

HEARING HEARD IN PUBLIC

ABDELAZEEZ, Tariq Sallah

Registration No: 266804

PROFESSIONAL CONDUCT COMMITTEE

April 2019

Outcome: Erased with Immediate Suspension

Tariq Sallah ABDELAZEEZ, a dentist, DMD Vasile Goldis Western University 2006 was summoned to appear before the Professional Conduct Committee on 16 April 2019 for an inquiry into the following charge:

Charge as amended on 16 April 2019:

“That, being a registered dentist:

1. On a date or dates unknown you caused or allowed all or any of the following documents to be created:

- (a) a document purporting to be an employment reference from Person A (identified in Schedule 1) dated 11 July 2016;
- (b) a document purporting to be an employment reference from Person B (identified in Schedule 1) dated 12 May 2017;
- (c) a document purporting to be a certificate confirming your attendance at the University of California for a Postgraduate Programme in Endodontics between 1 July 2013 and 30 June 2016;
- (d) a document purporting to be a certificate confirming your attendance at the University of California for a Postgraduate Programme in Endodontics between 1 July 2009 and 30 June 2012.

2. As amended - Between approximately 19 October 2016 and 30 May 2017, you caused or allowed all or any of the documents listed at 1 (a) – (c) to be submitted to NHS England (“NHSE”) and/or Primary Care Support England (PCSE) in support of your application for inclusion on the Dental Performers List of NHSE.

3. Between approximately 8 August 2016 and 9 September 2016, you caused or allowed the document listed at 1 (a) to be submitted to the General Dental Council (“GDC”) in support of your application for inclusion on the Register of the GDC.

4. On or around 23 January 2017, you caused or allowed the document listed at 1 (d) to be submitted to Oasis Dental Care in support of your application for employment at Oasis Dental Care.

5. On 30 May 2017 you forwarded to Person C (identified in Schedule 1) a message purporting to be from an email address (identified in Schedule 1), dated 12 May 2017.

6. Your conduct at paragraph 1 (a), 1 (b), 1 (c) and 1 (d) above or any of them was:
 - (a) misleading;

 - (b) dishonest in that:
 - (i) you knew that all or any of the documents were bogus;
 - (ii) you nevertheless intended to rely on the documents or any of them in support of your application for inclusion on the Dental Performers List of NHSE and/or the Register of the GDC and/or for employment at Oasis Dental Care.

7. Your conduct at paragraphs 2, 3 and 4 above or any of them was:
 - (a) misleading;

 - (b) dishonest in that you knew that the documents or any of them were bogus, but you nevertheless caused or allowed them to be submitted in support of your application(s).

8. Your conduct at paragraph 5 was:

- (a) misleading;
- (b) dishonest, in that:
 - (i) you knew the message was bogus;
 - (ii) you intended to use it to lend credibility to the document at paragraph 1 (b);
 - (ii) you knew that the document at paragraph 1 (b) was bogus.

And in relation to the facts alleged above your fitness to practise is impaired by reason of misconduct”.

Ms Abdelazeez was not present and was not represented. On 17 April 2019 the Chairman announced the findings of fact to the Counsel for the GDC:

“Service

This is the Professional Conduct Committee (PCC) hearing of Mr Abdelazeez’s case. Mr Abdelazeez is neither present nor represented. Mr Mulchrone appears on behalf of the General Dental Council (GDC). In the absence of Mr Abdelazeez, the Committee first considered whether the Notice of Hearing had been served on him in accordance with Rules 13 and 65 of the GDC (Fitness to Practise) Rules Order of Council 2006 (the Rules). In so doing, it has taken into account the submissions made by Mr Mulchrone. It has accepted the advice of the Legal Adviser.

