

**IN THE MATTER OF  
THE COLLEGE OF OPTOMETRISTS OF BRITISH COLUMBIA  
AND A CITATION ISSUED UNDER THE *HEALTH PROFESSIONS ACT***

BETWEEN:

The College of Optometrists of British Columbia

(the "College")

AND:

Dr. Jerry Mackenzie

(the "Respondent")

**Date and Place of Hearing:**

Date: Wednesday, January 28, 2015

Place: 1650 – 885 West Georgia St, Vancouver, BC,

**Counsel for the College:**

Angela R. Westmacott, Q.C.

Mollie Margetts (Articled Student)

**Counsel for the Respondent:**

Self-represented

**The Discipline Committee (the "Panel"):**

David MacPherson (Chair)

Dr. Mark Bourdeau

Dr. Anisa Nurani

**Court Reporter:**

Day: January 28, 2015 – Lana Grace Allen

**DECISION ON VERDICT**

1. The Discipline Committee of the College (the "Panel") met on January 28, 2015, at 1650 – 885 West Georgia Street, Vancouver, BC, to inquire into allegations that the Respondent engaged in professional misconduct including sexual misconduct, failed to comply with limits or conditions imposed under the Act, and failed to comply with various provisions of the Act, the *Optometrists Regulation* and the Bylaws relating to

unauthorized practice. A ruling was also sought that the registrant is ungovernable as defined in case law, based on a number of historical and current mitigating factors.

2. The hearing came to order at 9:00 a.m. at which time the court reporter was sworn in.

### **1.0 CITATION**

3. The Panel accepted the Amended Citation (Exhibit A, tab 1) was properly served (the "Citation"). The Respondent did not dispute his being served with the Citation. Paragraph references are to the Schedule of the Citation unless otherwise noted.

4. The attached Citation and its schedule form a part of this Decision of the Panel.

### **2.0 BACKGROUND FACTS**

5. This hearing relates to alleged conduct of the Respondent after a previous discipline hearing, and orders by the Discipline Committee. The Panel sets out some key background facts so that the allegations in the Citation may be more easily understood, and also sets out where acts now alleged by the College occur in the timeline of events.

6. The Respondent has practiced optometry for over 40 years.

7. The Respondent was granted Full B registration on March 2, 2009, under registration no. 353.

8. The Respondent practiced optometry at all times material to this matter at his clinic at 3049 West Broadway, Vancouver, BC.

9. The Respondent was the subject of a discipline hearing conducted on August 19 and 20, 2013. On October 7, 2013, the Discipline Committee Panel issued its Decision on Verdict finding that the Respondent had contravened the College's Standards of Practice and bylaws and engaged in professional misconduct.

10. The College alleges that starting on February 14, 2014, the Complainant propositioned a female patient and eventually entered into an intimate and sexual relationship with her until June 19, 2014.

11. On April 28, 2014, the Discipline Committee issued its Decision on Penalty. No issue exists that the Discipline Committee did order penalties as the College has set out (at Citation para. 3):

- (a) a reprimand;
- (b) suspension of the Respondent's registration for three years effective from the date of the decision;

- (c) a limitation that the Respondent successfully complete a course on professional ethics and clinical record-keeping at his cost prior to returning to practice;
- (d) a limitation that the Respondent permanently convert to an electronic record-keeping system prior to reinstatement of his registration or return to practice;
- (e) a requirement that the Respondent arrange for supervision by a registered optometrist prior to reinstatement of his registration or return to practice with an on-site audit of every patient seen by the Respondent for a period of three months following return to practice and a review of each patient's chart;
- (f) a requirement to cooperate with random chart audits at his cost for two years following reinstatement or return to practice;
- (g) a requirement to reimburse [REDACTED] for her eye examination fee within 30 days of the date of the decision and provide written proof to the College as a condition of practice; and
- (h) a fine of \$10,000.

12. The following day, on April 29, 2014, the College notified the Respondent in writing that he had been suspended for a period of three years.

13. The College alleges that in May 2014, the Respondent carried out various eye examinations, and failed to post a Notice of Suspension on his front door.

14. On May 13, 2014, the College filed an application for an interim injunction order under s. 52(1) of the Act enjoining the Registrant from engaging in the practice of optometry. The Respondent consented to an interim injunction order on May 27, 2014.

15. The College alleges that on July 15, 2014, the Respondent continued to advertise himself as an optometrist, and had posted his Notice of Suspension in an inconspicuous place.

16. In a letter dated July 16, 2014, the Respondent informed the College that he was going to retire. His registration was cancelled effective August 13, 2014 under s. 21(3)(c) of the Act.

17. The College alleges that from July to October 2014, the Respondent continued to solicit patients, provide optometry services, advertise himself as an optometrist, and was discourteous in his communications with the College.

18. On November 14, 2014, the College filed an application seeking a contempt order against the Respondent alleging that he had continued to practice optometry in contravention of the interim injunction order. On December 19, 2014, Justice Myers made findings of fact that the Respondent had engaged in specific activities which

contravened the interim injunction order. On or about January 19, 2015, the Respondent filed a notice of appeal with respect to Justice Myers' ruling.

19. On January 21, 2015, the Discipline Committee convened a conference call to hear pre-hearing applications including a request from the Respondent to adjourn the hearing until a decision is made on the appeal of the Justice Myers' ruling. The Respondent's application to adjourn the hearing was denied and written reasons of this Panel were provided.

### 3.0 ISSUES

20. The College makes the following allegations, which broadly describe more particular allegations set out at paragraphs 5-26 of the Citation, which the Panel addresses in detail below. The Panel has briefly summarized the broad allegations for ease of reference, but these descriptions are for convenience only, and do not limit the other paragraphs of s. 39(1) of the Act for which they may qualify:

- a. Failures to comply with limits, conditions or suspensions imposed under the Act:

27. The Respondent has engaged in professional misconduct by failing to comply with the following provisions of the Decision on Penalty:

- (a) the suspension of his registration as he continued to practice optometry and to advertise his services as an optometrist;
    - (b) the requirement to reimburse ██████████ for her eye examination fee within 30 days of the date of the Decision on Penalty, or at all;
    - (c) the requirement to pay a fine in the amount of \$10,000 to the College.

- b. Unauthorized practice of reserved acts:

28. The Respondent has engaged in unauthorized practice and professional misconduct by contravening ss. 13(2)(a) and (b) of the Act and s. 5(2) of the *Optometrists Regulation* by performing services that can only be provided by a person registered in good standing with the College and by charging of those services.

