

ROYAL COLLEGE OF VETERINARY SURGEONS
DISCIPLINARY COMMITTEE

INQUIRY RE:

DR TUDOR HERLEA MRCVS

DECISION OF DISCIPLINARY COMMITTEE
ON FINDINGS OF FACT AND UNFITNESS TO PRACTISE

1. The Respondent was charged as follows:

That, being registered in the Register of Veterinary Surgeons:

On 15th January 2025, at the Cluj Court of Appeal, Romania, were convicted of, and/or your conviction was upheld in relation to, offences of driving whilst under the influence of alcohol and driving whilst suspended; In relation to which offences, you were sentenced to a total of fifteen months' imprisonment, suspended for two years;

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

Findings of Fact – Stage 1

2. At Stage 1 of the Hearing it is for the Committee to decide whether it is satisfied that each of the Charges laid against the Respondent has been proved and proved to the extent that the Committee is sure of the facts alleged in each of the Charges laid against this Respondent.
3. In this instance the Charge and the facts on which the Charge is founded have been admitted by the Respondent. Nonetheless, they require to be proved by the College to the extent that the Committee is sure of them.
4. The College's case is set out in the documents contained in the Inquiry Bundle, in particular in the Transcript of the Hearing before the Cluj Court of Appeal and the witness

statement of Mr Croitoru. The Respondent has not sought to dispute the contents of those documents.

5. The Committee notes that Rule 23.4 of the RCVS Evidence and Procedure Rules 2004 provides that, unless proved otherwise to the satisfaction of the Committee, the findings of fact of any court shall be admissible as conclusive evidence of those facts and, further, that Rule 23.5 provides that the Committee may accept admissions made by a party and may in such case dispense with proof of the matters admitted.

Committee's Decision on Stage 1 – Findings and Conclusions

6. Based on the above evidence, taken together with the Respondent's admission that he was convicted of the offences set out in the Charge, the Committee is satisfied that the Charge laid by the College is proved to the required standard.
7. For the same reasons the Committee is satisfied so that it is sure that the facts set out in the Charge are correct, namely that the Respondent was convicted of the offences of driving a motor vehicle on 5 February 2023, whilst the proportion of alcohol in his blood exceeded the limit specified in the Romanian Criminal Code and of driving whilst his licence to drive was suspended.

Stage 2 – Consideration of Unfitness to Practise

8. The Respondent is a Registered Veterinary Surgeon who commenced work in the United Kingdom in July 2024.
9. On 29 March 2024, the Respondent was convicted, in the Cluj-Napoca Court, Romania, of driving whilst his licence to drive was suspended and whilst he was under the influence of alcohol. He admitted the offences. He was sentenced to a total of fifteen months' imprisonment, suspended for two years. In addition he was made subject to probation/supervision during the period of the suspended sentence.
10. The Respondent appealed against sentence but on 15 January 2025, the Cluj Court of Appeal dismissed the Respondent's appeal. It was at this point that the convictions became effective and sentence became operative under Romanian law.
11. On 1 April 2025, the Respondent informed the College of the finding of the Cluj Court of Appeal, by means of an on-line declaration.
12. On 3 April 2025, the College wrote to the Respondent asking him to complete a declaration form and provide further details. This he did and completed the form on 7 April 2025.