The Committee has received a copy of the Notice of Hearing, dated 23 January 2019, addressed to Mr Abdelazeez at his registered address. The Committee is satisfied that the letter contains proper notification of the hearing, including its time, date and location, as well as the charges against Mr Abdelazeez. Further, the letter was sent more than 28 days in advance of today’s hearing. The Committee has seen a copy of a Royal Mail Track and Trace receipt which states that it attempted to deliver the item to Mr Abdelazeez’s registered address on 29 January 2019 in Romania, but it was unable to do so because “it was incorrectly addressed, return to sender.” However, the Committee is aware that the GDC is only required to demonstrate that it had sent the Notice of Hearing to the Registrant at his registered address and not to demonstrate that the item has been received. On the basis of the information before it, the Committee is satisfied that the Notice of Hearing has been served on Mr Abdelazeez in compliance with the Rules. In addition, the Committee notes from the documents before it that a copy of the Notice of Hearing was emailed to Mr Abdelazeez on 23 January 2019. The Committee was satisfied that this was a current email address for Mr Abdelazeez as email communications were received from that account by the GDC on 25 February 2019, 5 March 2019, 13 March 2019, 4 April 2019 and

8 April 2019. This provides further assurance to the Committee that the GDC has taken all reasonable steps to serve the Notice of Hearing on Mr Abdelazeez.

Proceeding in the absence of Mr Abdelazeez

The Committee then considered whether to exercise its discretion under Rule 54 to proceed in the absence of Mr Abdelazeez. Mr Mulchrone invited the Committee to do so on the basis that the GDC has complied with the requirements of service and indeed the GDC placed Mr Abdelazeez on notice of today's hearing as far back as January 2019. Further, he had not sought an adjournment of the hearing and to all intents and purposes has not engaged effectively with the GDC. Mr Mulchrone said that there were compelling public interest grounds in proceeding with the hearing today against Mr Abdelazeez.

The Committee has considered the submissions made. It has accepted the advice of the Legal Adviser. It is aware that its discretion to proceed in the absence of Mr Abdelazeez must be exercised with the utmost care and caution. It also had regard to the need for fairness to both parties, as well as the GDC's overarching objective in the protection of the public and the wider public interest.

The Committee has concluded that he has had very little engagement with the GDC AND has voluntarily absented himself from the hearing. Mr Abdelazeez has not requested an adjournment to this hearing and there is nothing to suggest that he would attend the hearing at a later date, were the Committee minded to adjourn. Further, it is clear from the documents before it that Mr Abdelazeez engagement with the GDC in relation to these proceedings has been extremely limited. The Committee noted from his email of 12 January 2019, (sent from "my iphone") that he had lost his mobile phone. However, on 4 April 2019 he provided a telephone number which he later advised, in an email dated 8 April 2019, had been his telephone number for "since 9 years ago". Nevertheless, at no time has he made any effort to contact the GDC by telephone, despite being invited to do so.

The Committee has received no compelling reasons as to why it should not proceed with today's hearing. Having regard to the public interest, as well as in Mr Abdelazeez's own interests, the Committee considers that it is necessary for matters to be resolved expeditiously. Accordingly, the Committee has decided that it is appropriate to proceed in the absence of Mr Abdelazeez in accordance with Rule 54.

Preliminary amendments to the charge

At the outset of the hearing, Mr Mulchrone made an application to amend the charge under Rule 18 of the *GDC (Fitness to Practise) Rules 2006* (the Rules). He applied to amend charge 2 so that it now reads "*Between approximately 19 October 2016 and 30 May 2017, you caused or allowed all or any of the documents listed at 1 (a) – (c) to be submitted to NHS England("NHSE") and/or Primary Care Support England (PCSE) in support of your application for inclusion on the Dental Performers List of NHSE*" The reason advanced for the application was that it would enable the Committee to approach its decision on the GDC's case with greater clarity and that this would not cause any prejudice to the Registrant given his purpose in submitting his application to NHSE-PSE, was for him to be included on the Dental Performers List.

The Committee accepted the advice of the Legal Adviser. It acceded to Mr Mulchrone's Rule 18 application. In granting the application, the Committee was satisfied that the amendment of the charge could be made without causing any injustice.

The GDC's Case

The GDC's case against Mr Abdelazeez concerns allegations that his conduct was dishonest and broadly fell into two areas. The first area is that he caused or allowed separate documents to be created as employment references from both Person A dated 11 July 2016, and Person B dated 12 May 2017. He also caused or allowed documents purporting to be a certificate confirming his attendance at the University of California for a Postgraduate Programme in Endodontics on two separate dates between 1 July 2009 and 30 June 2012 and 1 July 2013 and 30 June 2016. It is said that his conduct was misleading and dishonest.