- c. Unauthorized use of reserved title:

29. The Respondent has engaged in unauthorized practice and professional misconduct by contravening

s. 12.1 of the Act and s. 3(1) of the Optometrists Regulation by using the title "Optometrist" and abbreviation "OD" that can only be used by a person registered in good standing with the College."

d. Non-compliance with Bylaws relating to suspensions:

30. The Respondent has engaged in unauthorized practice and professional misconduct by contravening ss. 81(1)(a), (b), (d) and (e) of the College bylaws by:

- (a) continuing to practice optometry during the term of his suspension;
- (b) continuing to hold himself out as entitled to practice optometry during the term of his suspension;
- (c) continuing to make appointments for patients or prospective patients during the term of his suspension; and
- (d) continuing to contact or communicate with patients or prospective patients.

31. The Respondent has engaged in professional misconduct by contravening ss. 81(2)(b) and (c) of the College bylaws by:

- (a) failing to remove his name from his place of practice located at 3049 West Broadway, Vancouver, British Columbia; and
- (b) failing to prominently display a notice of suspension in Form 14A in the area approved by the Registrar (ie. the front door of his clinic).

e. Professional misconduct:

32. The Respondent has engaged in professional misconduct by issuing a prescription on a prescription pad belonging to another registrant of the College and by issuing a referral note on the letterhead of another registrant of the College.

f. Non-compliance with Bylaws relating to records:

33. The Respondent has engaged in professional misconduct by failing to dispose of the personal information contained in his patients' records in accordance with ss. 97(1) and 98(1) of the College bylaws.

g. Sexual misconduct:

41. The Respondent has breached the College's Code of Ethics and standards for maintaining professional boundaries and engaged in professional misconduct of a sexual nature by engaging in sexual intercourse and touching of a sexual nature with a patient, and engaging in behaviour and remarks of a sexual nature towards the patient.

h. Conduct collectively demonstrating ungovernability:

42. The Respondent's contravention of the Penalty Decision, unauthorized practice, contravention of College bylaws, contravention of the Interim court order, his discourteous and unprofessional communication with the College, his professional misconduct of a sexual nature and his discipline history reflect that he is ungovernable as a registrant of the College.

21. In terms of section 39(1) of the Act, the issues before the Panel are whether the Respondent

a. contravened

i. ss. 12.1 and 13(2) of the Act,

ii. ss. 3(1) and 5(2) of the Optometrists Regulation, and

iii. ss. 81(1)(a), (b) and (d), 81(2)(b) and (c), 97(1) and 98(1) of the College bylaws;

b. failed to comply with limits or conditions imposed under a previous order of the Discipline Committee;

c. engaged in professional misconduct and/or unauthorized practice by issuing a prescription and referral note on the letterhead of another registrant of the College; or

d. engaged in professional misconduct of a sexual nature.

A registrant failing to comply with the Act, a regulation or a bylaw, failing to comply with limits or conditions imposed under the Act, or engaging in professional misconduct, is a ground for discipline under s. 39(1) and (2) of the Act.

22. For ease of reference, the relevant statutory provisions are as follows:

a. sections 12.1 and 13(2) of the Act:

*Prohibition and limitation — use of reserved titles*

12.1 (1) **If a regulation under section 12 (2) (b) prescribes a title to be used exclusively by registrants of a college, a person other than a registrant of the college must not use the title**, an abbreviation of the title or an equivalent of the title or abbreviation in another language

(a) to describe the person's work,

(b) in association with or as part of another title describing the person's work, or

(c) in association with a description of the person's work.

(2) If a regulation under section 12 (2) (b.1) prescribes a limit or condition respecting the use of a title, the title must not be used except in accordance with the regulation.

(3) **A person other than a registrant** of a college **must not use a name, title**, description or abbreviation of a name or title, or an equivalent of a name or title in another language, **in any manner that expresses or implies that he or she is a registrant** or associated with the college.

*Prohibitions regarding practice of designated health profession*

13 (1) [...]

(2) **If a regulation under section 12 (2) (e) prescribes a service that may only be provided by a registrant** of a particular college,

(a) **a person other than a registrant of the college must not provide the service**, and

(b) a person must not recover any fee or remuneration in any court in respect of the provision

of the service unless, at the time the service was provided, the person was a registrant of the college or a corporation entitled to provide the services of a registrant of the college. (emphasis added)

- b. sections 3(1) and 5(2) of the *Optometrists Regulation*:

*Reserved titles*

3 (1) The titles "optometrist" and "doctor" are reserved for exclusive use by registrants.

...

*Restricted activities*

... (2) Only a registrant may provide a service of optometry as set out in this regulation if, on the day before this section comes into force, the provision of the same service under the *Optometrists Act* by anyone other than a person authorized under that Act was prohibited.

- c. Sections ss. 81(1)(a), (b) and (d), 81(2)(b) and (c), 97(1) and 98(1) of the College's Bylaws:

*Conduct during suspension*

81 (1) A registrant whose registration is suspended must not, for the duration of the suspension,

(a) practise optometry,

(b) remove from the registrant's place of practice his or her name,

...

(d) make appointments for patients or prospective patients....

(2) A registrant whose registration is suspended must

...

(b) remove from the registrant's place of practice his or her name,

(c) prominently display, in an area approved by the registrar, a notice of suspension in Form 14A...

*Disposal or transfer of records*

97(1) A registrant must ensure that records containing personal information are disposed of only by

(a) transferring the records with the consent of the patient, to

(i) another registrant,

(ii) a BC optometric corporation,

(iii) an ophthalmologist registered with the College of Physicians and Surgeons of British Columbia,

(iv) a hospital as defined in section 1 of the Hospital Act, or

(v) the Armed Forces of Canada.

(b) effectively destroying physical records by utilizing a shredder or by complete burning,

(c) erasing information recorded or stored by electronic methods on memory devices, disks, tapes, or other media in a manner that ensures that the information cannot be reconstructed, or

(d) transferring the records to the patient.

...

*Registrant ceasing to practice*

98 (1) A registrant who ceases to practise for any reason must

(a) dispose of records containing personal information in accordance with this Part,

(b) notify the college, and

(c) provide the college with a written summary of the steps he or she has taken to dispose of the personal information.