13. On 28 April 2025 the College wrote to the Respondent, asking for his comments on the convictions and for copies of relevant police, prosecution and Court documents.
14. The Respondent replied on 9 May 2025 providing comments on the offences underlying the convictions. He also provided copies of relevant documents. These included formal Court documents from the Cluj Court of Appeal and documents relating to the probation/supervision part of his sentence. An official translation of these documents has been obtained which covers the formal Transcript of the Court of Appeal Hearing.
15. In addition, there is before the Committee a Witness Statement from a Romanian lawyer which explains the Court processes in Romania and confirms that the Ruling of the Cluj Court of Appeal constitutes a criminal conviction, which became effective on 15 January 2025.
16. These Court documents and Mr Croitoru's witness statement confirm the events that led to the Respondent's convictions. These were that, shortly after midnight on 5 February 2023, the Respondent was driving a vehicle when he was stopped by police in a routine stop and tested for alcohol. The level of alcohol in the Respondent's blood was 1.42 g/l in the first sample taken and 1.23 g/l in the second. The legal limit was 0.8 g/l.
17. The Respondent should not have been driving at all on 5 February 2023, as his licence had previously been suspended as a result of a speeding offence. The speeding offence took place on 14 December 2022. He had been driving at 108km/h on a road where the limit was 50km/h. The expert explains that this constituted a traffic contravention (not a conviction for an offence) which resulted in a three month "*administrative*" suspension from driving, ending on 27 February 2023.
18. The Respondent's statement (made as part of the criminal proceedings) indicated that between 21:30 and 22:30 on 4 February 2023, he had been drinking vodka and beer at his home, when at around 23:00 his father had arrived. His father, who had heart-related problems, had become unwell, and did not have his medication, "*Norvasc*", with him, so the Respondent had got into his company car and begun to drive to a "*non-stop*" pharmacy to buy the medication, when he was stopped by police. He stated that he was aware that his licence had been suspended as a result of a previous misdemeanour. The suspension was not due to expire until 27 February 2023.
19. The Respondent repeated his account of the offences underlying the convictions, both in his initial disclosure to the College in April 2025 and in his letter to the College of 9 May 2025.

The Decision of the Cluj Court of Appeal

20. The Respondent argued on appeal that he should have received a postponement of sentence. This was on the basis that the incident was prompted by an emergency relating to his father's health, that he had driven less than one kilometre, that it was late at night and there was no traffic about, and that he had no previous convictions.
21. The Appeal Court rejected this argument, and found instead that the offences were serious because of the high alcohol level, the lateness of the hour and the fact that at the time he was driving whilst suspended. It noted that the original court had found that both offences were committed with "*direct intent*" in that the Respondent knew he had been drinking and knew he had been suspended from driving.
22. In upholding the sentence imposed by the Court of First Instance in March 2024, the Romanian Court of Appeal (as translated) stated:

"Contrary to the Defendant's opinion, the offences that are the subject of the present case are not of a less serious nature, and, from the perspective of his professional studies [it had previously been noted that he was a veterinary surgeon], the Defendant should have been aware of the effects of alcohol consumption on the body and should have identified an alternative way to procure the necessary medicine for his father (who should not have been left alone in a medical emergency) and not make the decision to get behind the wheel under the influence of alcohol and with a suspended driving licence. The Court of Appeal notes that the defendant did not provide any explanation as to how his father's health recovered or improved after the defendant was caught during the traffic stop and whether he managed to provide his father with the necessary medicine (directly or by alternative means)... From the evidence in the present case (medical records regarding the health of the defendant's father) the Court cannot find that the defendant appellant was in an exceptional situation at the time of the offence, which would justify the defendant's criminal activity to some extent.

The Court informs the defendant that driving a vehicle with a suspended driving licence and whilst under the influence of alcoholic beverages is, by its very nature, an activity which involves certain risks for the other road users, including pedestrians. In concrete terms, unfortunate events can be prevented not only by the formal compliance with the traffic rules, but also through the preventive(sic) driving and a driver's constant concern for their own safety and that of others. The defendant has severely violated the traffic rules, got behind the wheel with a suspended driving licence and with a blood alcohol level well above the limit allowed by criminal law, being detected by the police during a routine check."

23. The Committee took into account the fact that the Respondent reported himself to the RCVS when the convictions became final and effective in Romania. He admitted before the Committee the allegation relating to the offences and that the convictions rendered him unfit to practise
24. The Respondent did not give evidence at this stage in the proceedings.
25. The Committee considered the College's Submissions on Unfitness to Practise, namely:
 - (1) The Findings of the Cluj Court of Appeal as set out above;
 - (2) The statement of Lord Hoffmann in Kirk v RCVS [2004] UKPC 4 at paragraph 33: "*veterinary surgeons as professionals have wider duties than the care of animals. They are expected to conduct themselves generally in accordance with the standards of professional men and women and failure to do so may reflect upon the reputation of the profession as a whole...*"
 - (3) The Code of Professional Conduct for Veterinary Surgeons ("the Code") paragraph 6.5 which enjoins against any behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession;
 - (4) Paragraph 27 of the RCVS Disciplinary Committee's Procedure Guidance (August 2020) ("Procedure Guidance") which confirm that matters of purely personal mitigation are not relevant to the issue of whether a respondent's conduct does or does not warrant a finding of unfitness to practise;
 - (5) The aggravating factors set out in paragraph 39 of the Procedure Guidance which may be relevant;
 - (6) The alternative courses of action which the Respondent could have chosen to take on the night in question which would have obviated the need for him to drive when he knew his licence had been suspended and when he knew he had consumed alcohol in the form of both beer and vodka;
 - (7) The severity of penalty imposed by the Romanian Courts, which confirm that they took a serious view of this Respondent's conduct on the night in question.

