



College of Massage Therapists of British Columbia

#304-1212 West Broadway, Vancouver, British Columbia, Canada V6H 3V1

AMENDED CITATION TO APPEAR

Section 37 of the *Health Professions Act*, RSBC 1996, ch. 183

To: Matthew Arie Romyn, RMT

TAKE NOTICE that the Inquiry Committee has directed me, the Registrar, to issue this Citation under section 37 of the *Health Professions Act*, R.S.B.C. 1996, chapter 183 (the "Act").

A hearing panel of the Discipline Committee (the "Discipline Committee") of the College of Massage Therapists of British Columbia (the "College") will conduct a hearing to inquire into your conduct, the circumstances of which are set out in the attached schedule, to determine if your conduct constitutes any matter set out under section 39(1) of the Act.

AND FURTHER TAKE NOTICE that the Hearing will be held as follows:

PLACE: Charest Reporting, 1650-885 West Georgia Street, Vancouver, B.C., V6C 0B5

DATE: May 29, 2015

TIME: 2:00 p.m.

If you are unavailable on the date set for hearing, you may apply in writing to request a change in the date or time.

AND FURTHER TAKE NOTICE that section 38(4.1) of the Act entitles you to an outline of the anticipated evidence from each of the witnesses that will be called and an opportunity to inspect any documentary evidence at least 14 days prior to the hearing. Your rights relating to the hearing can be found in the Act and the College Bylaws.

AND FURTHER TAKE NOTICE that at the hearing, legal counsel on behalf of the College will make submissions with respect to the appropriate action to be taken regarding your registration. The action that can be taken includes a reprimand, imposing limits or conditions on your practice, suspension or cancellation of your registration, or imposing a fine, under section 39(2) of the Act.

Non-Appearance by Respondent: If you fail to appear at the date, time and place set for the hearing, the Discipline Committee is entitled to proceed with the hearing in your absence upon proof of receipt of the Citation by you and may take any action, without further notice to you, that it is authorized to take under the Act pursuant to section 38(5) of the Act.

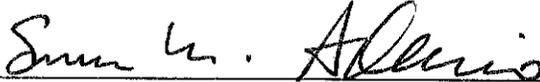
DISCIPLINE COMMITTEE'S CONTACT INFORMATION

The mailing address of the Discipline Committee for delivery is:

College of Massage Therapists of British Columbia
#304-1212 West Broadway
Vancouver, British Columbia
V6H 3V1

Attention: Discipline Committee

Dated at Vancouver, British Columbia this 29th day of May, 2015



Susan Addario, Registrar

SCHEDULE

Nature of the complaint and alleged conduct to be inquired into:

1. Mr. Matthew Arie Romyn (the "Respondent"), was a Registered Massage Therapist of the College of Massage Therapists of British Columbia at all material times. The Respondent's certificate of Active Registration was cancelled on or about March 15, 2013 for non-payment of fees.
2. On or about October 4, 2013, the Respondent was convicted of five offenses, being five counts of sexual assault contrary to section 271 of the *Criminal Code*. The five counts, as set out in the Information, were the following:
 - a. "Matthew Arie Romyn, on or about the 22nd day of February, 2011, at or near Courtenay, in the Province of British Columbia, did sexually assault C.E., contrary to Section 271 of the Criminal Code";
 - b. "Matthew Arie Romyn, on or about the 3rd day of December, 2011, at or near Courtenay, in the Province of British Columbia, did sexually assault C.J-S., contrary to Section 271 of the Criminal Code";
 - c. "Matthew Arie Romyn, on or about the 3rd day of December, 2011, at or near Courtenay, in the Province of British Columbia, did sexually assault A.V., contrary to Section 271 of the Criminal Code";
 - d. "Matthew Arie Romyn, on or about the 3rd day of December, 2011, at or near Courtenay, in the Province of British Columbia, did sexually assault A.C.V., contrary to Section 271 of the Criminal Code"; and
 - e. "Matthew Arie Romyn, on or about the 3rd day of December, 2011, at or near Courtenay, in the Province of British Columbia, did sexually assault N.V., contrary to Section 271 of the Criminal Code."
3. On or about December 5, 2013, the Respondent was sentenced to *inter alia* a conditional sentence of imprisonment, and a period of probation.
4. On or about October 4, 2013, when the trial judge, Saunderson J., pronounced his decision in the criminal trial, he made the following findings of fact:
 - a. With respect to Ms. E, the Respondent provided massage therapy services to Ms. E. at his clinic in Courtenay, B.C. During a massage of Ms. E.'s neck, the Respondent moved his hands lower to Ms. E.'s breasts. Ms. E. crossed her arms to cover her breasts, and the Respondent continued to touch Ms. E.'s breasts, on the sides and under her arms.
 - b. With respect to Ms. S., the Respondent provided massage therapy services to Ms. S. at the Resort and Spa. Ms. S. told the Respondent that she had tension on her back and neck. While Ms. S. was lying in a face-down position, the Respondent massaged her back and neck, then began to massage the lower part of her leg, moving up until he was near her labia. The Respondent touched Ms. S.'s labia approximately 4 to 5 times. The Respondent asked Ms. S. if she would like an abdominal massage and she

