

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF OPTICIANS OF ONTARIO**

B E T W E E N :

COLLEGE OF OPTICIANS OF ONTARIO

- and -

DAVID GALLO

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF OPTICIANS OF ONTARIO (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26(1)1 of the Health Professions Procedural Code (the “Code”) which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this Notice of Hearing as Schedule “A”. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the Code for the purposes of deciding whether the allegations are true.

The hearing will be held before a panel of the Discipline Committee (the “Panel”) **at a place, date and time to be determined by the Registrar of the College**. You may have a representative appear on your behalf.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel finds that you have committed professional misconduct, it may make an order, doing one or more of the following:

1. Directing the Registrar to revoke your Certificate of Registration;
2. Directing the Registrar to suspend your Certificate of Registration, for a specified period of time;
3. Directing the Registrar to impose specified terms, conditions and limitations on your Certificate of Registration, for a specified or indefinite period of time;
4. Requiring you to appear before the Panel to be reprimanded;
5. Requiring you to pay a fine, of not more than \$35,000.00, to the Minister of Finance;

6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Code; and/or
7. If the Panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed professional misconduct or finds you to be incompetent, the Panel may make an Order requiring you to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses;
2. The College's costs and expenses incurred in investigating the matter; and
3. The College's costs and expenses incurred in conducting the hearing.

You are entitled to know what evidence against you the College has or knows about. The initial disclosure has been served with this Notice of Hearing. To communicate with the lawyers for the College please contact:

Anastasia- Maria Hountalas

Steinecke Maciura LeBlanc
Barristers & Solicitors

401 Bay Street
Suite 2308, P.O. Box 23
Toronto, ON M5H 2Y4

Direct: (416) 644-4781

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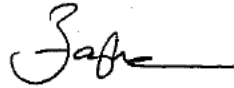
Email: ahountalas@sml-law.com

YOU MUST ALSO MAKE disclosure in accordance with section 42.1 of the Code, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

If you prefer to communicate with the College in French or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

IF YOU DO NOT ATTEND THE HEARING in person or if you are not represented by someone, the Panel may proceed in your absence and you will not be entitled to any further notice of the proceedings.



Date: April 15, 2025

Fazal Khan
Registrar
College of Opticians of Ontario

TO: **DAVID GALLO**



**STATEMENT OF SPECIFIED ALLEGATIONS
DAVID GALLO**

The Registrant

1. At all material times David Gallo (the “Registrant”) was a registered optician in Ontario.

Patient A

2. It is alleged that Patient A was the Registrant’s patient until February and/or August 2021.
3. It is alleged that Patient A remained a patient of the Registrant for one year from the date on which Patient A ceased to be the Registrant’s patient in accordance s. 1(6) of the *Health Professions Procedural Code*.
4. It is alleged that the Registrant commenced a sexual relationship with Patient A in approximately May 2021.

Allegations of Professional Misconduct

5. As a result of the above, it is alleged that the Registrant engaged in professional misconduct pursuant to s. 51(1)(b.1) of the *Health Professions Procedural Code* as the Registrant sexually abused Patient A as defined in s. 1(3) of the *Health Professions Procedural Code*.
6. It is further alleged that the Registrant engaged in professional misconduct pursuant to s. 51(1)(c) of the *Health Professions Procedural Code* as the Registrant committed the following acts of professional misconduct as defined in section 1 of Ontario Regulation 828/93:
 - a. Paragraph 2 (Contravening a standard of practice of the profession); and/or
 - b. Paragraph 28 (Engaging in conduct or performing an act, in the course of practicing opticianry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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