could not now say whether her initial claim had been legitimate and it only became illegitimate when Mr B took over, or whether it had all been illegitimate. However, she understood from her solicitor that her involvement with Mr B meant that the Court annulled all the documentation from the outset of the process. She maintained that she had signed everything in good faith, but said she now regretted her naivety and judgment. She said she trusted the consultant and never questioned anything. She accepted that she could have entered a not guilty plea at court but said she followed the advice of her solicitor, which was that she should plead guilty because, following the disappearance of the consultant, she had no other option. With reference to her appeal against sentence, Dr Surdila said that it took over a year because of delays caused by Covid. She confirmed that there had been no change to her sentence following the appeal. Dr Surdila said that she understood that the Committee had to deal with her case on the basis of the offence to which she had pleaded guilty and which involved an element of bad faith.
30. Mr Phillips made submissions on her behalf in mitigation and invited the Committee to consider taking no further action in this case in light of the unusual circumstances of the conviction and the extensive mitigation.

The Committee's Determination on Sanction

31. In reaching its decision on sanction, the Committee took into account all the evidence and documents provided, together with the oral evidence, the submissions made by Mr Phillips on behalf of Dr Surdila and all matters of personal mitigation. 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 Surdila, but to protect animals, 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.

32. The Committee first considered any aggravating and mitigating factors in this case.
33. The Committee did not find there to be any aggravating factors. In reaching that view, the Committee did consider whether Dr Surdila had committed the offence for financial gain. However, it concluded that there was no evidence to support such a finding. She had made an application for a grant to further her business in bees, which was a legitimate course to have taken. In the event it would appear that the totality of her application became illegitimate because of the involvement of Mr B. The grant she received covered a five year period. However, after two years there was a bad winter and many of the bees were lost. After the bad winter in the third year she withdrew from the scheme and did not make any further claims for the final two years. There was no evidence to suggest she had not used the money obtained for the furtherance of her business and no evidence, for example, that she had been spending the money on something unconnected with her business. None of her behaviour suggested someone who had set out to defraud the scheme.
34. The Committee also considered whether 'bad faith' equated to dishonesty. The Committee's decision making was hampered by the almost complete lack of information of the facts underlying the conviction from the prosecution's perspective. There was, therefore, little to gainsay the account given by Dr Surdila and, having seen and heard from her, the Committee considered her account to be credible. There was no evidence before the Committee of what 'bad faith' actually meant in Romanian jurisprudence and it was by no means clear to the Committee that it necessarily meant there was an element of dishonesty involved in the offence. The Committee found it difficult to say that Dr Surdila had entered into this arrangement understanding the documents to be false, but rather considered that she had been caught up in a scam being run by others. The Committee did not consider that she had carried out this transaction with an intent to defraud and she had only used the money for the very purpose for which it was intended. In such circumstances the Committee struggled to see how her actions could be seen as dishonest, albeit they were carried out in bad faith as evidenced by her guilty plea to the charge. The Committee also had no doubt that applying for an EU grant was likely to have been a complicated affair and it made sense, therefore, for Dr Surdila to have paid and used the services of a consultant to assist her. She should have been more careful and she should have read the documents she was signing,

but this amounted more to culpable commercial carelessness than acts of dishonesty. The Committee accepted Mr Philip's submission that whilst dishonesty would always amount to bad faith, bad faith would not always necessarily amount to dishonesty.

35. As a matter of undeniable fact, Dr Surdila's signature became the authentication of documents that were in fact false. The Committee believed it to be intellectually possible in this case for good faith and bad faith to co-exist. The good faith was the faith that Dr Surdila placed in her paid consultant (and, indirectly, Mr B) when signing documents that she was advised to sign. The bad faith, to which she pleaded guilty, lies in the undeniable fact that those documents, were used to make an improper application for which she had to accept ultimate responsibility.

36. The Committee therefore concluded that there was insufficient evidence of any financial gain or that bad faith meant there was dishonesty in this case. Having discounted these two potentially aggravating factors the Committee did not consider there to be any aggravating factors in this case.

37. The Committee found the following mitigating factors:

- no previous criminal convictions or disciplinary history;
- a single event between 9 and 12 years ago, committed at a time when Dr Surdila was young and inexperienced and before she had qualified as a Veterinary Surgeon;
- no repetition of the behaviour;
- no harm, or risk of harm, to animals;
- an admission of guilt in the Criminal Court and before this Committee;
- the risk of repetition considered to be very low according to those responsible for her probation;
- significant insight into her offending behaviour and the impact of that upon the profession;
- genuine remorse;
- Dr Surdila is the main source of income in her household and she supports her family financially;
- she runs two busy clinics in a rural area serving the community in Scotland with approximately 1500 active clients who would be directly affected by the loss of their local Veterinary Surgeon (see below);
- positive testimonials attesting to her good character from persons who are aware of her conviction;

- the start of her sentence was delayed by many months through no fault of her own but rather due to Covid-19.