The second area of allegations relates to Mr Abdelazeez causing or allowed some or allowing some of the documents in question to be submitted to NHSE in support of his application for inclusion on the Dental Performer's List. It is also alleged that he caused or allowed the reference of Person A to be submitted to the GDC in support of his application for inclusion on the Register of the GDC. It is further alleged that he allowed or caused the Endodontics certificate dated 1 July 2009 to 30 June 2012 to be submitted in support of his job application with Oasis Dental Care. The GDC contend that Mr Abdelazeez's conduct in these regards was misleading and dishonest.

Mr Mulchrone drew the Committee's attention to documents contained in the GDC's bundle which refer to investigations by NHSE and also the GDC in relation to the allegations.

Mr Abdelazeez's case

Mr Abdelazeez's position, as set out in his email to the GDC dated 11 January 2019, is that *"I am no longer a member of the GDC and I never practiced (sic) on (sic) the uk and I don't wish ever to be a GDC member and I don't agree with any witnesses of yours or your allegation And old or new allegations I don't agree at all Best of luck to you."*

Evidence considered and findings of fact

In considering whether the charges have been found proved, the Committee has taken into account all the evidence presented to it. This comprises the GDC's hearing bundle which includes various witness statements, including two statements from ML, signed and dated 22 May 2018 and 7 June 2018; a statement from Person B, signed and dated 9 July 2018; a signed statement from Person C dated 18 January 2018. It also received a statement from MM, a GDC registration caseworker, dated 6 February 2018, and a signed statement from LH, dated 23 November 2018, a Capsticks paralegal. It received signed statements from EW dated 18 April 2018, of the University of California, San Francisco campus and HN, a Registrar's Office Specialist at San Francisco State University dated 26 November 2018, and finally a signed statement from HR, an Associate Contracts Team Leader at Bupa Dental Care dated 30 November 2018.

The Committee has borne in mind that it has not had the benefit of hearing evidence from Mr Abdelazeez as to the matters against him. The Committee also drew no adverse inference from his non -attendance.

The Committee has accepted the advice of the Legal Adviser. It has borne in mind that the burden of proof is on the GDC and that it must decide the facts according to the civil standard of proof, namely on the balance of probabilities. Mr Abdelazeez need not prove or disprove anything. The Committee was reminded of the test it must apply on the matter of dishonesty, as set out in the Supreme Court judgment in the case of Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67. This was as follows:

... When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.

The Committee was also reminded that a finding of dishonesty against a professional person is a serious matter and that it should scrutinise with care the cogency of the evidence before it.

I will now announce the Committee’s findings as follows:

1.	<i>On a date or dates unknown you caused or allowed all or any of the following documents to be created</i>
1. a)	<p><i>a document purporting to be an employment reference from Person A (identified in Schedule 1) dated 11 July 2016</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of ML, a Special Agent within the US Naval Criminal Investigative Service. In his statement dated 7 June 2018 he says;</p> <p>He also states that “<i>I can confirm that we have not been able to find any record of the Registrant, or M Y.</i>” (Person A)</p> <p>The Committee noted that the content of the document in question contains sporadic and inappropriate use of capital letters and poor grammar. The Committee is satisfied that it is highly unlikely that Person A, allegedly a senior officer in the US Army, produced this reference and on the balance of probabilities that Mr Abdelazeez had caused or allowed this document to be created.</p>

