

RCVS

v

DR DONAL JOHNSTON (FORMERLY FEGAN) MRCVS (Respondent)

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DECISION OF THE DISCIPLINARY COMMITTEE ON SANCTION

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1. Applications: The Committee heard an application for Dr Quigley's evidence to be heard in private. It accepted this application as it related to health issues.
2. On 27 and 28 April 2022, the Respondent appeared before the Disciplinary Committee in relation to charges of submitting fraudulent insurance claims whilst working at Banbridge Pet Vets ("the practice"), a small animal practice in Northern Ireland.
3. On 27 April 2022, the Committee found the factual allegations proved, on the basis of the Respondent's admissions, and went on to find that the facts amounted to disgraceful conduct in a professional respect. They then retired to consider the appropriate sanction. On 28 April 2022, the Committee reconvened and indicated that it might be an appropriate case in which to postpone consideration of sanction, in conjunction with undertakings given by the Respondent. The Respondent stated that he would be willing to give such undertakings. The matter was then adjourned for further evidence to be obtained by the Respondent in relation to the possibility of undertakings being offered.
4. On 1 November 2022, the Committee reconvened. The Respondent presented evidence, including a medical report from Dr Quigley, Consultant Psychiatrist, and offered undertakings to the Committee.
5. The Undertakings were in the form set out in Appendix 1 to this Decision. The Respondent confirmed that he would abide by them, would fulfil the obligations contained within them and signed the same.

6. For the reasons set out in its Decision dated 1 November 2022, the Committee accepted those Undertakings, and postponed its consideration of sanction for a period of two years, on the basis of those undertakings being given. As stated in that Decision, the Committee considered that it was taking an exceptional course based on the specific medical evidence adduced on behalf of the Respondent which stated that he was suffering from a Pathological Compulsive Gambling disorder at the time of the commission of the allegations set out in the Charges laid against the Respondent. The Committee also took into account the Respondent's immediate admissions to his employer and his acceptance of the charges laid when he appeared before the Committee on 27 April 2022.
7. The Respondent has complied with the terms of those Undertakings and provided to the Chair of the Committee the interim reports he was required to produce. He has continued with the therapeutic interventions and programmes specified. He has implemented the measures designed to minimise the risks of a relapse into gambling. He has disclosed this Committee's rulings and sanctions to the Veterinary Council of Ireland ("VCI") and to his employer, the Department of Agriculture in the Republic of Ireland. His CPD record reveals that he has enrolled on a series of courses designed to ensure that he is up-to-date with developments in veterinary practice.
8. The Reports of those running the various gambling support services, to which the Respondent signed up, all speak positively about his involvement in their programmes and confirm the progress he has achieved in managing his addiction. They include Dunlewey Addiction Services, which recommended that the Respondent continue with his therapeutic recovery with Helplink Mental Health Services as they offered a long term aftercare programme; Helplink itself; and Gamblers Anonymous.
9. In addition, the Committee received a report from Dr Quigley dated 21 October 2024 which detailed his dealings with the Respondent. The Committee considers that to be a comprehensive, reasoned and balanced report. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

10. Dr Quigley also gave evidence before the Committee. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] The Committee found Dr Quigley to be a realistic and helpful expert witness whose primary objective was to assist the Committee to understand the nature of gambling addiction and the propensity for a relapse into such behaviour. It, therefore, placed not inconsiderable weight upon his assessment of the future risk which this particular Respondent faced.

11. The Respondent's wife (Ms Fitzpatrick) gave evidence under oath. She confirmed that she was ordinarily in full-time employment, [REDACTED]

[REDACTED] In addition, she confirmed compliance with the terms of the Undertakings which related to her control over the family's finances; the installation of anti-gambling software on all devices; registration with the Gamstop Registration Programme and the Respondent's continued registration with PayPlan Live to ensure the maintenance of the Respondent's debts as agreed with his creditors. She has control over the Respondent's bank accounts and passwords, the former of which she monitors on a regular basis. Her evidence ranged onto the issue of the Respondent's state of mental health and she attributed his improved mental state to his counselling, [REDACTED]  
[REDACTED]  
[REDACTED]

12. The Committee was impressed by Ms Fitzpatrick and her evidence. This view is supported by her realistic approach to the question of what the future holds for her husband. She stated that she was not naïve and knows that there will still be "bumps on the road"; openness and honest communications were the key; and that whilst stresses/stressors can be a trigger, he had better coping mechanisms now, especially as he was happy in his new life as a father.

13. The above-mentioned evidence persuaded the Committee that she will be a significant and important influence over the Respondent and his future conduct. That influence has enabled the Committee to reach the conclusion that the prospects of a repeat of

the conduct which led to the Charges laid against the Respondent are now greatly reduced.

