

**EXECUTIVE SUMMARY – BOGDAN LISIECKI, RMT
DISCIPLINARY HEARING CONDUCTED
JUNE 24, 2011**

The Member, Bogdan Lisiecki, RMT, was charged with three allegations of professional misconduct:

1. Falsification of records relating to his practice;
2. Failing to keep records as required; and
3. Engaging in conduct or performing an act in relation to practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

THE PLEA

The Member entered a guilty plea in relation to the allegations.

THE FACTS

The evidence was presented by way of an Agreed Statement of Facts. Mr. Lisiecki is a RMT and, at the relevant time, he was employed by the Ellesmere Massage Clinic ("Clinic") in Scarborough, Ontario. The allegations of professional misconduct arose out of a complaint received by the owner of the Clinic, who was also a RMT. In her letter of complaint, the Clinic owner alleged that the Member:

- a. did not complete treatment notes as required;
- b. removed client files from the Clinic and did not return them; and
- c. falsified receipts in relation to a client.

In a subsequent investigation by the College, it was confirmed that the Member did not maintain records as required. The Member acknowledged that he was deficient in record keeping.

In relation to the complaint that the Member falsified receipts, the Member acknowledged that he had issued receipts in the name of a client's son from the receipt book of the Clinic, even though the client's son was not a client of the Clinic. The Member represented that the falsification of receipts was in relation to an "honest book-keeping error".

The Member acknowledged that he was guilty of professional misconduct in respect of the allegations.

FINDING OF GUILT

On the basis of the Member's guilty plea and its review of the Agreed Statement of Facts, the Panel of the Discipline Committee found the Member guilty of the allegations of professional misconduct.

THE SENTENCING HEARING

The Member and the College presented a Joint Submission on Penalty to the Discipline Panel. On these submissions, the Panel ordered as follows:

1. The Member's Certificate of Registration shall be suspended for a period of 3 months;
2. However, such suspension shall be remitted for a period of 2 months if the Member complies with the terms, conditions and limitations imposed on the Certificate of Registration;
3. The following terms, conditions and limitations shall be imposed upon the Member's Certificate of Registration:
 - a. The Member shall complete the College's Standards and Regulations course and a Registrar approved record keeping course at the Member's expense, within 6 months of the decision of the Panel becoming final;
 - b. The Member shall provide evidence of the successful completion of the coursework within 30 days of completing the course; and
 - c. The Member will contribute to the investigation and prosecution costs of the College in the amount of \$1,000.
4. The Member shall be required to submit to one inspection of his practice at his expense to occur within 1 year after completion of his suspension;
5. The Member undertakes not to practise during the period of his suspension;
6. The decision of the Panel and the penalty imposed shall be published in the usual course; and
7. Having waived his right of appeal, the Member will receive a public and recorded reprimand.

EDITORIAL NOTE

In its reasons for accepting the penalty, the Committee noted that falsifying records and failing to keep records is a serious charge warranting a suspension. The length of the suspension provided specific deterrence to the Member and other members of the profession that the College will not tolerate this type of behaviour. The public is also protected while he is suspended and re-educated.

The required coursework and inspection of his practice will ensure that the Member will learn from his mistake and reintroduce the Member to the standards of the College with respect to record keeping and issuing receipts.