

## Gardiner, Michael Raymond - Conduct Review Decision

admitted to conduct unbecoming a member of the College. In October 2007, as a result of an undercover investigation, the Toronto Police Service Sex Crimes Unit identified Mr. Gardiner through his Internet Protocol (IP) address as having downloaded child pornographic images. The Toronto Police notified the RCMP in British Columbia and after further investigation Mr. Gardiner was arrested and charged with distribution of child pornography, possession of child pornography and accessing child pornography. The police found that of the 1300 video files located on Mr. Gardiner's computer hard drive, external hard drive, laptop and external case, approximately 20% contained child pornography with the balance being adult pornography. Police also found CDs containing child pornography in Mr. Gardiner's residential storage locker. In November 2009, Mr. Gardiner pleaded guilty and was convicted of importing, distributing, selling or possessing for the purpose of distribution or sale of child pornography contrary to section 163.1(3) of the Criminal Code of Canada. Mr. Gardiner also pleaded guilty to and was convicted of possessing child pornography contrary to section 163.1(4) of the Criminal Code of Canada. As a result of the criminal convictions, Mr. Gardiner was sentenced to a total of 13 months detention and six years probation with conditions. Mr. Gardiner was also ordered by the BC Provincial Court to provide a DNA sample for registration in the National DNA Databank and to pay a victim surcharge. On February 15, 2011 the Conduct Review Sub-Committee approved the Statement of Agreed Facts and Disposition and agreed that Mr. Gardiner not be reissued a certificate of qualification for a period of at least 20 years. Mr. Gardiner's certificate of qualification was cancelled in November 2008 for non-payment of fees.