14. The Committee was less impressed with the evidence given by the Respondent. Whilst he has largely complied with the letter of the Undertakings he gave in November 2022, it remains troubled by his apparent unwillingness or inability, on account of a lack of effort, to fulfil the assurances that he previously gave to the Committee that he was in the process of changing his name to Johnston and would do so. It transpires that, despite the statement in paragraph 2 of his Deed Poll (that he would “*at all times hereafter in all records, deeds and writings and in all proceedings, dealings and transactions private as well as public and upon all occasions whatsoever use and sign the name of DONAL JOHNSTON as my name in place of and in substitution for my former name of DONAL FEGAN*”) he has not done so. He has failed to follow up his stated intention to alter his name on his driver’s licence from Fegan. He received a written request from the Northern Ireland Driver and Vehicle Agency (“DVA”) to provide a full copy of his current driver’s licence in July 2023 but has done nothing to further that application since. It is to be noted that in his application form he provided an address in Londonderry, which it transpires is the address of a dormant company which the Respondent previously used for the purposes of securing locum work and, presumably, payment of fees for such work. The end result is unsatisfactory and throws doubt on the credibility of the Respondent’s assertions that he was taking steps to implement his change of name decision.
15. The end position is as follows. The Respondent continues to use his former name of Fegan for the following purposes: his registration with the VCI; his employer in the Republic of Ireland; his passport; his driver’s licence; his bank accounts; and one of his email addresses. The only formal change of name that he has implemented is that with the RCVS. As to that it became apparent that he has failed to register a change of address with the RCVS – both as regards his home address and his business address. Whilst the Committee recognises that the Respondent may not be under a legal obligation to change the name on his passport immediately, he does have a responsibility to comply with any legal obligation to notify the DVA of a change in his address.
16. Given the exceptional course which the Committee decided to follow in November 2022 when resolving to grant the Respondent an opportunity to show that he had addressed his gambling addiction, the Committee is bound to register its disappointment that he has shown what can only be described as an indifferent or

lackadaisical approach to regularising his administrative affairs. The Committee was concerned at the Respondent's failure to take the obvious steps he said he would take to implement his change of name. This was reinforced by the somewhat casual answers the Respondent gave to some of the questions from Committee members, several of which turned out to be incorrect or which needed further explanation and correction.

17. In the result the Committee did not find the Respondent to be an entirely satisfactory witness. It is persuaded that he is motivated to continue with his addiction therapies and has handed over control of his finances to his wife and has thereby reduced significantly the risk of him committing further offences of dishonesty arising out of indebtedness resulting from a gambling addiction. The Committee noted the Respondent's ongoing commitment to repaying his debt to the insurance companies. However, the Committee had residual concerns about his credibility, namely whether he was being entirely open about the reasons for his continued use of the name Fegan, long after he signed the Deed Poll of 26 March 2020.
18. His solicitor confirmed to the Committee that the VCI has requested copies of the Transcript of these proceedings in preparation for its own investigations.
19. In the light of these matters the Committee has reviewed the range of available sanctions once more. This matter can be postponed again for a final period of up to two years as is permitted by the Procedure Rules of 2004. In the event the Committee considers that the period of postponement that has already happened has been sufficient to enable it to reach the conclusion that, whilst ultimately managing his addiction is a matter which will require constant resolve by the Respondent himself, he has shown that he can, with help and assistance, control his behaviour. It therefore considers that, 5 years now having elapsed since the commission of the charges found proved, the Respondent is entitled to some finality in this disciplinary process. He has complied with the requirements of the Undertakings given back in November 2022, which related to a plan to address his gambling addiction. His progress in that regard has been commented upon entirely favourably by all the entities and persons from whom he has received treatment or support. The Respondent and his wife have confirmed that he will continue with that treatment and support. The Committee considers that, in those circumstances, no useful purpose would be achieved by a further period of postponement.
20. The Committee has the power to Adjourn these proceedings for such time as it considers appropriate and just. However, for the same reasons as stated above it

does not consider it right to allow this matter to continue to hang over the Respondent for a longer period still.

21. The Committee also recognises that, the Committee having decided to follow the course of a Postponement with Undertakings lasting some 2 years, the Respondent would have a legitimate expectation that, were he to comply with the requirements of those Undertakings, he would not be made the subject of the remaining substantive sanctions of Suspension or Removal from the Register.
22. Having made the progress that he has over the period since the commission of the charges found proved in 2019, the Committee considers that the imposition of a sanction of Suspension on top of the period of postponement would be excessive, in the particular circumstances of this case.
23. For the same reasons, as stated above, it is considered that it would be excessive now to impose a sanction of Removal from the Register.
24. That process of reasoning has driven the Committee to the conclusion that the sanction of a Reprimand and Warning as to Future Conduct is what the facts and circumstances of this case call for. That is because the Respondent can be under no illusion about the outcome were he to appear again before this Committee. A failure to take advantage of the exceptional course adopted by this Committee on this occasion would be regarded as a serious aggravating factor were he to appear before the Committee at any time in the future.