23. The Panel notes that the Respondent's registration was cancelled on August 13, 2014. Sections 12.1 and 13(2) of the Act restrict non-registrants from using titles or providing services that only registrants may use or provide. The term "registrant" includes a former registrant for purposes of Part 3 of the Act. This definition allows the College to discipline a registrant even after his registration has been cancelled. The College's citation includes, however, alleged conduct after the Respondent had his registration cancelled. Any contravention of ss. 12.1 and 13(2) is an "offence" under s. 51(1), but the Citation asserts that the College has jurisdiction to discipline a former registrant under s. 39 of the Act for the conduct of a non-registrant.

#### **4.0 PRELIMINARY MATTERS**

##### **4.1 Legal Counsel for the Respondent**

24. The Respondent attended the hearing without counsel. The Panel chair confirmed that the Respondent understood that he was entitled to be represented by counsel, that he did not want an adjournment to obtain counsel, and that he wanted to proceed without one.

25. The Respondent stated that he wished only to make a short statement then would excuse himself from the hearing. Counsel for the College had no objections to this.

26. The Respondent was sworn in as a witness. The Respondent made some verbal statements, then presented the Panel with a written document relating to the previous disciplinary hearing matter. In particular, he listed thirteen discrepancies he felt occurred during the previous hearing (Exhibit 1).

27. The Respondent told the Panel that he is not interested in practicing Optometry any longer and he feels what he's doing is allowed as a licensed Optician. He is not licensed as an Optician, but claims that the College of Opticians received information from the College of Optometrists which caused them to deny his application.

28. The Respondent said he has not returned the fee to [REDACTED] because the discipline order is still under appeal with the court.

29. The Panel chair and independent legal counsel advised the Respondent that he had a right to stay for the hearing, and that the hearing would continue whether he chose to remain or not. He was also advised that he could return at any time during the course of the hearing. He stated he understood.

30. The Respondent left the hearing at 9:30a.m. and did not return.

#### 4.2 Change in order of Witnesses

31. Counsel for the College requested that the Panel hear the evidence of Ms. A.C. first, as she was present at the hearing and was experiencing a great deal of stress and anxiety due to the subject matter of her testimony relating to the sexual misconduct allegation.

32. The Panel accepted counsel's argument that it would be both expedient and in the best interests of A.C. to allow her to testify first. The request was granted.

#### 4.3 Facts found by Justice Myers on December 19, 2014

33. As noted above, on December 19, 2014, Justice Myers made findings of fact on December 19, 2014 that the Respondent had engaged in specific activities which contravened the interim injunction order. The College established through affidavit evidence that the court orally adopted paragraphs 23 to 43 of the College's Statement of Facts. College counsel advised that they had requested that the oral reasons of Justice Myers be transcribed.

34. Counsel for the College applied for the Panel to accept the facts adopted by the court, and submitted that therefore the Panel did not need to hear evidence from Lisa Koltun, Gary Schoenhaar, patient D.H., and E.L., as the Respondent is barred from relitigating the facts that Justice Myers found against the Respondent. The College submitted that his denying and relitigating those facts would be an abuse of process, relying on the principles set out in *Toronto (City) v. Canadian Union of Public Employees (CUPE)* 79, [2003] 3 S.C.R. 77, and its having been applied by administrative tribunals, as in *Law Society of Upper Canada v. Robson*, [2012] L.S.D.D. No. 52. The College also submitted that the Respondent was subject to issue estoppel, based on a final decision of the court, in a proceeding between the same parties, about the same factual issues.

35. The Respondent was not present to argue why the Panel should not consider itself bound by the findings of fact in the declaratory ruling, or to argue how his relitigating those facts would be in the interests of justice.

36. The Panel accepted the College's argument that the ruling by Justice Myers is binding on the Respondent, and granted the College's application to accept the facts set out in Justice Myers' ruling, subject to any necessary adjustments following its receipt of the transcription of Justice Myers' oral reasons.

37. Following the hearing of this matter, the court issued an official version of the oral reasons for judgment of Justice Myers: see *College of Optometrists of British Columbia v. Dr. Jerry MacKenzie*, 2014 BCSC 2564. As the court set out its findings of fact, the Panel has based its findings on the court's record of the oral reasons, rather than the facts set out by the College and orally adopted by the Court.

#### 4.4 Request to Hear Testimony by Telephone

38. Counsel for the College requested that the testimony of witness, Ms. K.A., be given via telephone rather than in person, citing health considerations and the advanced age of the witness.

39. The Panel accepted counsel's argument that there is a health issue with the witness and that to travel to the hearing would be a hardship for her. The Panel further ruled that since the Respondent is not in attendance at the hearing that the potential issue of prejudice is greatly reduced. The Panel therefore granted the request that the witness give her testimony by telephone.

40. The witness was called at her home and put on speaker phone. She was sworn in prior to giving her testimony.

#### 5.0 DOCUMENTARY EVIDENCE

41. The College adduced the following exhibits, including a Book of Documents with 20 tabbed documents, all of which were identified and entered into evidence:

**Exhibit A:** Written submission by Registrant related to the August 19 and 20, 2013, Disciplinary Hearing.

**Exhibit B:** Book of Documents

Tab 1: Amended Citation to Appear dated November 20, 2014 with Schedule

Tab 2: Affidavit of Service of Sabrina Ferreira sworn November 25, 2014

Tab 3: Certificate of Registration of Dr. Jerry Mackenzie issued March 2, 2009

Tab 4: Decision on Verdict dated October, 2014

Tab 5: Consent Order dated May 27, 2014 in action no. S143655

Tab 6: Affidavit of Dr. Robin Simpson regarding Mr. Justice Myers ruling sworn January 12, 2015

Tab 7: Affidavit #1 of Dr. Robin Simpson affirmed May 12, 2014

Tab 8: Affidavit #2 of Dr. Robin Simpson affirmed November 4, 2014

Tab 9: Affidavit #3 of Dr. Robin Simpson affirmed December 18, 2014

Tab 10: Affidavit #1 of Lisa Koltun sworn May 9, 2014

Tab 11: Affidavit #2 of Lisa Koltun sworn October 22, 2014

Tab 12: Affidavit #1 of Gary Schoehaar sworn October 24, 2014

Tab 13: Affidavit #1 of Stanka Jovicevic affirmed October 24, 2014

Tab 14: Affidavit #1 of D.H. sworn October 28, 2014

Tab 15: Affidavit #1 of E.L. sworn October 28, 2014

Tab 16: Affidavit #1 of [REDACTED] affirmed December 17, 2014

Tab 17: Records relating to K.A.

