

**IN THE MATTER OF THE HEALTH PROFESSIONS ACT, R.S.B.C. 1996, c. 183  
(the "HPA")**

**AND IN THE MATTER OF  
THE COLLEGE OF MASSAGE THERAPISTS  
OF BRITISH COLUMBIA ("CMTBC")**

**AND  
GRAHAM BREAUT  
(the "Registrant")**

**CONSENT ORDER PROPOSAL  
(the "Proposal")**

**BACKGROUND**

1. This Proposal is made by the Registrant to the Inquiry Committee of CMTBC (the "Committee") under section 37.1 of the HPA.
2. On July 15, 2014, the Registrant applied for registration with the CMTBC.
3. On December 9, 2016, CMTBC registered the Registrant under No. 7901.
4. On July 27, 2017, the Registrant's legal counsel reported to CMTBC that the Registrant had been charged with a sexual assault.
5. On October 4, 2017, a complainant submitted a complaint to CMTBC with respect to the events that formed the basis of the charge of sexual assault against the Registrant which was alleged to have occurred on October 26, 2016 during the course of a massage at a spa.
6. On or about October 5, 2017, CMTBC opened a complaint file under No. 2017-00064.
7. On November 8, 2017, pursuant to section 35(1)(a) of the HPA, the Committee made an order restricting the Registrant's practice subject to certain conditions.
8. On November 7, 2018, the Registrant pleaded guilty and was convicted of an offence as follows:  
  
Count 1, on or about October 26, 2016, at or near Coquitlam, BC, did commit an offence of sexual assault, contrary to section 271 Criminal Code.
9. On December 7, 2018, the Registrant became a former registrant when CMTBC accepted his request to cancel his registration.

10. On December 18, 2018, the Registrant was sentenced to a six month conditional sentence which included house arrest. He was ordered to provide a sample of his DNA and to remain on the national sex offender registry for a period of 10 years. One of the conditions of his sentence and two year probation period was that he not engage in any paid or volunteer work as a massage therapist.
11. On September 4, 2019, CMTBC authorized the issuance of a citation against the Respondent.

#### ADMISSIONS

12. The Registrant admits that
  - a. on October 26, 2016, prior to when he became a registrant of CMTBC but after he had applied to do so, while conducting a body massage of a female client he touched her inappropriately and in a sexual manner without her consent; and
  - b. on November 7, 2018, while he was a registrant of CMTBC, he was convicted of a sexual assault which occurred on October 26, 2016.
13. The Registrant admits that the conduct set out in each of paragraphs ~~11a~~ and ~~11b~~ above amount to separate acts of professional misconduct.

GB 12a 12b GB  
MM MM

#### CONSENT TO ORDER

14. The Registrant proposes resolution of this matter on the following terms:
  - a. that, pursuant to section 39(2) of the HPA, his registration with CMTBC is cancelled effective the date of the Committee's approval of this Proposal;
  - b. that, pursuant to section 39(8) of the HPA, the Committee order that he not be eligible to apply for reinstatement of registration for a period of 20 years from the Committee's approval of this Proposal; and
  - c. the Registrant shall not pay any costs of CMTBC with respect to its investigation or discipline of the Registrant in this matter.

#### ACKNOWLEDGEMENTS

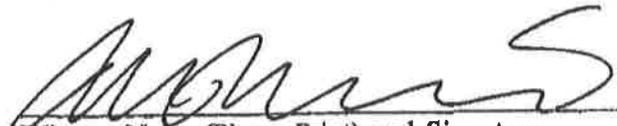
15. The Respondent acknowledges that, if this Proposal is accepted by the Committee, it will issue a Consent Order consistent with this Proposal that is considered to be an order of the discipline committee made under section 39 of the HPA. If the Proposal is rejected, the hearing will proceed as though the Proposal had not been made and without consideration of its contents.

16. The Registrant acknowledges that, if this Proposal is accepted by the Committee, publication of this Proposal and the Consent Order issued will be made in accordance with section 39.3 of the HPA.
17. The Registrant acknowledges that in the event a Consent Order is issued in accordance with this Proposal, and he applies for registration after 20 years, his application will be addressed by the registration committee in accordance with section 20 of the HPA and the Bylaws of CMTBC. He will be required to meet the standard for good character and all other registration requirements.
18. The Registrant acknowledges that he has had an opportunity to obtain legal advice and representation throughout CMTBC processes and before making this Proposal and that he fully understands and agrees to the terms and conditions set out herein.

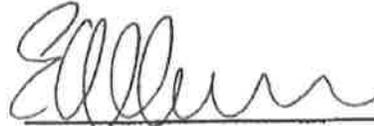
SIGNED in Port Coquitlam, B.C. the 27<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Graham Breault, Registrant

Signature of Graham Breault witnessed on above date by:

  
\_\_\_\_\_  
Witness Name (Please Print) and Signature  
Michael Mines

SIGNED in Vancouver, B.C. the 28 day of November, 2019.

*for*   
\_\_\_\_\_  
Jean P. Whittow Q.C., Counsel for CMTBC