

THE COLLEGE OF OPTOMETRISTS OF ONTARIO

-and-

DR. JON BARNES

---

UNDERTAKING/AGREEMENT

---

**TO:** The College of Optometrists of Ontario ("the College")

**FROM:** Dr. Jon Barnes ("the Member")

**WHEREAS** the College received a complaint regarding my conduct in November 2016;

**AND WHEREAS** the College's Inquiries, Complaints, and Reports Committee (ICRC), upon directing and reviewing the results of an investigation into this complaint, referred specified allegations that I had committed professional misconduct for a discipline hearing before a Panel of the Discipline Committee ("Discipline Panel");

**AND WHEREAS** I have admitted to having engaged in professional misconduct as set out in the Agreed Statement of Facts filed as an Exhibit in my discipline hearing ("the ASF");

**AND WHEREAS** the Discipline Panel has made findings that I engaged in professional misconduct;

**AND WHEREAS** the College has agreed to jointly recommend to the Discipline Panel that they make the Order set out in the Joint Submission on Order & Costs (JSOC), to which this Undertaking/Agreement ("Undertaking") is attached;

**AND IN CONSIDERATION** of the College recommending to the Discipline Panel that they make the Order set out in the JSOC;

**I, DR. JON BARNES** hereby undertake, acknowledge and agree as follows:

1. I shall, by April 27, 2018, submit to the Registrar of the College (“the Registrar”) for approval, the following letters of apology:
  - a. a letter of apology to each of Person A, Person B, and Person C, as referred to in the ASF (Letters A, B, and C, respectively); and
  - b. a letter of apology to the public, my patients, and the profession (Letter D).
2. In the event that the Registrar does not approve of any of Letters A, B, C, and/or D (collectively “the Letters”), I shall provide the Registrar with revised versions of that/those Letter(s) within one week of being advised of the Registrar’s decision, and shall continue to do so until the Registrar provides written approval for all of the Letters.
3. Within one week of receiving written approval from the Registrar of Letters A, B, and C, I shall send signed copies of Letters A, B, and C to the College, which the College shall then deliver to Person A, Person B, and Person C, respectively.
4. Within one week of receiving written approval from the Registrar of Letter D, I shall arrange for letter D to be published, at my cost, in any online and/or print news publications of the College’s choosing with circulation in the Beaverton and Stouffville areas. The size and placement of the letter shall be pre-approved of the Registrar.
5. The College may publish Letter D on its website.
6. I shall maintain an active certificate of registration throughout the duration of this Undertaking, which requires, among other things, that I:
  - a) pay my annual fees by the deadline established by the College;
  - b) maintain professional liability insurance as required by the College; and
  - c) ensure that my registration is not subject to any administrative suspension.
7. This Undertaking shall take effect immediately following the acceptance by the Discipline Panel of the JSOC;

8. I shall not appeal the Discipline Panel's Order, if that Order reflects what the parties have jointly requested in the JSOC;
9. I fully understand the terms of this Undertaking;
10. I signed this Undertaking voluntarily and without compulsion or duress;
11. A copy of this Undertaking will be attached to the JSOC, which will be filed as an Exhibit at my discipline hearing;
12. The Discipline Panel may make reference to this Undertaking, in whole or in part, in their Decision and Reasons;
13. In addition to any publication of the results of my discipline proceeding that the College is legally required to make, a copy of this Undertaking shall be posted on the College's register.
14. I acknowledge that, if the College has reason to believe that I breached or failed to comply fully with any of the terms of this Undertaking, I may be subject to investigation and/or discipline proceedings by the College; and
15. I have received independent legal advice regarding this Undertaking from Lisa Spiegel of the law firm Miller Thomson LLP

(Signed)	April 19, 2018
Dr. Jon Barnes	Date

(Signed)	April 19, 2018
Witness to the Signature of Dr. Jon Barnes	Date

(Signed)	April 19, 2018
Dr. Paula Garshowitz College of Optometrists of Ontario	Date