- Copy of letter of complaint to College dated July 23, 2014

- Copy of receipt for eye examination dated May 16, 2014

- Letter to College Registrar dated August 12, 2014

- Letter to College Registrar dated August 16, 2014

- Cover letter dated "Sept 2014" and clinical records received October 1, 2014

Tab 18: Complaint from A.C. dated July 4, 2014 and received July 9, 2014

Tab 19: Records relating to A.C.

- Copy of letter from College Registrar to Respondent dated July 14, 2014

- Copy of email from College Registrar to Respondent dated July 16, 2014

- Copy of notification of complaint from College Registrar to Registrant dated July 14, 2014

Tab 20: Copy of clinical records for complainant

The Panel had ruled during a pre-hearing conference that the College could tender the evidence of certain witnesses in affidavit form. However, the Panel understood that the College's position to be that upon the Panel accepting that the Respondent was bound by the findings of Justice Myers, the College was not relying on any affidavit evidence relating to matters addressed by Justice Myers.

## **6.0 FACTUAL FINDINGS BY THE B.C. SUPREME COURT**

42. On December 19, 2014, and as proven through the evidence of Dr. Robin Simpson, Registrar of the College, Justice Myers adopted factual assertions of the College as findings of fact. Since the hearing, however, the Court has issued a written version of its oral reasons for judgment, the Panel has set out the facts as set out by the Court (the "Court Facts"):

[5] Dr. MacKenzie was a former registrant with the College. He was issued a licence by the Board of Examiners in Optometry in 1970.

[6] Dr. MacKenzie practised as a sole practitioner at his clinic located at 3049 West Broadway, Vancouver, British Columbia. He identified this location to the College as his "practice address" as required under s. 121 of the College bylaws.

### **a) Investigation of Complaint and Suspension by the College**

[7] In 2011, the College received a complaint from a member of the public concerning an eye examination she had received from Dr. MacKenzie. The Inquiry Committee of the College conducted an investigation into the complaint and ultimately directed the issuance of a citation for a discipline hearing under s. 33(6)(d) of the HPA. The hearing took place on August 19 and 20, 2013.

[8] On October 7, 2013, the Discipline Committee issued its decision on the merits. It found that Dr. MacKenzie had breached the College's Standards of Practice and bylaws, engaged in professional misconduct by failing to refer the patient to an appropriate health specialist, falsifying his clinical records and fabricating a referral note.

[9] On April 28, 2014, the Discipline Committee issued its Decision on Penalty and Order under s. 39(2) of the HPA. The committee suspended Dr. MacKenzie's registration with the College for a period of three years, in addition to imposing other penalties.

[10] Since the date of his suspension, Dr. MacKenzie has been unable to legally practice optometry or hold himself out as authorized to practice optometry in British Columbia.

[11] On May 2, 2014, the College retained CKR Global to investigate whether Dr. MacKenzie had suspended his optometry practice. Lisa Koltun, a licensed private investigator with CKR Global, attended Dr. Mackenzie's clinic and received an eye examination from him on May 6, 2014. The Registrar of the College attended Dr. Mackenzie's clinic the following day to again advise the respondent that he must cease to practice optometry immediately.

[12] On May 9, 2014, the Registrar sent a Notice of Suspension to Dr. MacKenzie and directed him to post it on the front door of his clinic. The same day, the Registrar retained Glen Morrison, another private investigator, to attend Dr. Mackenzie's clinic to determine whether he was continuing to practice optometry. Mr. Morrison attended at Dr. Mackenzie's office on the afternoon of May 10, 2014, and received an eye examination from him.

**b) The injunction**

[13] On May 13, 2014, the College filed an application for an interim injunction pursuant to s. 52(1) of the HPA. The College sought to prohibit Dr. Mackenzie from continuing to practice optometry and from holding himself out as authorized to engage in such practice, until his registration with the College ceased to be suspended. Dr. Mackenzie, who was represented by counsel, consented to the interim injunction order.

[14] On May 27, 2014, after hearing from the College's counsel, Madam Justice Bruce signed the interim injunction order and it was entered the same day. Dr. Mackenzie signed the order on his own behalf, although he was still represented by his counsel, Mr. Martyniuk. The terms of the order are:

1. Pending the final disposition of the petition held in these proceedings, the respondent, Dr. Jerry MacKenzie consent[s] to an interim injunction order against him whereby he is prohibited and enjoined from:

(a) Holding himself out to the public as a person who is entitled to practice optometry in British Columbia;

(b) Using, by or in any medium, the word "optometrist" or any abbreviation or variation of that term, in any title or description of services offered or provided by him personally in British Columbia;

(c) Providing or offering to provide services save and except as permitted by section 5(4) of the Optometrists Regulation, BC Reg 33/2009

2. The petitioner agrees that the respondent can permit another registrant in good standing to practice within the suspended registrant's office provided that the respondent complies with the provisions of s.81 of the Bylaws of the College of Optometrists.

**c) Events subsequent to the injunction**

[15] On July 15, 2014, the Registrar attended at Dr. Mackenzie's office to gather clinical records in relation to a new complaint received by the College regarding the respondent's practice. On arrival, the Registrar observed a sign in the window of Dr. Mackenzie's office, which advertised "Optometrist" and a sandwich board on the sidewalk directly in front of Dr. Mackenzie's office advertising, "For Your Eyes Only - Optometrist - New Patients & Walk-Ins Welcome". The Registrar noted that the Notice of Suspension was not posted on the front door of Dr. Mackenzie's clinic as had been directed; instead, it was posted on a wall behind the reception area.

[16] On July 16, 2014, the College received a letter from Dr. MacKenzie purporting to "retire" from the College. By letter of same date, the College advised Dr. Mackenzie that there was no process under the HPA for retirement but that s. 21(3)(a) of the HPA requires the Registrar to cancel registration if a registrant requests or gives written consent. The Registrar indicated that he would proceed to cancel Dr. Mackenzie's registration unless he heard back within seven business days that he did not want to proceed with the cancellation. Dr. Mackenzie did not respond and the Registrar cancelled his registration with the College effective August 13, 2014.

[17] The Registrar again contacted CKR Global to have another investigator attend Dr. Mackenzie's clinic. On July 18, 2014, Gary Schoenhaar, a licensed private investigator with CKR Global, attended Dr. Mackenzie's clinic and was advised that Dr. Mackenzie was away until early August.

[18] On July 22, 2014, the College was contacted by another former patient of Dr. Mackenzie's. The patient discovered Dr. Mackenzie's suspension on the internet and she expressed concern that Dr. Mackenzie was still practising. Dr. Mackenzie had left a voicemail message for the patient on July 19, 2014, indicating that it was time to have her eyes rechecked. He included his clinic's telephone number and hours on the voicemail message.