38. The testimonials provided attested to Dr Surdila's care, professionalism and dedication to the provision of veterinary services to her clients. Her colleague who runs the business side of the clinics confirmed that if Dr Surdila were not allowed to practise he would be *"forced to make a difficult business decision and to close both veterinary practices."* He said this would be *"detrimental to the team, the local community, the pet owners and pets themselves."*
39. The Committee first considered whether this was an appropriate case to take no further action. The guidance states that, *"In certain cases, the Committee may consider a finding that a respondent veterinary surgeon is guilty of disgraceful conduct in a professional respect, or that a conviction renders him or her unfit to practise, is sufficient to protect animals and the wider public interest, without a reprimand or warning as to future conduct; in such cases, the Committee may decide to close the case with no further action ."*
40. The Committee noted that this was not a case where there was any suggestion that Dr Surdila was a threat to animals. It was, however, a case where the wider public interest was engaged, hence the finding that she was unfit to practise. The Committee noted that such a finding was in itself a serious matter and could, in some circumstances, be sufficient to mark the behaviour and satisfy the public interest.
41. However, the Committee was cognisant that Dr Surdila had been convicted of a serious offence which attracted a not insignificant sentence of imprisonment, albeit suspended imprisonment. In addition, the Committee did consider the principle set out in the case of Fleischmann (*ibid*), which it had already taken into account when deciding that a finding that Dr Surdila's conviction meant she was unfit to practise was necessary on public interest grounds. The Committee noted that whilst this was a principle and not a rule, it would be disproportionate to decide to take no further action where there were elements of Dr Surdila's sentence which had yet to be completed.
42. The Committee thus concluded that it would not satisfy the wider public interest requirements of maintaining confidence in the profession and upholding standards to take no further action.
43. This was a serious conviction with a significant sentence, involving an element of bad faith. The Committee considered it important to mark this behaviour in some way because Dr Surdila should

have been more cognisant of what she was signing. The Committee therefore considered whether a reprimand and a warning would be a more appropriate and proportionate sanction in this case.

44. The College's guidance states that: *"A reprimand might be appropriate if the conviction that renders the respondent Veterinary Surgeon unfit to practise, is at the lower end of the spectrum of gravity for such cases and, for example, there is no risk to animals or the wider public interest that requires registration to be restricted. A reprimand or warning 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."

45. Although the conviction and sentence make it difficult to characterise them as being at the lower end of the spectrum of seriousness, the Committee considered that the particular circumstances of this case allowed it to do so. The Committee noted that this offending behaviour took place a significantly long time ago, when Dr Surdila was young and inexperienced and before she had qualified as a Veterinary Surgeon. There had never been a risk to animals or the public, she had demonstrated significant insight into her failures and exhibited genuine remorse. The Committee was satisfied that it was highly unlikely she would ever commit such an offence again. When deciding the appropriate and proportionate sanction, the Committee also took into account the important role she played providing a rural community with veterinary services.

46. The Committee was aware that Dr Surdila's sentence will not have been fully served until November 2022 and that, once again, reference needed to be made to the case of Fleischmann and the principle enunciated therein. However, the Committee considered that the extensive mitigation at the sanction stage allowed the Committee to adopt a different course. Indeed, in the Fleischmann case Newman J said that there would be circumstances that would justify a different course. Furthermore, the Committee noted that, but for the delays caused by Covid-19, Dr Surdila might well have served her sentence by the time of this hearing. It would, therefore, be disproportionate to default to a period of suspension until November 2022. The Committee also considered that in all the circumstances of this case it would be wrong to deprive Dr Surdila's rural community in Scotland of her valuable services by restricting her practice in this way.

47. In light of the lack of aggravating factors and the extensive mitigation in this case, the Committee concluded that it was appropriate and proportionate to reprimand Dr Surdila and to warn her of the need to ensure she reads and understands all documents that require her signature.

48. The Committee was satisfied that a sanction of reprimand and warning would adequately mark the seriousness of the behaviour and would protect the reputation of the profession and uphold standards within the profession, thereby maintaining public confidence in Veterinary Surgeons and the College as their Regulator.

49. The Committee thus determined to reprimand Dr Surdila and warn her about her future conduct in the way outlined above.

DISCIPLINARY COMMITTEE

10 March 2022