<p>1. b)</p>	<p><i>a document purporting to be an employment reference from Person B (identified in Schedule 1) dated 12 May 2017.</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of Person B, who was employed by the US Army at Deputy Garrison Commander. He states in his signed statement “ <i>I confirm that the document produced at “RTB1” was neither prepared by me nor is the signature affixed to the document mine. I had been retired from active service and the position of Commanding Officer for approximately 9 years and 11 months when the document was alleged to have been authored by me. I have no prior knowledge of this document and I do not know the Registrant in a personal or professional capacity.</i>”</p> <p>The Committee is satisfied that Person B was not the author of the reference, and that this was caused or allowed to be created by Mr Abdelazeez.</p>
<p>1. c)</p>	<p><i>a document purporting to be a certificate confirming your attendance at the University of California for a Postgraduate Programme in Endodontics between 1 July 2013 and 30 June 2016.</i></p> <p>Found proved.</p> <p>The Committee considered heads of charge 1.c) and 1.d) separately, however it was assisted by the same evidence on both heads of charge.</p>
<p>1. d)</p>	<p><i>a document purporting to be a certificate confirming your attendance at the University of California for a Postgraduate Programme in Endodontics between 1 July 2009 and 30 June 2012.</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of EW, who is a Health Sciences Associate Clinical Professor and the Chair of the Division of Endodontics at the Regents of the University of California, San Francisco campus (“UCSF”).</p> <p>He confirmed that UCSF was asked by Capsticks Solicitors to verify two certificates for residencies in Endodontics allegedly awarded to the Registrant. He confirmed in his written statement to the GDC dated 4.18.18 “<i>I was passed on this information internally and asked to confirm whether or not the Registrant completed these residencies. Our records confirm that the Registrant never attended the UCSF Postgraduate programme in Endodontics during the timeframes indicated on the certificates, and therefore was not awarded a certificate of completion from the Division of Endodontics at UCSF as suggested by exhibits “EW1” and “EW2”.</i>”</p> <p>The Committee accepted the written evidence of Witness HN who is a Registrar’s Office Specialist in the department of Student Affairs and</p>

	<p>Enrolment Management at San Francisco State University. In her statement, she states that <i>“I can confirm that our records show that Tariq Abdelazeez has never attended or been admitted to San Francisco State University. I attach a memorandum dated 18 July 2018 at exhibit “HN2” to this statement which confirms this position.”</i></p> <p>The Committee also accepted the written evidence of both Witness EW and Witness HN, and on the balance of probabilities, is satisfied that Mr Abdelazeez caused or allowed certificates as identified in head of charge 1.c) and 1.d) to be created for a course that he did not attend.</p>
2.	<p><i>As amended - Between approximately 19 October 2016 and 30 May 2017, you caused or allowed all or any of the documents listed at 1 (a) – (c) to be submitted to NHS England (“NHSE”) and/or Primary Care Support England (PCSE) in support of your application for inclusion on the Dental Performers List of NHSE</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of Person C, who is the programme manager for the regional team at NHS England South West. She confirms that Mr Abdelazeez applied to join the Dental Performer’s List on 19 October 2016. This application was sent electronically, and his application was referred to the Performers List Decision Panel on 9 May 2017.</p> <p>The Committee had sight of the documents in question, together with the signed statement of Person C who had seen the documents listed at heads of charge 1.a), 1.b) and 1.c). The Committee is satisfied that Mr Abdelazeez had caused or allowed the documents at heads of charge 1.a) -1.c) to be submitted to NHS England in support of his application for inclusion on the Dental Performers List of NHSE.</p>
3.	<p><i>Between approximately 8 August 2016 and 9 September 2016, you caused or allowed the document listed at 1 (a) to be submitted to the General Dental Council (“GDC”) in support of your application for inclusion on the Register of the GDC.</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of Witness MM who worked within the GDC registration team. He confirmed in his written statement that he had handled the Registrant’s second application to join the register in September 2016. He states <i>“ I also attach the documents the Registrant provided in support of his application at exhibit “MM4” to this statement. Included within these supporting documents is a reference from Person A of the US Army. I attach this reference from the US Army as an individual document at Exhibit “MM5” to this statement.”</i></p> <p>The Committee is satisfied based on the signed statement from the GDC registration team, that the Registrant caused or allowed this document to be submitted in support of his application for inclusion on</p>

