

**In the matter of *The Respiratory Therapists Act*, SS 2009, c R-22.0002 and Bylaws  
and in the Matter of a Written Complaint dated August 20, 2018  
against Darren Martsinkiw of Yorkton, Saskatchewan**

**DECISION re: Penalty**

**Following the Discipline Committee Decision of September 1, 2019**

**Saskatchewan College of Respiratory Therapists**

Discipline Committee Members:

Scott McCrae, Registered Respiratory Therapist, Chair  
Candi Thompson, Registered Respiratory Therapist,  
Bob Friedrich, Public Member  
Karla Martin, Registered Respiratory Therapist

Karen Prisciak, Q.C., Legal Counsel for the Discipline Committee  
Merrilee Rasmussen, Q.C., Legal Counsel for the Professional Conduct Committee  
Amanda Quayle, Q.C., Legal Counsel for Darren Martsinkiw

1. The Discipline Committee of the Saskatchewan College of Respiratory Therapists rendered a decision dated September 1, 2019 finding the Member, Darren Martinskiw, guilty of professional misconduct pursuant to *The Respiratory Therapists Act*, SS 2009, c R-22.0002 (hereinafter “the *Act*”) Section 24 and Regulatory Bylaw 14. An Agreed Statement of Facts and Documents was jointly submitted by counsel on behalf of the Member and the Professional Conduct Committee.
2. Counsel for the Professional Conduct Committee of the Saskatchewan College of Respiratory Therapists and Counsel for the Member also submitted a Joint Submission regarding penalty dated November 21 and 25, 2019. The Discipline Committee convened a conference call on December 10, 2019 for further submissions by Counsel.
3. The Discipline Committee is mindful of the Saskatchewan Court of Appeal decision of *Rault v. The Law Society of Saskatchewan (2009 SKCA 81)*. The Discipline Committee is directed to give serious consideration to a joint submission on penalty unless the submission is unfit or unreasonable, or contrary to public interest. Accordingly, a joint submission should not be overturned unless there is a good or cogent reason for doing so.

4. In accordance with the principles set out in *Rault supra* the Discipline Committee is in agreement with the Joint Submission.
5. The Discipline Committee makes the following Order in accordance with the Joint Submission:
  - 1) The Member, Darren Martsinkiw being found guilty of professional misconduct by the Discipline Committee by identifying himself as a Respiratory Therapist without indicating that he was not licensed to practice and undertakes not to hold himself out as a Respiratory Therapist while he is unlicensed, unless he also identifies that he is not licensed to practice.
  - 2) The Member, Darren Martsinkiw, shall pay a fine of \$3,000.00 within 18 months of the date of this Order.
  - 3) The Member, Darren Martsinkiw, shall pay a portion of the costs of the investigation and hearing into his conduct in the amount of \$9,000.00 within 18 months of the date of this Order.

**SASKATCHEWAN COLLEGE OF  
RESPIRATORY THERAPISTS  
DISCIPLINE COMMITTEE**



Scott McCrae, Registered Respiratory Therapist  
Chairperson - Discipline Committee

Date: Feb 13 / 2020

For the Discipline Committee:  
Candi Thompson, Registered Respiratory Therapist  
Bob Friedrich, Public Member  
Karla Martin, Registered Respiratory Therapist