The Panel notes that this finding at paragraph 18 of the Court Facts relates to patient D.H.

[19] On August 2, 2014, Mr. Schoenhaar returned to Dr. Mackenzie's office and observed that the clinic's awning and sandwich board contained the word "Optometrist". The clinic receptionist scheduled an appointment for Mr. Schoenhaar for August 5, 2014.

[20] On August 5, 2014, Mr. Schoenhaar received an eye examination from Dr. Mackenzie. During the eye examination, Dr. Mackenzie inquired about Mr. Schoenhaar's medical history and conducted various tests,

including: having Mr. Schoenhaar read from the Snellen chart; a light reactivity test; using a Jaeger reading chart to check his vision; and measuring the curvature of his corneas using a keratometer. Dr. Mackenzie recommended that Mr. Schoenhaar have a full eye examination with a "Dr. D". Dr. Mackenzie also recommended that Mr. Schoenhaar have a contact lens fitting with him. Dr. Mackenzie handed Mr. Schoenhaar a record containing his prescription based on the eye examination performed that day.

[21] On August 13, 2014, the Registrar conducted an internet search for Dr. Mackenzie's clinic name "For Your Eyes Only" and discovered an advertisement on [www.livingsocial.com](http://www.livingsocial.com) offering eye examinations. The advertisement stated, in part, that, "Dr. J.D. Mackenzie O.D. will check your sight as well [as] conduct tests for glaucoma, ocular disorder, neurological and retinal diseases, and signs of hypertension and diabetes".

[22] On August 19, 2014, Mr. Schoenhaar returned to Dr. Mackenzie's office for a contact lens fitting. After fitting Mr. Schoenhaar with contact lenses, Dr. Mackenzie indicated that he wished to see him again in two days. At the conclusion of the visit, Dr. Mackenzie's receptionist issued two receipts to Mr. Schoenhaar: one read "eye test" and another read "contact lens", and provided him with Dr. Mackenzie's business card; the word "Optometrist" on the card had been whited out.

[23] On September 2 and October 1, 2014, the Registrar attended Dr. Mackenzie's office and observed that the "Optometrist" signage outside his office had not been removed and was still advertising that new patients and walk-ins were welcome.

[24] On October 9, 2014, the College received an email from a College registrant informing the College about a Groupon offer for Dr. Mackenzie's clinic. The Groupon offer was "\$29 for \$200 Toward a Complete Pair of Prescription Glasses". The Groupon advertised that:

At For Your Eyes Only - West Broadway Optometry, Dr. Jerry Mackenzie examines the peepers of adults and children and fits them with prescription glasses from the likes of Ray-Ban, Guess, and Vera Wang. He can also outfit eyes with contacts, including a pair designed specifically for dry eyes. Besides improving vision with stylish spectacles and invisible contacts, he also provides pre- and post-operative laser and cataracts surgery care.

[25] On October 21, 2014, the College was contacted by another long-time patient of Dr. Mackenzie's. She advised that she had received an eye examination from the respondent on October 1, 2014, and he had diagnosed her with cataracts. Dr. Mackenzie had also issued a

prescription to the patient on the prescription pad of another registrant and sent a referral report to her general practitioner.

The Panel notes that this finding at paragraph 25 of the Court Facts relates to patient E.L.

43. Justice Myers also concluded that the Respondent's activities went beyond "dispensing" contact lenses and glasses within the meaning of s. 5(3) of the *Opticians Regulation*:

[47] I do not agree with those submissions. The conduct set out in the affidavits was in violation of Madam Justice Bruce's order.

[48] First, Dr. Mackenzie has held himself out as an optometrist by the awning and sandwich board outside his office. On his own evidence, there was no licensed optometrist on site when the sign was there. The advertisement on *www.livingsocial.com* also held Dr. Mackenzie out as offering optometry services.

[49] Second, the services that Dr. Mackenzie provided to Mr. Schoenhaar went beyond the supplying of contact lenses or their fittings. In his affidavit, Dr. Mackenzie stated:

I believe that I was conducting some preliminary optical tests which I understood to be different from optometric services.

And:

... I believed that I could perform preliminary tests that would allow me to determine whether the customer could obtain a prescription of a nature whereby I would be permitted to supply a customer with eyeglasses and contact lenses.

The regulatory regime does not allow that. Dr. Mackenzie also acknowledges that he did a similar "preliminary test" for another person.

[50] Third, Dr. Mackenzie provided Mr. Schoenhaar with a prescription.

44. Although the Panel will refer to parts of the Court's findings, the Panel accepts the entirety of Justice Myers' factual findings, and his conclusion that the Respondent provided services.

45. All paragraph references to the Court Facts in these reasons refer to the paragraph numbers in the official record of the Court's oral reasons for judgment.

## 7.0 TESTIMONY OF WITNESSES

### 7.1.1 Ms. A.C.

46. A.C. testified that she has been a patient of the Respondent since 2004, and that she had received eye exams from him every 2-3 years.

47. She testified that she saw him at a restaurant on February 14, 2014, and he asked her to join him at his table. She stated that the Respondent "started pressuring" her to go to his home to give him a massage. She testified that the Respondent was quite persistent but she refused the request. She acknowledged that she did give the Respondent her phone number when the Respondent requested it.

48. A.C. testified that on or about the end of February, she texted him. She testified that in early March, they had dinner together at a restaurant. She stated that the Respondent acted friendly towards her, rubbing her arm, but kept "pressuring" her to go to his home for a massage. Again, she refused. At the conclusion of the meal, she testified that she hugged the Respondent.

49. She testified that she attended the Respondent's clinic on March 12, 2014 and received an eye examination from him. This is confirmed by copy of the Respondent's clinical record. A.C. stated that she paid \$49 for the exam and was given a prescription for new lenses.

50. She testified that on March 27, 2014, the Respondent texted her that he was frustrated and wanted her to come to his home to "make mad, passionate love to him".

51. She testified that on March 28, 2014, despite some misgivings, she went to his home for dinner. She testified that after dinner, they had sexual relations.

52. A.C. testified that she saw the Respondent approximately 2-3 times per week and that they had sexual relations 8-10 times until he ended the relationship in June, 2014.

53. She testified that she was very hurt and upset when he ended the relationship. She stated that she attempted to get a refund of the \$49 eye examination fee plus \$25 for gas, but he refused.