	the GDC register.
4.	<p><i>On or around 23 January 2017, you caused or allowed the document listed at 1 (d) to be submitted to Oasis Dental Care in support of your application for employment at Oasis Dental Care.</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of Witness HR who is an Associate Contracts Team Leader at Bupa Dental Care, previously Oasis Dental Care. In her statement dated 30 November 2018, she states that <i>“I can confirm that the Registrant provided us with a copy of a certificate for a residency in Endodontics from the University of California San Francisco dated 1 July 2009 – 30 June 2012. I attach a copy of this certificate at exhibit “HR3” to this statement. The Registrant sent this certificate via email to JB (Regional Recruitment Partner) on 23 January 2017.”</i></p> <p>The Committee is satisfied from the signed statement above, that the certificate in question was caused or allowed to be submitted by the Registrant by email to JB in support of his application for employment to Oasis Dental Care.</p>
5.	<p><i>On 30 May 2017 you forwarded to Person C (identified in Schedule 1) a message purporting to be from an email address (identified in Schedule 1), dated 12 May 2017.</i></p> <p>Found proved.</p> <p>The Committee accepted the written evidence of Person C. In her statement she states that <i>“ I asked Mr Abdelazeez to send me the email trail between himself and RB (Person B) which contained the scan of the certificate on 30 May 2017 via email. I attach this email correspondence between me and Mr Abdelazeez at exhibit “SH12” to this statement, Mr Abdelazeez sent me the email trail between him and RB (Person B) on 30 May 2017, which I attach as exhibit “SH13” to this statement.”</i></p> <p>The Committee also accepted the written evidence of Person B. In his statement, he states that <i>“I have also been asked to comment on the authenticity of an email trail produced by the Registrant, a copy of which is attached at exhibit “RTB3” to this statement. This email purports to include an email from RB (Person B) from the email address R..B...@usarmy.gov. This email is dated 12 May 2017 and attaches the reference at “RTB1”. I can confirm I have had not had any communication with the Registrant, email or otherwise. The email dated 12 May 2017 (“RTB3”) is not from me and I do not recognise the sender email address as my own”.</i></p> <p>The Committee is satisfied from the signed statements of Person C and Person B that the Registrant had forwarded an email purporting to be from Person B to Person C.</p>

6.	<i>Your conduct at paragraph 1 (a), 1 (b), 1 (c) and 1 (d) above or any of them was:</i>
6. a)	<p><i>misleading;</i></p> <p>Found proved in respect of 1.a), 1. b). 1.c), and 1.d).</p> <p>In reaching its decisions on whether Mr Abdelazeez’s actions were misleading, the Committee applied the ordinary meaning of the word ‘misleading’. It agreed that a misleading action was something that caused or had the potential to cause others to be misled.</p> <p>The Committee is satisfied that third parties were misled when they had received these documents.</p> <p>The Committee is satisfied that Mr Abdelazeez caused or allowed two references and two almost identical certificates covering different dates, to support his applications for inclusion on the Dental Performers List, to obtain registration with the GDC, and to obtain employment with Oasis Dental Care. These documents were designed to encourage the relevant staff to accept them as legitimate.</p> <p>The Committee has found strong evidence to support that Mr Abdelazeez caused or allowed these documents to be created, and that the content was bogus.</p> <p>The Committee was satisfied that Mr Abdelazeez’s conduct in causing or allowing these documents to be created to support his applications, was misleading.</p>
6.b)	<i>dishonest in that;</i>
6. b) i)	<p><i>you knew that all or any of the documents were bogus;</i></p> <p>Found proved in respect of 1.a), 1. b). 1.c), and 1.d).</p> <p>Given that the Committee has already found that Mr Abdelazeez created or caused the documents above, the Committee is satisfied that he had known that the documents were bogus, and his conduct was therefore dishonest by the standards of ordinary decent people.</p>
6. b) ii)	<p><i>you nevertheless intended to rely on the documents or any of them in support of your application for inclusion on the Dental Performers List of NHSE and/or the Register of the GDC and/or for employment at Oasis Dental Care.</i></p> <p>Found proved in respect of 1.a), 1. b). 1.c), and 1.d).</p> <p>The Committee is satisfied that Mr Abdelazeez knew that his ultimate aim in providing documents at 1.a) – 1.d) was to obtain inclusion in the Dental Performers List, inclusion on the GDC register, and to obtain</p>

