



## College of Massage Therapists of Ontario

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### **Penalty Hearing Summary**

#### **Oleg Volochay, RMT (Ottawa, ON), July 19, 2018**

##### **Decision**

In a prior decision dated August 9, 2017, the Discipline Committee found that Mr. Oleg Volochay, a Registered Massage Therapist (RMT), committed acts of professional misconduct in that he:

1. sexually abused a client;
2. engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional;
3. verbally abused a client; and
4. engaged in conduct that would reasonably be regarded by registrants as conduct unbecoming a Massage Therapist.

##### **Penalty Order and Cost Award**

At the penalty phase of the hearing on July 19, 2018, the Discipline Committee made a penalty and costs order which included the following:

1. Mr. Volochay is required to appear before a panel of the Discipline Committee within sixty (60) days of the hearing of this matter to be reprimanded, with the fact of the reprimand and the text of the reprimand to appear on the public register of the College;
2. The Registrar is directed to revoke Mr. Volochay's Certificate of Registration effective July 19, 2018; and
3. Mr. Volochay is required to pay to the College costs in the amount of \$75,000.00 within twelve (12) months of July 19, 2018.

##### **Reprimand Delivered to Mr. Volochay:**

The following reprimand was delivered by a panel of the Discipline Committee:

The Panel is appalled by your egregious behaviour. You demonstrated an abysmal lack of professional judgment when you chose to pursue an inappropriate sexual relationship with someone who was your [client]. The legislation is clear and unambiguous; when it comes to sexual relations between a health professional and a [client], there is a black letter bright line prohibition with a drastic sanction, with no exceptions or exemption. The zero tolerance policy precludes any inquiry into any explanation or excuse for this sexual activity.

Public safety and public protection are at the forefront of this College's mandate. Although revocation was mandatory in this case, the Committee would not have been satisfied with any other outcome, other than the revocation of your Certificate, given the serious and disturbing nature of your conduct.

You also displayed a disgraceful lack of respect for this process throughout the duration of these proceedings. The Panel was extremely concerned by your conduct and in particular, the tactics employed to unduly delay and frustrate this process. The Panel gave you significant deference and accommodation, given that you were not represented, but your behaviour did not go unnoticed.

The Panel wishes to remind all Registered Massage Therapists that being a Registered Health Professional is a privilege and not a right.

The complete Decision and Reasons will be available online on the Canadian Legal Information Institute (CanLII) [website](#).