

David Fierro, Former RMT

Location:

North Vancouver, BC

Date of Action:

Oct 17, 2014

Nature of action: A consent agreement of the former registrant providing that he will not apply to the College for registration for a five year period.

Reasons: On January 11, 2011 a complaint was made that the former registrant on three separate occasions sexually touched the complainant, made inappropriate comments of a sexual nature, and did not properly drape her breasts. Mr. Fierro denies these allegations and has made no admissions of misconduct.

The Inquiry Committee ordered an investigation and on January 27, 2011. pending the outcome of its investigation, it imposed a temporary condition on the former registrant's practice, prohibiting him from providing massage therapy to any female patients, any children or any vulnerable adult patients.

On September 12, 2012, the former registrant resigned his registration with the College due to a shoulder injury.

On August 23, 2012, the Provincial Court of British Columbia convicted the former registrant of three counts of sexual assault against the complainant. On October 4, 2013, the British Columbia Court of Appeal vacated the criminal convictions of sexual assault and ordered a new trial. The Crown will not be proceeding with a new trial.

The complainant has declined to give testimony at any disciplinary hearing.

The Inquiry Committee has determined to resolve this matter by agreement and has not issued a citation for a disciplinary hearing. This agreement replaces the order of the Inquiry Committee made on January 27, 2011 and thereby ends the Inquiry Committee's investigation with respect to this complaint matter. No finding of misconduct or wrongdoing has been made by the Discipline Committee against the former registrant.

Former registrant history: In September and November 2005, two complaints were made by the same complainant that Mr. Fierro breached professional boundaries during treatments. The complaint matters were resolved by an agreement in April, 2006. The terms included an admission that the former registrant breached professional boundaries and would attend psychological counselling. The former registrant completed the terms of the agreement in November, 2006.