	<p>employment at Oasis Dental Care.</p> <p>The Committee considers that to achieve that aim, the Registrant intended to use the documents at 1.a) -1.d), which he knew at that time, to be bogus.</p> <p>Having drawn a reasonable inference as to what it considered was the actual state of Mr Abdelazeez's knowledge at the time of his applications, the Committee went on to consider whether his actions, as found at 1.a) to 1.d) above were dishonest by the standards of ordinary decent people.</p> <p>The Committee was satisfied that by causing or allowing the creation of false documents in order to obtain inclusion on the Dental Performers List, inclusion on the GDC Register and to obtain employment with Oasis Dental Care. The Committee was satisfied that Mr Abdelazeez's actions would be regarded as dishonest by the standards of ordinary decent people.</p>
7.	<i>Your conduct at paragraphs 2, 3 and 4 above or any of them was;</i>
7. a)	<p><i>misleading;</i></p> <p>Found proved in respect of heads of charge 2, 3 and 4.</p> <p>The Committee has found that the documents were created with the intention to mislead. The Committee's findings at heads of charge 2, 3 and 4 are that the documents were used by Mr Abdelazeez to achieve successful applications to the organisations referred to above. Thus, by submitting those documents, there was an intention to mislead those who would be processing them.</p> <p>The Committee therefore found that Mr Abdelazeez's conduct was misleading in respect of heads of charges 2, 3 and 4,</p>
7. b)	<p><i>dishonest in that you knew that the documents or any of them were bogus, but you nevertheless caused or allowed them to be submitted in support of your application(s).</i></p> <p>Found proved in respect of heads of charge 2, 3 and 4.</p> <p>Given that Mr Abdelazeez knew his ultimate aim was to be successful in his applications as listed above in heads of charge 2, 3 and 4, by allowing the documents, which he knew to be bogus, to be used in support of his applications, the Committee found his conduct to be dishonest. The Committee is satisfied that Mr Abdelazeez's actions would be regarded as dishonest by the standards of ordinary decent people.</p>
8.	<i>Your conduct at paragraph 5 was;</i>
8.a)	<p><i>misleading;</i></p> <p>Found proved.</p> <p>The Committee has found that the Registrant had sent a message to</p>

	<p>Person C, purporting to be an email from Person B, as found proved on head of charge 5. However, when Person C tested Person B's email address, the message was found to be undeliverable. Person B in his signed statement dated 9 July 2018, confirmed that he did not recognise the email address as belonging to him. By providing an incorrect email address in response to a request from Person C (representing NHS England), the Committee is satisfied that Mr Abdelazeez's intention was to mislead Person C.</p>
8.b)	<p><i>dishonest, in that</i></p>
8. b) i)	<p><i>you knew the message was bogus;</i></p> <p>Found proved.</p> <p>The Committee found that in head of charge 5 Mr Abdelazeez forwarded to Person C a message purporting to be from an email address, dated 12 May 2017. On the balance of probabilities, it finds that Mr Abdelazeez knew that the message was bogus given that the email was invalid and could not have been from Person B. The Committee is satisfied that Mr Abdelazeez's actions would be regarded as dishonest by the standards of ordinary decent people</p>
8. b) ii)	<p><i>you intended to use it to lend credibility to the document at paragraph 1 (b);</i></p> <p>Found proved.</p> <p>The Committee is satisfied that Mr Abdelazeez provided the information to Person C following a request from Person C to him to forward the email trail from Person B which enclosed the document at 1.b). He knew that request was to enable Person C to contact the alleged originator of 1.b). Having knowingly provided bogus information, it is more likely than not that Mr Abdelazeez provided this email trail to lend credibility to the document at head of charge 1.b), and as such he acted dishonestly. The Committee is satisfied that Mr Abdelazeez's actions would be regarded as dishonest by the standards of ordinary decent people.</p>
8. b) iii)	<p><i>you knew that the document at paragraph 1 (b) was bogus.</i></p> <p>Found proved.</p> <p>Given that the Committee has found that he had caused or allowed the document at head of charge 1.b) to be created, he must have known that document to be bogus. The Committee is satisfied that Mr Abdelazeez's conduct was dishonest in this respect, and is satisfied that Mr Abdelazeez's actions would be regarded as dishonest by the standards of ordinary decent people.</p>

We move to Stage Two.”

On 17 April 2019 the Chairman announced the determination as follows:

“Having announced its findings on the facts, the Committee has had regard to the submissions made by Mr Mulchrone, on behalf of the General Dental Council (GDC), in accordance with Rule 20 of the GDC (Fitness to Practise) Rules Order of Council 2006 (the Rules). It has accepted the advice of the Legal Adviser.

