



ROYAL COLLEGE OF VETERINARY SURGEONS
DISCIPLINARY COMMITTEE

INQUIRY RE:

DR TUDOR HERLEA MRCVS

DECISION OF DISCIPLINARY COMMITTEE
ON SANCTION

1. The Committee, having found the Respondent unfit to practise as a veterinary surgeon in relation to the facts found proved on the Charge and unfit to practise by reason of the convictions identified in the Charge, has proceeded to consider the appropriate sanction in accordance with Rule 18 of the Veterinary Surgeons (Procedure and Evidence) Rules 2004.
2. The Committee has had fully in mind that the primary purpose of the available sanctions is not to punish but rather:
 - (i) to protect the welfare of animals,
 - (ii) to maintain public confidence in the profession and
 - (iii) to declare and uphold proper standards of conduct.
3. The Committee has additionally accepted, as advised by the Legal Assessor, that the sanction which it applies must be proportionate to the nature and extent of the conduct and to the maintenance of appropriate professional standards applicable to members of the veterinary profession. It also weighed the seriousness of the professional misconduct and the public interest with and against the interests of the Respondent. As

stated in its Decision on Stage 2 (Unfitness to Practise), the wider public interest includes the maintenance of public confidence in the profession and the deterrent effect upon other registered veterinary surgeons.

4. The Committee notes that the Privy Council, in the case of Walker v RCVS PC 16 2007 (a case involving dishonesty), when commenting on the issue of punitive and deterrent element of disciplinary sanctions, cited with approval earlier observations of Lord Bingham “*The order would then be primarily directed ... (b) more fundamentally to maintaining the reputation of and sustaining public confidence in the profession ‘as one in which each member may be trusted to the ends of the earth’; for this reason ‘considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences passed in mitigation’*”.
5. The Committee accepts that the Respondent has been punished by the Cluj Appeal Court in Romania in relation to the conduct covered by the Charge. The suspended sentence will not expire until 14 January 2027 and, should it be activated the Respondent will have to serve a period of 15 months in prison. It follows that, even now and on the third anniversary of the date when he committed the offences of driving whilst his licence was suspended and whilst he was unfit to drive on account of the alcohol he had consumed, he is still not free of the prospective sanction upheld by the Cluj Appeal Court.
6. The Committee has reached the conclusion that, although the Respondent’s misconduct related only to his conduct on one night, three years ago, the convictions the ensued were of a serious nature. The Committee’s reasons supporting its judgment, that the Respondent was by reason of those convictions unfit to practise as a veterinary surgeon, are set out in detail in its Decision on Stage 2. They, therefore, will not be replicated here.
7. The Committee has assessed the Respondent’s culpability on the basis of the particulars of the Charge laid against him by the College and taken into account the relevant aggravating or mitigating factors present.

8. Having regard to the contents of paragraph 39 of the Committee's Procedure Guidance and more generally, this Committee considers that the following aggravating factors are present in this case:
- (i) his disregard of the legal prohibition against his entitlement to drive a motor vehicle during the period of his suspension;
 - (ii) the extent to which the alcohol in his blood exceeded the prescribed limit under the provisions of the Romanian Criminal Code, namely an excess of over 50%;
 - (iii) the risk of injury to other persons which was inherent in the Respondent's conduct on the night in question;
 - (iv) the fact that he knew he had been drinking alcohol and that his licence was suspended but still he chose to drive - in the view of the Committee, such action was reckless;
 - (v) 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;
 - (vi) the fact that he chose to drive at night when light conditions would have been poor and visibility would have been reduced because it was dark; and
 - (vii) the fact that he chose not to avail himself of obvious alternatives – calling an ambulance, waiting for his mother to arrive with her husband's medication; getting another to drive him to the all-night pharmacy and/or calling a taxi.
9. The most concerning aspect of the misconduct charged, which the Respondent has accepted, is the fact that he endangered the life and safety of other road users and pedestrians, when he chose to drive to the town centre shortly after midnight, as well as the fact that, as an educated professional, he must have appreciated that risk of endangerment when he made his decision to drive that night.
10. The Committee takes the view that, whilst the Respondent has already been punished by the Romanian criminal court for the misconduct covered by the Charge, that does not mean that a Disciplinary Committee is not entitled to impose a further sanction on the Respondent. Were it to be otherwise, that would have the effect of rendering the disciplinary process redundant. Whilst there are many benefits to belonging to a regulated profession, the converse also applies, namely that those benefits carry with them important obligations which, if breached, can result in serious consequences. As Lord Bingham said in Bolton v The Law Society [1974] 1 WLR 512 "*The reputation of the profession is more important than the interests of one individual. Membership brings many benefits, but that is part of the price*".