replied yes. The Respondent massaged Ms. S.'s abdomen down to the public bone, close to her labia.

- c. With respect to Ms. V., the Respondent, while providing massage therapy services to Ms. V., who was lying in a face-down position, touched Ms. V.'s labia approximately 10 times while massaging her upper thigh. While the Respondent provided an abdominal massage to Ms. V., he touched her pubic hair. The Respondent then massaged Ms. V.'s upper thigh while she was on her back. The Respondent moved his hand into the crease between her hip and leg.
 - d. With respect to Ms. V., the Respondent, while providing massage therapy services to Ms. V., massaged Ms. V.'s upper leg and touched Ms. V.'s labia lightly, and then touched her labia firmly. While Ms. V. was turning on to her back, the Respondent lifted the sheet. The Respondent did not avert his eyes and he looked at Ms. V.'s body. The Respondent told Ms. V. he was going to massage her abdomen, and while doing so, he touched Ms. V.'s pubic bone.
 - e. With respect to Ms. V., the Respondent, while providing massage therapy services to Ms. V., touched Ms. V.'s labia three times while massaging her legs. The Respondent then told Ms. V. to roll on to her back. The Respondent massaged around her breasts, and then massaged her mons pubis. When the Respondent touched Ms. V.'s labia, she could feel oil. When Ms. V. was leaving the room, the Respondent smirked at her.
5. The names of Ms. E, Ms. S, Ms. V, Ms. V, and Ms. V are currently subject to a publication ban under section 486.4 of the *Criminal Code*, which bans publication, broadcast or transmission of any information that could identify a victim or witness.

Grounds for disciplinary action

6. The provisions of Part 3 of the *Health Professions Act* apply to *inter alia* former registrants.
7. The College relies on s. 71(2) of the *Evidence Act*, RSBC 1996, ch. 124, which establishes that proof of a conviction or a finding of guilt is admissible in evidence to prove that the person committed the offence. Accordingly, proof of each of the Respondent's convictions under s. 271 of the *Criminal Code* is proof that the Respondent intended to and did engage in conduct in each instance amounting to a sexual assault.
8. An assault includes a person applying force intentionally to another person without his or her consent: s. 265 of the *Criminal Code*. A sexual assault is an assault committed in circumstances of a sexual nature, such that the sexual integrity of the victim is violated. The sexual nature of the circumstances is to be determined objectively, i.e., based on the sexual or carnal context of the assault being visible to a reasonable observer: *R. v. Chase*, [1987] 2 S.C.R. 293.
9. By committing sexual assault(s) against each of Ms. E., Ms. S., Ms. V., Ms. V. and Ms. V. while providing massage therapy services, the Respondent has:

- a. engaged in professional misconduct or unprofessional conduct, and/or
- b. failed to comply with s. 75 of the Bylaws, and failed to comply with standards, specifically the following provisions of the *Code of Ethical Conduct* (Schedule "C"):

- i. Section 1(2) of the *Code of Ethical Conduct*.

General Duty to Patients

1(2) A Registrant shall not take advantage of a patient's vulnerabilities for the Registrant's sexual, emotional, social, political or financial interest or benefit.

- ii. Section 2(a) of the *Code of Ethical Conduct*.

Sexual Conduct Prohibited

2. A Registrant shall not

- (a) engage in sexual conduct with a patient....

[End of Schedule]