

Report of the Discipline Committee of the Saskatchewan Veterinary Medical Association (SVMA)

SVMA - Dr. Wendy Schmaltz License # 2233

Case #2020-21

September 16, 2021 - Hearing by Zoom

On July 15, 2021, the Discipline Committee convened to hear charges set out in a Formal Complaint dated June 9, 2021. As set out in its written decision of the same date, the Discipline Committee found Dr. Schmaltz guilty of the charges set out in the Formal Complaint.

On September 16, 2021, the Discipline Committee reconvened to hear submissions regarding sanction. Section 23(1) and (2) of *The Veterinarians Act*, 1987 (the “Act”) sets out the range of sanctions the Discipline Committee may impose.

Before setting out the specific recommendations, counsel for the Professional Conduct Committee made a number of comments. Counsel advised that the Professional Conduct Committee considered recommending that Dr. Schmaltz take a course on the use of social media. Counsel advised that an appropriate course was not found and as such, that recommendation was not made. Counsel also advised that the Discipline Committee might consider reducing the recommended fine if the costs ordered were significant. In making the recommendation, the Professional Conduct Committee emphasised that the purpose was remediation and not punishment. Counsel also recognized and was sensitive to Dr. Schmaltz’s personal challenges but despite those, professional standards must be maintained. Counsel further submitted that there is an obligation on professionals to be ever more vigilant with personal and sensitive information that is revealed in a public forum. Although the website portal was not public, it was accessible to all employees of the clinic.

Counsel for the Professional Conduct Committee made the following recommendations:

1. Dr. Schmaltz should receive a letter of reprimand from the Registrar;
2. A fine in the amount of \$1,000.00 should be imposed;
3. Dr. Schmaltz should pay the costs of the investigation and hearing. Counsel advised that the actual costs to date were approximately \$9,900.00 but it was expected the costs would exceed \$15,000.00.

Dr. Schmaltz then made submissions to the Discipline Committee. Dr. Schmaltz expressed remorse and advised that the charges and proceedings had caused her stress and anxiety. She did not object to the recommendations made by the Professional Conduct Committee and advised that she would accept the sanction as the Discipline Committee saw fit to impose.

The Discipline Committee reserved its decision. Through the reserve period, the Discipline Committee requested that the Registrar provide a breakdown of the costs of the investigation and hearing as this was information that ought to have been provided to the Discipline Committee. In his submissions, counsel for the Professional Conduct Committee advised that it is expected the total costs would exceed \$15,000.00.

The Discipline Committee agrees that a letter of reprimand should be provided to Dr. Schmaltz by the Registrar. Regarding the proposed fine, the Discipline Committee sets the fine in the amount of \$1,000.00 as this is a reasonable amount which shows to the membership and to Dr. Schmaltz that there are repercussions and consequences for her conduct. A fine serves the purposes of general and specific deterrence.

Regarding the costs of the investigation and hearing, the Discipline Committee orders that Dr. Schmaltz pay costs in the amount of \$7,500.00 which is a fair and reasonable allocation of the actual incurred costs. There was no suggestion by the Professional Conduct Committee that Dr. Schmaltz had unnecessarily delayed the proceedings. The Discipline Committee recognizes that full indemnification of the costs incurred is not a requirement of the Act and the Discipline Committee has to exercise its discretion fairly. Costs in the amount of \$7,500.00 shall be paid on or before February 28, 2022 and failing payment, Dr. Schmaltz's license shall be suspended pursuant to section 23(2)(b) of the Act.

Finally, the Discipline Committee sees it appropriate to order that Dr. Schmaltz provide a letter of apology to the complainant. Dr. Schmaltz shall provide the apology letter to complainant on or before December 31, 2021 and provide a copy of the letter to the Registrar. This order is made pursuant to section 23(1)(e) of the Act.

In summary, the Discipline Committee makes the following Order:

1. Pursuant to section 23(1)(d) of *The Veterinarians Act*, 1987 (the "Act"), Dr. Schmaltz shall receive a written reprimand.
2. Pursuant to section 23(2)(a)(i) of the Act, Dr. Schmaltz is ordered to pay a fine in the amount of \$1,000.00. The fine shall be paid on or before February 28, 2022. Failing payment, Dr. Schmaltz shall be suspended pursuant to section 34(2)(b) of the Act.
3. Pursuant to section 23(2)(a)(ii) of the Act, Dr. Schmaltz shall pay the costs of the investigation and hearing which are fixed in the amount of \$7,500.00. The costs shall be paid on or before February 28, 2022. Failing payment, Dr. Schmaltz shall be suspended pursuant to section 23(2)(b) of the Act.
4. Pursuant to section 23(1)(e) of the Act, Dr. Schmaltz shall on or before December 31, 2021 provide a written apology letter to the complainant and provide a copy of the apology letter to the Registrar.

Dated this 6th day of October, 2021.

Members of the Discipline Committee