11. In the context of the Charge, it is important to note that in the oath that veterinary surgeons take upon entry to the profession, they declare:

'I PROMISE AND SOLEMNLY DECLARE that I will pursue the work of my profession with integrity and accept my responsibilities to the public, my clients, the profession and the Royal College of Veterinary Surgeons ...'.

12. Further, the Committee holds to the view that in the context of disciplinary proceedings, the public interest is defined as having three elements:

- (i) protection and promotion of the health and welfare of animals and the protection of public health;
- (ii) promotion and maintenance of public confidence in the veterinary profession;
- (iii) promotion and maintenance of proper professional standards and conduct in the veterinary profession.

In RCVS disciplinary proceedings, references to the public interest are to be read as including these elements. Disciplinary Committees will have regard to these three elements in its consideration of cases before it, in particular when considering the question of an appropriate sanction.

13. The Committee went on to reflect on the matters raised in mitigation by the Respondent and his witnesses. These included:

- (1) his frank and early admissions to his employer and his early decision to notify the Registrar of the fact of his convictions and the sentence upheld by the Cluj Court of Appeal;

- (2) [REDACTED]

- (3) the favourable Report from his Probation Officer confirming his compliance with the requirements of the community service component of his sentence and assessing the likelihood of further offending as "low";

- (4) his genuine remorse, including his full acceptance of responsibility and no attempt to pass blame to anyone else; and

- (5) the content of the references secured from colleagues with whom he has worked. The references all spoke to and supported the contention that the Respondent is a capable, caring and supportive veterinary surgeon. The Committee accepts the assessments made of the Respondent by those referees that the Respondent is a

valued member of the profession; that he shows calmness under pressure when at work; and that if he were unable to practise that would be a loss to the profession.

14. The remaining mitigatory evidence before the Committee came from the Respondent, his colleague Dr Lynsey Doyle and from Dr Martin Chamberlain, practice owner at Cleveleys Vets4Pets, who supported the Respondent's application for a work permit to practise in the United Kingdom and who has mentored him since he commenced work there. The evidence of all three witnesses was contained in witness statements which they read into the transcript. In addition, all three answered questions put to them by members of the Committee. The Committee found their evidence to be reliable and helpful.
15. Their evidence enabled the Committee to reach the following conclusions:
 - (i) that the Respondent does have a real insight into the seriousness of his conduct on the night of 4/5th February 2023 – in particular, its relevance to the public interest, its impact on professional colleagues, the standing of the profession and public confidence in the profession;
 - (ii) that the Respondent is deeply remorseful that he chose to drive on that night in the condition he was – indeed the Committee heard from the Respondent and Dr Chamberlain that he is now committed to ensuring the others learn from his mistakes: he frequently offers advice to colleagues who have consumed alcohol after work not to risk driving home;
 - (iii) that the Respondent has made no attempt to deflect responsibility for his misconduct on to others or other factors;
 - (iv) that he has made significant efforts subsequently to remediate for his misconduct, both by way of his community service work as ordered by the Court and his involvement in the support that he has given to others in the Vets4Pets practice since commencing work there;
 - (v) that he has been able to state that he now knows that “the standards expected of me do not end when I leave the practice; they apply to my behaviour at all times”;
 - (vi) that he does carry the lesson of his conviction with him “every day” as he put it;
 - (vii) that his statement that “the veterinary profession is the core of who I am” was a genuine reflection of how committed he is to his profession and his ability to practise as a veterinary surgeon. Since starting work in Blackpool in July 2024 he has been a successful professional and acquired a significant standing in the community; and