54. A.C. filed a complaint with the College on July 4, 2014.

55. The matter was referred to the Inquiry Committee which informed the Respondent of the complaint in a letter dated July 14, 2014.

56. The Panel found A.C. credible. The Complainant appeared to be a decent, uncomplicated individual who answered questions directly. She appeared to be genuinely hurt by the alleged actions of the Respondent, and perhaps most tellingly, acutely embarrassed by them. Although the Complainant did not have written

documentation, such as receipts, appointment reminders, copies of notes and the like, her recollection of events in testimony was consistent with her written complaint, appeared to be reasonable, accurate, consistent, complete, and flowed logically in chronological order. Overall, her testimony was straightforward and matter-of-fact. The Panel accepts the whole of her testimony as true.

#### **7.1.2 Ms. K.A.**

57. K.A. testified that she was unable to contact her previous optometrist for an eye exam so she went to the Respondent's clinic instead as it was close to her home.

58. She testified that she was seen in the Respondent's clinic on May 6, 2014.

59. She testified that she did not feel that the eye exam was as complete or comprehensive as she was used to with her previous optometrist. She was charged \$469.00 for the eye exam and for the new lenses.

60. She further testified that she feels that she was prescribed new lenses when in fact she did not need them. She stated that as a result she requested a refund and was refused.

61. She testified that she wrote a letter of complaint to the College on July 23, 2014.

62. The Panel found K.A. to be credible, and accepts the whole of her testimony as true.

#### **7.1.3 College witnesses**

63. Dr. Robin Simpson, Registrar for the College, testified to, among other facts, his attending a court hearing and witnessing an oral ruling by Justice Myers on December 19, 2014. Justice Myers oral ruling adopted paragraphs 23-43 of the College's Statement of Facts, and found against the Respondent's argument that he was rightfully conducting dispensing activities permitted under the *Opticians Regulation*. Dr. Simpson also testified that the College had not received any payment from Dr. Mackenzie toward his \$10,000 fine from the discipline order.

64. Ms. Stanka Jovicevic, Chief Administrative Officer and Assistant to the Registrar of the College, testified that on October 1, 2014 she and Dr. Simpson visited the clinic of Dr. Mackenzie to collect records regarding the complaint by A.C. He presented them with her eye examination records dated March 12, 2014.

### **8.0 FINDINGS OF FACT**

65. To avoid confusion, given the number of citation matters, the Panel has set out its conclusions as to improper conduct under section 39(1) of the Act after relevant findings of fact.

**8.1 Citation para. 27(a): failure to comply with suspension**

66. Justice Myers found (at Court Facts para. 11) and the Panel accepts that on May 6, 2014, after the Respondent had his registration suspended, the Respondent provided an eye examination to Lisa Koltun, a licensed private investigator. He performed this eye examination contrary to his suspension and contrary to Bylaw 81(1)(a).

67. Based on the testimony of K.A., and on the basis of the Respondent's clinical notes, the Panel accepts that on May 6, 2014 the Respondent provided an eye examination to K.A., contrary to his suspension and contrary to Bylaw 81(1)(a).

68. Justice Myers found (at Court Facts para. 12) and the Panel accepts that on May 10, 2014, the Respondent provided an eye examination to Glen Morrison, another private investigator. He performed this eye examination contrary to his suspension and contrary to Bylaw 81(1)(a).

69. Justice Myers found (at Court Facts paras. 18 and 20) and the Panel accepts that on August 5, 2014, the Respondent provided an eye examination and a prescription for contact lenses to Gary Schoenhaar, a licensed private investigator.

70. By practicing optometry twice on May 6, once on May 10, and once on August 5, 2014, while suspended, the Respondent contravened Bylaw 81(1)(a) and committed professional misconduct.

71. Justice Myers found (at Court Facts para. 25) and the Panel accepts that on October 1, 2014, the Respondent provided an eye examination to E.L. The Respondent's registration had, however, been cancelled by that time; it was not suspended. Subject to the Panel's findings below about the discipline ramifications of the Respondent's unauthorized practice after August 13, 2014, the Panel does not find that this act was contrary to a suspension, and on that basis, is not professional misconduct.

**8.2 Citation para. 27(b): failure to reimburse [REDACTED]**

72. During his testimony at the beginning of the Hearing, the Respondent admitted that he had not reimbursed Ms. Fraser for her eye examination as he did not agree with the original decision and because he has filed an Appeal. No evidence shows, however, any order of a court staying the order that the Respondent reimburse Ms. Fraser for her eye examination fee.

73. The Panel determines that by failing to reimburse [REDACTED] within 30 days, the Respondent failed to comply with the penalty order and committed professional misconduct.

### **8.3 Citation para. 27(c): failure to pay fine of \$10,000**

74. Dr. Robin Simpson, Registrar for the College of Optometrists of BC, testified that the College had not received any payment from the Respondent toward his \$10,000 fine. The penalty order did not specify a deadline for the Respondent to pay his fine. However, the Panel determines that in the absence of the Discipline Committee ordering any express grace period, a fine is payable immediately.

75. While a College's bylaws may make the payment of any fine a condition of certain events governed by the bylaws, such as registration renewal, the consequence of a fine under s. 39(2)(f) of the Act does not depend entirely on the bylaws of the College. A fine imposed by a discipline committee may be a "debt" that a statutory regulatory body can enforce through a court, as indicated in *New Brunswick Association of Real Estate Appraisers v. Poitras*, 2005 NBCA 112 at paras. 6-8. Additionally, in the absence of case authority to the contrary, the Panel is satisfied that a registrant who refuses or neglects to pay at least a portion of a fine within a reasonable time may commit professional misconduct. Paying a fine imposed by the College is a professional obligation, as well as a condition for certain events under the Bylaws.

76. The evidence does not show any attempt by the Respondent to pay any portion of the fine, or that he is unable to pay part or all of the fine. The Panel is satisfied that the Respondent has neglected or refused to pay any portion of the fine, and given he ignored other terms of the penalty order, he has committed professional misconduct.

### **8.4 Citation para. 28: Unauthorized practice of reserved acts**

77. Justice Myers found (at Court Facts para. 16) and the Panel accepts that the Respondent's registration was cancelled effective August 13, 2014.

78. Justice Myers found (at Court Facts para. 22) and the Panel accepts that on August 19, 2014, the Respondent fitted Mr. Schoenhaar with contact lenses.

79. As already noted, Justice Myers found and the Panel accepts that on October 1, 2014, the Respondent provided an eye examination to E.L.

