

You, Dr. James Stushnoff, are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) of **The Medical Profession Act, 1981** s.s. 1980-81 c. M-10.1.

The evidence that will be lead in support of this charge will include one or more of the following:

1. You were the subject of a complaint in which it was alleged that you stated to an individual, referenced in this charge as T.W., "Hey, how's your bowel" and snickered.
2. You responded by letter dated June 27, 2011 in which you stated:

On the evening in question my colleagues and I (including clinical staff) met for a going away party. During our conversation at our table one of my colleagues stated they were not feeling all that well when I simply asked how are your bowels?, Ms. (W) was not our waitress that evening and happened to be in the vicinity. She did choose to participate in the conversation while briefly passing by. By no means were any comments directed towards her.

3. That response was false or misleading.