

Executive Summary – Robin Lawton, RMT January 15, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on January 15, 2013.

Allegations of Professional Misconduct and Plea

Mr. Lawton entered a guilty plea in relation to the following allegations:

- Sexual abuse of a client; (2 counts)
- Contravened a standard of practice of the profession or a published standard of the College, and;
- 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 members as disgraceful, dishonourable or unprofessional (2 counts)

The Facts

The College and Mr. Lawton signed an Agreed Statement of Facts, and presented it to the Panel. The following is a summary of those facts.

Mr. Lawton was referred to the Discipline Committee in relation to specified allegations of professional misconduct stemming from two complaints lodged with the College.

In relation to the first complaint, the complainant received a total of four massage therapy treatments with Mr. Lawton. The nature of the treatment consisted of focus to the complainant's neck and right knee. During the complainant's third treatment with Mr. Lawton, exposed the complainant's buttocks. During the complainant's fourth and final treatment with Mr. Lawton, Mr. Lawton massaged the pubic area and masturbated the complainant. The complainant filed a complaint with the local Police Services regarding the incident.

Mr. Lawton provided a written statement to a College Investigator, wherein he confirmed, admitting to inappropriately touching the complainant.

In relation to the second complainant, she sought massage therapy treatment with Mr. Lawton for fibromyalgia. If the case proceeded to a full hearing it was anticipated that the complainant would have testified that during her massage therapy appointment, Mr. Lawton placed his hand inside her underwear and fondled her for approximately two seconds.

Mr. Lawton provided a written statement to a College Investigator wherein he confirmed admitting to touching the complainant inappropriately on more than one occasion, and that the touching had included masturbating the complainant.

Decision of the Panel and Penalty and Cost Award Imposed

The Panel unanimously found that the facts contained in the Agreed Statement of Facts supported the guilty plea and therefore the Panel found Mr. Lawton guilty of each allegation of professional misconduct.

The College and Mr. Lawton made a joint submission respecting Penalty and Costs that was accepted and imposed by the Panel. The Penalty imposed included the following:

1. Mr. Lawton's Certificate of Registration shall be revoked, effective immediately;
2. Mr. Lawton shall receive a public and recorded reprimand;
3. Mr. Lawton shall reimburse the College up to \$3,000.00 for any funding provided to the complainants under the program required under section 85.7 of the *Health Professions Procedural Code*, and shall post \$3,000.00 for this purpose, with any excess funds to be returned to Mr. Lawton, at Mr. Lawton's request, on the fifth anniversary of this Decision;
4. Mr. Lawton shall reimburse the College in the amount of \$2,000.00, towards the cost of its investigation and hearing; and
5. The publication of this decision in the usual course, which includes publication in the Annual Report of the College, an Executive Summary posted on the College's website, as well as a summary of findings, also accessible through the College website. Additionally, the College may publish, at the discretion of the Registrar, details of the Member's failure to comply with any terms of the penalty imposed.

Panel's Reasons for Decision

The Panel thanked the College and Mr. Lawton for arriving at joint submissions as it was noted that joint submissions expedites the process and saves the complainants from the trauma of testifying.

The Panel further noted that it steadfastly maintained a zero tolerance of sexual abuse by imposing the mandatory penalty required by provisions of the *Regulated Health Professions Act*. The Panel noted that revocation of Mr. Lawton's certificate is the ultimate protection to the public as well as send a clear message to the profession that such conduct has no place within this profession.

The Panel read a Victim Impact Statement from one of the complainants, which further emphasized the seriousness of the case and the profound and lasting affects to the clients involved such that the imposition of contribution towards the funding program was appropriate in the circumstance.

With respect to the Cost Award the Panel noted that Mr. Lawton's conduct necessitated an investigation and subsequent Discipline hearing such that it was appropriate that he contribute to the College's costs.