

# **Paul Slemon**

**member:** Paul Slemon

**Hearing Date:** May 23, 2001

## **Charges of Professional Misconduct**

- Engaging in conduct or performing an act, in the course of practising the profession that having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
- Contravening a Standard of Practice or a published Standard of the College or failing to maintain the Standards of Practice; and
- Sexual abuse of a client.

## **Brief Synopsis of Facts**

- An Agreed Statement of Facts introduced the facts of this case.
- At the commencement of the hearing the charges relating to contravening a Standard of Practice and sexual abuse were dropped and the matter proceeded in relation to the remaining charge.
- The facts established that the member engaged in various acts of sexual intimacy, including sexual intercourse with his client at her home and his clinic.
- The client's former husband lodged the complaint with the College. The client did not support the complaint, and in fact, provided a letter of reference, which supported the member.
- During the course of the College's investigation, the client's former husband provided a copy of the client's diary, which purported to confirm a sexual relationship between the member and the client.
- The diary could not be used as evidence because the client did not provide her consent to the release of the diary.
- The member pleaded guilty to the charge of engaging in conduct in the course of practising the profession that would reasonably be regarded as disgraceful, dishonourable or unprofessional

## **Decision**

The panel accepted the member's guilty plea and found the member guilty of the charge of professional misconduct.

## **Penalty**

- A suspension of the member's Certificate of Registration for a period of six months;

- A recorded reprimand;
- An order directing the member to attend and complete during the course of his suspension the College's workshop, "Making Ethical Decisions and Maintaining Personal Boundaries"
- Costs of \$1,500; and
- Publication of the Decision

## **Panel's Reasons for Decision**

The panel wished to make it clear to members of the profession that in the normal course of events, conduct of the nature described in this case would require the imposition of revocation of the member's Certificate of Registration, however the client involved offered no assistance or cooperation with the case and made it clear to the panel that in no way did she feel that the member used his position as a Massage Therapist to take advantage of their relationship. She described the relationship as mature, consensual between two equals and she urged the panel to be lenient. The unusual circumstances of this case justified a departure from the College's continuing commitment to the policy of zero tolerance for sexual abuse.