Mr Mulchrone confirmed that Mr Abdelazeez has no previous fitness to practise history. He submitted that the facts found proved against Mr Abdelazeez, which concern findings of dishonesty, are serious. He said that Mr Abdelazeez’s conduct of dishonesty towards NHSE (England), the GDC his regulator and also Oasis Dental Care, could properly be described as “serious misconduct”. Mr Mulchrone invited the Committee to conclude that the findings against Mr Abdelazeez amount to misconduct and that his fitness to practise is impaired by reason of that misconduct. This was, he said, a case where Mr Abdelazeez has breached one of the fundamental tenets of the profession – namely to act with honesty and integrity and that not to make a finding of current impairment would undermine public confidence in the regulatory process. He said that the findings against Mr Abdelazeez were compounded by his persistent lack of insight into the seriousness of his actions. There was, he said, a risk of repetition of the misconduct identified in this case.

During the course of Mr Mulchrone’s submissions, he drew the Committee’s attention to relevant sections of the GDC’s “Guidance for the Practice Committees, including Indicative Sanctions Guidance” (October 2016) (the Guidance). He submitted that the appropriate sanction is that of erasure, given the serious nature of the dishonesty in this case, which persisted over a period of time. This was a case where Mr Abdelazeez’s conduct was so damaging to the reputation of the dental profession that the removal of his professional status was necessary and was also in accordance with the Guidance.

Misconduct

The Committee has first considered whether the facts found proved amount to misconduct. In so doing, it has had regard to all the evidence before it as well as the GDC’s “Standards for the Dental Team” (September 2013).

The Committee takes a serious view of Mr Abdelazeez’s dishonest conduct. It involved acts of deception with NHSE by causing or allowing bogus references and certificates to be created in order to obtain inclusion of the Dental Performers List, as well as deceiving Oasis Dental Care, in order to secure a position of employment as a dentist through improper means. Mr Abdelazeez repeated his dishonest conduct in that he caused or allowed a bogus reference to be created in order to obtain inclusion on the GDC Register. In the Committee’s view, his conduct in doing so was a deliberate attempt to deceive NHSE, the GDC and Oasis Dental Care. Patients, employers, colleagues and the public should be able to rely on a dentist’s integrity. Mr Abdelazeez’s conduct amounted to a gross abuse of his position of trust as a registered dentist and for his own personal gain. The Committee is in no doubt that fellow professionals would regard his dishonest conduct as deplorable.

Having regard to its findings, the Committee considers that Mr Abdelazeez has breached the following standards set out in the GDC’s “Standards for the Dental Team” (September 2013):

- 1.3 You must be honest and act with integrity.

- 1.3.1 You must justify the trust that patients, the public and your colleagues place in you by always acting honestly and fairly in your dealings with them. This applies to any business or education activities in which you are involved as well as to your professional dealings.
- 1.3.2 You must make sure you do not bring the profession into disrepute
- 9 Make sure your personal behaviour maintains patients' confidence in you and the dental profession.
- 9.1 You must ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.

The Committee is satisfied that the findings against Mr Abdelazeez are serious and amount to misconduct.

Current impairment

The Committee next considered whether Mr Abdelazeez's fitness to practise is currently impaired by reason of his misconduct. In so doing, it has had regard to the submissions made Mr Mulchrone.

The Committee has reached serious findings against Mr Abdelazeez in relation to his dishonest conduct. In the Committee's judgement, Mr Abdelazeez has not demonstrated any insight into the matters that has brought him before the GDC or accepted any wrongdoing. The Committee has reached findings that Mr Abdelazeez was dishonest over a pro-longed period of time. Given these circumstances, as well as Mr Abdelazeez's lack of insight and remorse and his outright denial of any wrong doing, the Committee considers that there is a real risk of repetition of the dishonest conduct.

Such conduct undermines public confidence in the profession and amounts to a breach of the fundamental standard of behaviour expected of a registered dentist. It considers that public confidence would be undermined if a finding of impairment were not made, given the findings against Mr Abdelazeez and the concerns about his lack of insight.

Having regard to all of these matters, the Committee has determined that Mr Abdelazeez's fitness to practise is currently impaired by reason of his misconduct.

