

**EXECUTIVE SUMMARY – GLENN MARTIN, RMT
DISCIPLINE HEARING HELD ON MAY 27, 2011**

THE ALLEGATIONS OF PROFESSIONAL MISCONDUCT

On May 27, 2011, a Discipline Hearing was conducted before a panel of the Discipline Committee of the College. It was alleged that Mr. Martin committed the following acts of professional misconduct:

1. Committing sexual abuse of a client;
2. Contravening a standard practice of the profession or published standard of the College, or failing to maintain the standard of practice of the profession; and,
3. Engaging in disgraceful, dishonourable or unprofessional conduct.

Mr. Martin pleaded guilty to all three allegations.

THE FACTS

The College and Mr. Martin filed an Agreed Statement of Facts in which Mr. Martin acknowledged that he had committed the acts of professional misconduct as alleged.

From approximately 2005 or 2006 until March 31, 2009, Mr. Martin was the Complainant's massage therapist. The Complainant developed a personal friendship with Mr. Martin and his wife, and would attend the massage clinic located at Mr. Martin's home.

Four to six weeks prior to March 31, 2009, during treatment, Mr. Martin asked the Complainant for permission to massage her upper chest. Mr. Martin told the Complainant that this would relax and release the muscles in her neck, arms, shoulders and upper chest. The Complainant agreed and, thereafter, during her treatments, Mr. Martin would massage the Complainant's upper chest. During those massages, a sheet was used to drape the Complainant's upper chest.

On March 31, 2009, the Complainant attended at Mr. Martin's home for treatment. His wife was not at home at the time.

During the treatment, Mr. Martin lowered the draping to approximately the level of the Complainant's navel. Mr. Martin massaged her sternum and between her breasts, and then moved his hands over her breasts and nipples. This lasted approximately 1 minute.

Mr. Martin then lowered the draping to the Complainant's thighs, exposing her underwear. He pulled down her underwear, and touched her thighs and labia. The Complainant gestured for Mr. Martin to stop and said that she was not comfortable. Mr. Martin replaced the draping and resumed massaging the Complainant's neck and shoulders. The session ended shortly thereafter.

A short time later, the Complainant told her family doctor about the incident with Mr. Martin. The doctor advised her that she could lodge a complaint with the College of Massage Therapists.

On April 24, 2009, Mr. Martin went to the Complainant's home, and told her that he wanted to talk about the incident. Mr. Martin apologized for what had happened, said that he never done such a thing before and that he would not bother her again.

On July 7, 2009, Mr. Martin was advised that the College had received a complaint against him. On September 3, 2009, the College received a handwritten response signed by Mr. Martin, stating "I am guilty of sexual and professional misconduct." The response substantially corroborated the Complainant's allegations.

THE DISCIPLINE HEARING

Although Mr. Martin did not attend at the hearing, the Panel received a signed and witnessed statement from him acknowledging and agreeing to the Agreed Statement of Facts.

The Panel unanimously found that the facts contained in the Agreed Statement of Facts supported the guilty plea. The Panel therefore found Mr. Martin guilty of the allegations of professional misconduct alleged in the Notice of Hearing.

THE PENALTY AND COSTS HEARING

The parties made a joint submission as to penalty and costs, and the Panel reviewed the Complainant's Victim Impact Statement. The Panel accepted the joint submission and unanimously ordered:

1. that Mr. Martin's Certificate of Registration be revoked; and,
2. that Mr. Martin pay to the College the sum of \$2000.00 toward the cost incurred by the College in investigating, retaining and instructing counsel and conducting the hearing.

As required by the Regulated Health Professions Act, a reprimand was also imposed. Finally, the Panel made an Order that the results of the hearing be included in the public portion of the College's Register.

In its Reasons for Decision, the Panel indicated the College has steadfastly maintained a zero tolerance approach to this kind of sexual abuse, and repeated that sexual relations between a member and client are absolutely prohibited. Therefore, mandatory revocation was the only option in this case. The Panel indicated that the Victim Impact Statement emphasized the seriousness of the professional misconduct and noted that revocation in these circumstances also served to protect the public.