

Jack Mardarowicz

member: Jack Mardarowicz

Hearing Date: April 19, 2000

Charges of Professional Misconduct

- Contravening a standard of practice of the profession or a published standard of the College or failing to maintain the standard of the profession;
- 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;
- Falsifying a record in relation to the member's practice;
- Signing or issuing a document in a professional capacity that contained a false or misleading statement;
- Submitting an account or charged for services that the member knew was false or misleading; and
- Failing to reply appropriately or within a reasonable time a written inquiry made by the College that requests a response.

Brief Synopsis of Facts

- The client had been referred for Massage Therapy treatments following injuries sustained in a motor vehicle accident.
- The client attended the member's office and received treatment from a woman employed by the member, who was not a member of the College of Massage Therapists of Ontario.
- The member submitted invoices to the client's Accident Benefit Insurer for treatments he did not provide.
- On several occasions, the College asked the member to provide the College with the contact information of the woman who provided the treatments to the client, but the member refused to respond to the College's requests.
- The facts that were disputed related to the complainant's allegation that while she was at the clinic for treatment she saw a picture of a nude female on the member's clinic computer and that the member and other males were in the treatment area looking at the computer screen and making inappropriate remarks.
- The client also stated that during her final treatment at the member's office, the member opened the curtains to the treatment area and stared at her.
- The member admitted guilt in relation to falsifying a record in relation to his practice and signing or issuing a document in his professional capacity that he knew contained false or misleading statements.

Decision

The panel accepted the member's guilty plea in relation to falsifying a record and the panel found the member guilty in relation to the remaining charges of professional misconduct.

Penalty

- 4-month suspension;
- Reprimand;
- Terms, Conditions and limitations imposed on the member's Certificate of Registration requiring the member to complete a course in Assessment, attend the College's "Making Ethical Decisions and Maintaining Personal Boundaries" workshop, and inspection of his practice.
- Costs of \$10,000.00;
- Publication of the Decision with the removal of any reference to the charge of sexual abuse.

Panel's Reasons for Decision

The panel noted the member's admission of guilt in relation to a number of the charges was appropriate in the circumstance as the facts supported the member's plea. The panel found there was insufficient evidence to support the client's allegations of inappropriate conduct of a sexual nature and therefore the panel determined that any reference to the charge of sexual abuse should be removed from the publication of the decision. The panel was of the opinion that the member's conduct exhibited a significant disregard for his profession as well as the public. The panel found that the member showed a lack of remorse for his conduct, which greatly concerned the panel. It was also noted that the member failed to grasp the severity of his conduct. Accordingly the panel felt that the severity of the penalty imposed was appropriate in the circumstance.