Committee Conclusions and Findings

26. The Respondent chose to drive a vehicle when he must have known that the alcohol in his blood was over the prescribed limit by a significant amount. He knew he had consumed a quantity of both beer and vodka. The route he took to the pharmacy in question was on a main road into the centre of town. He also well knew that he was prohibited from driving by reason of the fact that his licence had been suspended for an offence of excess speed and that his period of suspension would not expire until 21 days

later. There were obvious alternative courses that he could have followed in order to secure the medicine his father needed. The Cluj Court of Appeal noted that he could have used a taxi to get to the pharmacy in question. In electing to drive his company car he, therefore, posed a potential for risk of harm to other road users. The Committee endorses the view of the Cluj Court of Appeal where it stated it was “*only by chance the defendant did not cause a road accident, however he endangered the life and physical integrity of himself and other road users*”.

27. The Cluj Court of Appeal confirmed the sentence of a custodial period of fifteen months and a period of suspension of two years, both of which were lengthy. The Committee noted that that period of suspension does not expire until 14 January 2027 and that had the immediate period of custody been imposed without suspension, it would not have expired until 14 April 2026.
28. The Committee has reflected on the decisions in Fleischmann and Patel. Their potential relevance concerns the fact of the on-going status of the Respondent’s custodial sentence and its potential effect on maintaining public confidence in the profession whilst the sentence still has to be completed, including the probation element.
29. The Committee took into account the following factors identified by the Cluj Court of Appeal namely, the risk of injury to other persons which was inherent in the Respondent’s conduct on the night in question; the fact that he knew he had been drinking alcohol when he chose to drive and that he knew his driving licence was suspended; the fact that, as a veterinary surgeon, he must have known of the effect which his consumption of such alcohol would have on his ability to drive safely; the fact that he chose to drive when light conditions would have been poor and visibility would have been reduced because it was dark; and because he chose not to avail himself of obvious alternatives.
30. The Committee has also taken into account the Respondent’s frank and early admissions and reporting; the short distance that he was intending to drive on the night in question (a one kilometre to the all-night pharmacy); the fact that he was stopped by the police in a routine check as opposed to because his manner of driving was erratic or manifestly dangerous; and that his decision to drive was made against a backdrop of highly stressful personal circumstances (his father’s collapse - he had also nearly lost his mother to cancer shortly before).
31. Nonetheless, the Committee finds that convictions of such seriousness, attracting the significant penalty of fifteen months’ custody, albeit suspended, renders the Respondent unfit to practise. The Committee considers that reasonable, well-informed members of the

public would expect this professional regulatory body to take the Respondent's convictions seriously, and to acknowledge their adverse impact on the reputation of the profession. The Committee considers and concludes that there is a clear public interest in acknowledging the severity of such conduct.

32. Given the Respondent's standing as a veterinary surgeon his fellow practitioners and members of the public expect, and are entitled to expect, that he would conduct himself at all times in accordance with the standards of professional men and women. The Respondent's convictions are incompatible with paragraph 6.5 of the professions governing Code, namely not to engage in any behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession. His failure to comply with that requirement reflects upon the reputation of the profession as a whole and could adversely impact on the trust and confidence which the public is entitled to have in the profession.
33. Having regard to the above facts and matters and the reasons set out, this Committee concludes that the facts relevant to his commission of the offences charged were so serious as to render the Respondent unfit to practise as a veterinary surgeon.
34. The Committee will therefore proceed to Stage 3 of this disciplinary process and consider the appropriate Sanction in this case.

DISCIPLINARY COMMITTEE
4 FEBRUARY 2026