80. The College suggests, but without full legal argument, that the Panel may discipline the Respondent for conduct done after the registrant has lost registration. Such a finding would involve the College having jurisdiction to discipline former registrants for their conduct as former registrants. The Panel is apprehensive about making such a finding without hearing full legal argument. On the one hand, Part 3 of the Act applies to a "former registrant", and the jurisdiction of the Discipline Committee includes failures by respondents to comply with the Act, a regulation, or a bylaw. On the other hand, the purpose of the extended definition of "registrant" may be limited to addressing registrants who resign to avoid discipline for conduct as registrants, and the Act appears to envision separate proceedings for acts by non-registrants under ss. 51 and 52.

81. The Panel declines to make findings about the College's jurisdiction over acts of former registrants as non-registrants without hearing full legal submissions. The Panel acknowledges that a different hearing panel may make a different decision and does not intend this decision to be a precedent for any other hearing panel. The Panel is instead content to address the Respondent's post-cancellation conduct as set out below.

82. First, the Panel requests that the Registrar, in his discretion, refer these matters to the appropriate authorities.

83. Second, the Panel accepts the facts found by Justice Myers and the facts found by this Panel regarding the Respondent's post-cancellation conduct may be relevant to any decision on ungovernability.

#### **8.5 Citation para. 29: Unauthorized use of reserved title**

84. Justice Myers found (at Court Facts paras. 18 and 20) and the Panel accepts that on August 2, 2014, the awning and an advertising "sandwich" board at the Respondent's clinic contained the word "Optometrist".

85. Justice Myers found (at Court Facts para. 23) and the Panel accepts that the Respondent had not removed the "Optometrist" signage outside his office, and was still advertising that new patients and walk-ins were welcome.

86. Justice Myers determined (at Court Facts para. 48) and the Panel accepts that the Respondent held himself out as an optometrist by the awning and the sandwich board outside his office, as no licensed optometrist was on site.

87. Justice Myers found (at Court Facts para. 21) and the Panel accepts that as of August 13, 2014, the Respondent had an advertisement on [www.livingsocial.com](http://www.livingsocial.com) whereby he offered eye examinations.

88. Justice Myers determined (at Court Facts para. 48) and the Panel accepts that the Respondent held himself out through the advertisement on [www.livingsocial.com](http://www.livingsocial.com) as offering optometry services.

89. Justice Myers determined (at Court Facts para. 23) that on September 2 and October 1, 2014, the "Optometrist" signage outside the Respondent's office had not been removed.

90. Justice Myers found (at Court Facts para. 24) and the Panel accepts that on October 9, 2014, the Respondent was advertising his services at "West Broadway Optometry" through Groupon as follows:

At For Your Eyes Only - West Broadway Optometry, Dr. Jerry Mackenzie examines the peepers of adults and children and fits them with prescription glasses from the likes of Ray-Ban, Guess, and Vera Wang. He can also outfit eyes with contacts, including a pair designed specifically

for dry eyes. Besides improving vision with stylish spectacles and invisible contacts, he also provides pre- and post-operative laser and cataracts surgery care.

91. The Panel concludes that by advertising himself in conjunction with “West Broadway Optometry”, which had no licensed optometrist on site, the Respondent held himself out as an optometrist.

92. As in the case of unauthorized practice, the Panel declines to make findings about the College’s jurisdiction over uses of reserved title by former registrants as non-registrants without full legal submissions. As set out in paragraphs 81-83 above, the Panel is content to request that the Registrar, in his discretion, refer these matters to the appropriate authorities, and for this Panel to consider the Respondent’s post-cancellation acts in relation to submissions made regarding ungovernability.

#### **8.6 Citation para. 30: Non-compliance with Bylaws relating to suspensions**

##### **8.6.1 Bylaw 81(1)(a): “must not... practise optometry”**

93. As already noted in relation to Citation para. 27(a), the Panel has determined that the Respondent practiced optometry twice on May 6, once on May 10, and once on May 5, 2014, while suspended. The Panel determines that by this conduct, the Respondent contravened Bylaw 81(1)(a).

##### **8.6.2 Bylaw 81(1)(b): “must not... hold himself or herself out as entitled to practise optometry”**

94. In relation to the patients for whom the Respondent improperly practiced optometry prior to his registration being cancelled, the Panel has determined that the Respondent held himself out as entitled to practice optometry.

95. Justice Myers found (at Court Facts para. 17) and the Panel accepts that on August 2, 2014, when Mr. Schoenhaar returned to the Respondent’s office, the clinic’s awning and the “sandwich” board contained the word “Optometrist”.

96. Justice Byers found (at Court Facts para. 48) and the Panel accepts that the Respondent held himself out as an optometrist by the awning and sandwich board.

97. The Panel determines that by this conduct, the Respondent contravened Bylaw 81(1)(b).

##### **8.6.3 Bylaw 81(1)(d): “must not... make appointments for patients or prospective patients”**

98. In relation to the patients for whom the Respondent improperly practiced optometry prior to his registration being cancelled, the Panel has determined that the Respondent made appointments for patients or prospective patients.

99. The Panel determines that by this conduct, the Respondent contravened Bylaw 81(1)(d).

**8.6.4 Bylaw 81(1)(e): “must not... contact or communicate with patients....”**

100. In relation to the patients for whom the Respondent improperly practiced optometry prior to his registration being cancelled, the Panel has determined that the Respondent contacted or communicated with patients.

101. Justice Myers found (at Court Facts para. 18) and the Panel accepts that on July 19, 2014, the Respondent had left a voicemail for D.H. indicating it was time to have her eyes rechecked.

102. The Panel determines that by this conduct, the Respondent contravened Bylaw 81(1)(e).

**8.7 Citation para. 31: Non-compliance with Bylaws relating to suspensions**

**8.7.1 Bylaw 81(2)(b): “must... remove from the registrant’s place of practice his or her name”.**

103. Justice Myers found (at Court Facts para. 5) and the Panel accepts that the Respondent practiced as a sole practitioner at his clinic located at 3049 West Broadway, Vancouver, British Columbia. This was his practice address with the College.

104. In relation to K.A., the documentary evidence relating to her eye examination includes a receipt dated May 16, 2014 that the Respondent issued to K.A. for an “eye test” and “lens”, and the receipt is stamped, “J.D. MacKenzie, O.D. / 3049 W. Broadway”. The Panel determines that by continuing to use his name in conjunction with his place of practice during his suspension, in relation to an eye exam, the Respondent contravened Bylaw 81(2)(b).