- (viii) that the risk of the Respondent making a significant error of judgement in the future is low.
16. Dr Martin Chamberlain said his practice recently ran a wellbeing and wellness event attended by practitioners from 79 different veterinary practices. This is in addition to the less formal internal practices of his team in supporting each other. It was Dr Chamberlain's assessment, confirmed by Dr Doyle, that the Respondent had embraced the ethos of his practice, had been fully supportive of others in the practice and that he had shown himself to be a calming influence on others in the team. He also stated that he was confident that the Respondent would come to him for help and advice if he found himself in another stressful situation, such as pertained on the night of 4/5 February 2023.
17. The Committee considers that the Respondent was fortunate to have joined Dr Chamberlain's practice given the amount of support and advice he has received.
18. The Committee accepts that no actual harm was caused to any animal or human by the Respondent's conduct and this misconduct was a single isolated incident. It accepts that he has an unblemished record to date. It is also satisfied that he has learnt a bitter lesson and now knows he has put his entitlement to practise as a veterinary surgeon at grave risk.

Consideration of the appropriate Sanction

19. The Committee considered the on the decisions in Fleischmann and Patel. Their potential relevance concerns the fact of the on-going status of the Respondent's suspended custodial sentence and its potential effect on maintaining public confidence in the profession whilst the sentence still has to be completed. The Committee notes that these cases lay down a principle, not a rule. In the specific circumstances of this case the Committee does consider that it is bound by that principle.
20. The Committee, as advised by the Legal Assessor, has approached the issue of the appropriate sanction by commencing with the lowest level of sanction and considered the sufficiency of each before proceeding to the next level of sanction in order of seriousness. Its conclusions on each are as follows.
21. No Further Action: This is too serious a case to warrant an outcome of No Further Action.

22. Postponement: ~The Committee has no doubt, on the basis of the Respondent's compliance to date, that he will complete all the requirements of his sentence. In addition, the Committee finds that this is not a case where an undertaking will serve any purpose.
23. Accordingly, the Committee determines that nothing of value would be achieved by a postponement of this Hearing. Instead it considers that it is clearly in the public interest that this matter should be determined without further delay and the public needs to know that cases of this kind are being dealt with expeditiously.
24. Reprimand and/or Warning as to the Respondent's future conduct: Notwithstanding the custodial sentence and aggravating factors identified above, taking into account all the circumstances the Committee considered that a reprimand and warning this could be a sufficient sanction.
25. In reaching that conclusion, the Committee notes that the sentence upheld by the Court of Appeal is at the lower end of the range of sentences which could have been imposed in Romania. The particular circumstances and stressors which preceded the commission of the offences were unusual and not likely to recur. The Committee considers that the Respondent has shown deep insight into the gravity of his misconduct on that night and concludes that there exists no need in this particular case to impose a sanction designed to have a deterrent effect. The Committee noted that nothing in this case called into question the Respondent's honesty and integrity.
26. Suspension: Before reaching a final decision on sanction the Committee considered whether this sanction would serve to mark the seriousness of the Respondent's misconduct and would send the message to the profession that such conduct brought the profession into disrepute by reducing public confidence in the profession. The Committee considers that it is important to maintain the public's trust in the profession and its Regulator's ability to ensure that veterinary surgeons will conduct themselves appropriately, so as not to undermine the reputation of the profession to which they belong, both as regards their conduct generally and when they are carrying out veterinary procedures.
27. The misconduct of the Respondent is serious but, having regard to the mitigating factors present in this case the Committee concludes that a period of suspension is neither

necessary nor proportionate in this particular case. The consequence of a period of suspension is that the Registrar removes the veterinary surgeon's name from the Register during the period ordered. It is then automatically restored to the Register at the conclusion of the period of suspension. The Respondent would be obliged to inform the Home Office that he was no longer able to comply with the terms of his work permit, as would his sponsor, the Vets4Pets practice in Thornton-Cleveleys. It not therefore unreasonable to assume that under current Home Office guidance, even a short period of suspension would result in the Respondent being unable to practise in the United Kingdom, with permanent effect, which would be disproportionate.

28. The Committee concludes that the appropriate sanction is that the Respondent should be reprimanded and warned as to his future conduct. If the Respondent commits any future serious misconduct, whether personal or professional, he will in the light of this reprimand inevitably put his registration at risk.

DISCIPLINARY COMMITTEE
5 FEBRUARY 2026