**Disciplinary Committee**  
**29 October 2024**

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**DONAL JOHNSTON MRCVS**

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**UNDERTAKINGS**

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**Undertaking made by Dr Donal Johnston (formerly Fegan) (D.O.B.5 January 1990) to the Disciplinary Committee of the Royal College Of Veterinary Surgeons following the hearing held on 27 & 28 April 2022, and the resumed hearing held on 1 November 2022.**

I, **Donal Johnston MRCVS**, pursuant to the Disciplinary Committee decision at the conclusion of the hearing held on 1 November 2022 **hereby undertake** as follows:

**i. Medical assessment, counselling & treatment & reports**

*[Whereas having attended Dr Niall Quigley MD MRCPsych, Consultant Psychiatrist, on 27 July 2022 who confirmed a diagnosis of Pathological ( Compulsive) Gambling] I undertake:*

- a. To comply with any professional advices given to me by Dr Niall Quigley.
- b. To continue psychotherapeutic intervention by attending for counselling with Dunlewey Addiction Service, and Helplink Mental Health Counselling on a weekly basis as advised by either or both of them.
- c. To fully partake in the robust Projected Aftercare Programme run by Helplink Mental Health Counselling by attending on a weekly basis as detailed in the Counselling Progress Report – produced by Mr O’Grady.
- d. To request all of the above individuals and organisations to provide a 6 monthly review report of attendance and progress to the Committee through its Clerk, save that in the case of a report from Dr Quigley the same shall be provided within 22 months of today’s date in readiness for the Resumed Hearing referred to in paragraph vii below.

- e. To continue to attend weekly meeting with Gamblers Anonymous (GA) for continued support and help in my ongoing recovery from my gambling disorder.
- f. To notify the Committee without delay and in any event within 28 days of any alterations to the programmes identified in a-c above.

**In the event of an adverse report or in the absence of a report I accept that my case may be restored for hearing**

- ii. To self report to the Committee without delay and in any event within 28 days any instances when I have placed bets of any kind.

**iii. Mitigation of Financial Risks**

- a. To maintain continued installation of anti-gambling software (**Gamban**) on all devices in my possession and control and the provision to the Committee through its Clerk of 6 monthly proof of the continuing software installation.
- b. To maintain the 5 year registration with the Gamstop Registration Programme which expires 1 May 2024, to renew that registration on 1 May 2024 for a further period of 1 year and to provide to the Committee through its Clerk confirmation of such registrations.
- c. To maintain continued support from my wife by relinquishing to her control of all my finances and to request her to provide to the Committee at 6 monthly intervals a letter confirming this fact and a progress report covering my conduct and compliance with the requirements imposed on me by my Undertakings.
- d. To maintain continued registration with **PayPlan live again in order** to ensure repayment of my debts and to provide to the Committee through its Clerk of 6 monthly proof of such registration.
- e. To maintain my commitment to pay any sums requested by the affected Insurance companies.
- f. To consent to all of the above individuals and organisations providing a 6 monthly review report of progress whenever such review may be requested by the Committee Chair.

**In the event of an adverse report or in the absence of a report I accept that my case may be restored for hearing**

**iv. Strong Support Network**

To continue involvement with my family and friends as a strong support network.

**v. Disclosure**

To make full disclosure of these disciplinary proceedings and the outcome of same (to include the Committee's Findings of Fact and Disgraceful Conduct in a Professional Respect) to:

- a. The Veterinary Council of Ireland within 28 days of today's date;



- b. The regulatory body for veterinary surgeons in any other country where I may be employed as a veterinary Surgeon within 28 days of commencement of such employment;
- c. Any person or organisation who/which currently employs me or for whom I may from time to time provide veterinary services including UK or Irish state agencies at any time now or during the period that these Undertakings remain in force and to make such disclosure within 28 days of the commencement of such employment.

Such disclosures to be copied to the Committee through its Clerk within 28 days of the date the same were issued.

**vi. RCVS Code of Professional Conduct for Veterinary Surgeons**

To read and abide by the current RCVS Code of Professional Conduct for Veterinary Surgeons.

**vii. Costs**

To pay for the cost of complying with the undertakings including the appointment of a mentor, medical assessments/treatments and reports, training, CPD and specific courses.

**vii. To attend a Resumed Hearing in November 2024 on a date to be fixed following consultation with the parties.**

**viii. Consequences of breaching the undertakings**

I understand that any adverse report or breach of these undertakings may result in the hearing being resumed at a date earlier than the date of the end of the period of the adjournment and that at any resumed hearing, the Committee may decide to postpone judgment again, on the same or different terms, or reach a final judgment.

Dated this    day of November 2022

**vi. Signature .....**

Print Name : Donal Johnston

Legal Representative .....

Ciaran Rafferty  
 Rafferty & Co Solicitors  
 83 Hill Street  
 Newry BT34 1DG