**8.7.2 Bylaw 81(2)(c): “must... prominently display... a notice of suspension in Form 14A...”.**

105. Justice Myers found (at Court Facts para. 11) and the Panel accepts that on May 9, 2014, the Registrar sent the Respondent a Notice of Suspension and directed him to post it on the front door of his clinic.

106. Justice Myers found (at Court Facts para. 15) and the Panel accepts that on July 15, 2014, the Respondent had not posted the Notice of Suspension on the front door as directed, but had posted it on a wall behind the reception area.

107. The Panel determines that by failing to post the Notice of Suspension in a conspicuous place, the Respondent contravened Bylaw 81(2)(b).

### **8.8 Citation para. 32: Professional misconduct**

108. Justice Myers found (at Court Facts para. 25) and the Panel accepts that on October 21, 2014, the Respondent issued a prescription to a patient on the prescription pad of another registrant, and sent a referral report to her general practitioner. This conduct of the Respondent was, however, conduct of a non-registrant.

109. As in the case of unauthorized practice and unauthorized use of title addressed above, the Panel declines to make findings about the College's jurisdiction. As set out in paragraphs 81-83 and 92 above, the Panel is content to request that the Registrar, in his discretion, refer these matters to the appropriate authorities, and for this Panel to consider the Respondent's post-cancellation acts in relation to submissions made regarding ungovernability.

### **8.9 Citation para. 33: Non-compliance with Bylaws relating to records**

110. Bylaw 98(1) requires that a registrant ceasing practice must dispose of records containing personal information. Bylaw 97(1) stipulates how a registrant may dispose of records containing personal information.

111. The Respondent had to cease practice when his registration was suspended on April 28, 2014. The evidence of Stanka Jovicevic establishes that on October 1, 2014, Ms. Jovicevic visited the Respondent's clinic to collect records relating to A.C., and she obtained those records from the Respondent. The Respondent had failed to dispose of his patient records. Dr. Mackenzie admitted that he had not returned the files to the College as he was trying to sell his practice. He felt it was necessary to have the files to help build a list for the Optometrist that would purchase his practice.

112. The Panel determines that the Respondent's failure to dispose of patient files containing personal information, within a reasonable period after April 28, 2014, contravenes Bylaw 98(1).

### **8.10 Citation para. 41: Sexual misconduct**

113. As already noted, the Panel accepts the testimony of A.C.

114. Bylaw s. 131(1) states that registrants must, "in all matters pertaining to the profession of optometry, maintain and uphold the honour, integrity and reputation of the profession, the college, its registrants and themselves."

115. While the College's Code of Ethics, which is Schedule A of the Bylaws, does not explicitly address sexual behaviour, Bylaw s. 19(2) defines "professional misconduct of a sexual nature" as meaning sexual intercourse or other forms of physical sexual relations between the registrant and the patient; touching, of a sexual nature, of a patient; and behaviour or remarks of a sexual nature by the registrant towards a patient.

116. The Respondent has not contested the College's assertion that his engaging in sexual conduct with a patient contravenes professional standards.

117. Accordingly, the Panel determines that the Respondent committed professional misconduct and unprofessional conduct by failing to maintain professional boundaries; committed sexual misconduct by engaging in behaviour of a sexual nature towards a patient (specifically by pressuring her to give him a massage) and by making remarks of a sexual nature (specifically by telling her he wanted her to "make mad, passionate love to him"); and committed sexual misconduct by engaging in a sexual relationship with a patient.

#### **8.11 Citation para. 42: Conduct collectively demonstrating ungovernability**

118. The Panel has decided that it should address "ungovernability" as a matter of penalty.

### **9.0 VERDICT**

119. The Panel's conclusions may be summarized as follows:

- a. The Respondent committed professional misconduct and contravened Bylaw 81(1)(a) by continuing to practice optometry after his suspension on four occasions.
- b. The Respondent committed professional misconduct by failing to reimburse a patient as ordered by the Discipline Committee.
- c. The Respondent committed professional misconduct by failing to pay a fine as imposed by the Discipline Committee.
- d. The Respondent contravened Bylaw 81(1)(b) holding himself out as an optometrist while suspended.
- e. The Respondent contravened Bylaw 81(1)(d) by making appointments for patients or prospective patients while suspended.
- f. The Respondent contravened Bylaw 81(1)(e) by contacting or communicating with patients while suspended.
- g. The Respondent contravened Bylaw 81(2)(b) by continuing to use his name at his place of business during a suspension, in relation to optometry services.
- h. The Respondent contravened Bylaw 81(2)(c) by failing to prominently display a Notice of Suspension while suspended.

- i. The Respondent contravened Bylaw 98(1) by failing to dispose of patient files containing personal information within a reasonable period of his ceasing practice when suspended on April 28, 2014.
- j. The Respondent committed professional misconduct, including sexual misconduct, by his conduct towards A.C.

29. The Panel requests that the Registrar, in his discretion, refer apparent offences by the Respondent to the appropriate authorities.

**10.0 PENALTY, PUBLICATION AND COSTS**

120. Submission regarding penalty, publication and costs will be forthcoming from the College and may be forthcoming from the Respondent. The Panel will arrive at a decision on these issues in due course and its further Reasons will form part of this Decision.

**11.0 NOTICE**

121. Under section 40(1) of the Act, a respondent or registrant aggrieved or adversely affected by an order of the Discipline Committee may appeal the order to the Supreme Court.

**REASONS FOR DECISION of the Panel:**

Name	Place	Date
Name	Place	Date
Name	Place	Date

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- i. The Respondent contravened Bylaw 98(1) by failing to dispose of patient files containing personal information within a reasonable period of his ceasing practice when suspended on April 28, 2014.
- j. The Respondent committed professional misconduct, including sexual misconduct, by his conduct towards A.C.

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**REASONS FOR DECISION of the Panel:**

<i>Bill</i>	<i>Surrey, BC</i>	<i>26-mar-2015</i>
Name	Place	Date
Name	Place	Date
Name	Place	Date

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**REASONS FOR DECISION of the Panel:**

  
Name David MacPherson Place Salt Spring Island, BC Date March 27/15  
Name \_\_\_\_\_ Place \_\_\_\_\_ Date \_\_\_\_\_  
Name \_\_\_\_\_ Place \_\_\_\_\_ Date \_\_\_\_\_

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**REASONS FOR DECISION of the Panel:**

	<i>SENDER BC</i>	<i>MARCH 27, 2015</i>
Name	Place	Date
Name	Place	Date
Name	Place	Date