Sanction

The Committee next considered what sanction, if any, to impose on Mr Abdelazeez's registration. It recognises that the purpose of a sanction is not to be punitive, although it may have that effect, but is to protect patients and the wider public interest. The Committee has taken into account the GDC's "Guidance". It has applied the principle of proportionality, balancing the public interest with Mr Abdelazeez's own interests.

The Committee has had regard to the aggravating and mitigating factors in this case. The aggravating factors identified by the Committee include:

- The dishonesty was repeated
- His breach of professional trust
- His blatant disregard of the role of the GDC
- His lack of insight and lack of remorse.

The Committee notes that Mr Abdelazeez has no previous fitness to practise history. Save for this factor, the Committee has concluded that there are no other mitigating factors in this case

The Committee has considered the range of sanctions available to it, starting with the least restrictive. It has determined that to conclude the case with no further action or with a reprimand would not be sufficient in the light of the gravity of the misconduct found proved and the risk of repetition identified.

The Committee then considered whether a period of conditional registration would be sufficient. In the Committee's judgement, conditions would not be sufficient to mark the seriousness with which it views Mr Abdelazeez's dishonest conduct. Further, the Committee concluded that there are no workable or measurable conditions that could be formulated, given his lack of engagement. It also considers that a period of conditional registration would not address the underlying issue of outright dishonesty in this case.

The Committee went on to consider whether to suspend Mr Abdelazeez's registration. In so doing, it had regard to the gravity with which it views his dishonest conduct. There is no evidence before the Committee of any remorse or insight from Mr Abdelazeez as to his dishonest conduct. The findings in this case indicate that there is pattern of dishonest conduct by Mr Abdelazeez. Furthermore, the Committee considers that there is a significant risk that Mr Abdelazeez will repeat his dishonest behaviour.

Taking all these factors into account, the Committee has concluded that suspending Mr Abdelazeez's registration would not be appropriate or sufficient for maintaining public confidence in the profession and upholding professional standards. Dishonest conduct is unacceptable and is highly damaging to a registrant's fitness to practise and to public confidence in dental professionals. The Committee is satisfied that Mr Abdelazeez's dishonest conduct is so serious that it is fundamentally incompatible with him remaining on the Register.

Accordingly, the Committee has determined that the appropriate and proportionate sanction in this case is that of erasure. The Committee has taken into account the impact of such a direction on Mr Abdelazeez's own interests. However, in the light of the serious nature of the findings in this case, and the lack of insight demonstrated, the Committee considers that the public interest outweighs Mr Abdelazeez's own interests in this matter. It therefore directs that Mr Abdelazeez's name be erased from the Dentist's Register.

The Committee now invites submissions as to whether Mr Abdelazeez's registration should be suspended immediately, pending the taking effect of its substantive direction of erasure.

Decision on immediate order

The interim order of suspension on Mr Abdelazeez's registration is hereby revoked.

Having directed that Mr Abdelazeez's name be erased from the Dentists Register, the Committee has considered whether to make an order for immediate suspension of his registration. Mr Mulchrone, on behalf of the General Dental Council (GDC), has submitted that such an order is necessary for the protection of the public, and is otherwise in the public interest, given the serious nature of the Committee's findings.

The Committee has considered the submissions made. It has accepted the advice of the Legal Adviser, during the course of which she reminded the Committee of the statutory test to be applied in the making of an immediate order.

The Committee has reached serious findings of dishonesty against Mr Abdelazeez and considers that he poses a significant risk of repeating his dishonest behaviour. Given these findings, the Committee has concluded it would be inconsistent to allow Mr Abdelazeez the opportunity to continue to practise during the intervening appeal period. The Committee therefore directs that Mr Abdelazeez's registration be suspended forthwith in accordance with the Dentists Act 1984 (as amended). It is satisfied that an immediate order is necessary to protect public confidence in the profession.

The effect of the foregoing direction and this order is that Mr Abdelazeez's registration will be suspended forthwith. Unless Mr Abdelazeez exercises his right of appeal, the substantive direction of erasure will take effect 28 days from when notice is deemed to have been served on him. Should Mr Abdelazeez exercise his right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal proceedings.

That concludes the case for today."