

Private complaint filed on spying charge

Three former employees of dentist say they were watched in bathroom

An attorney representing two women who say their former employer, a dentist, spied on them when they used a bathroom filed a private complaint Monday asking that criminal charges be filed against the dentist.

Three women filed lawsuits against Dr. Jere Zarkin in November saying that he had spied on them through a peephole in the wall while they used the office bathroom.

When they discovered a hole in the bathroom wall, they put graphite around it. They claim he emerged from an adjacent room with a black ring around his eye after one of them used the bathroom on Nov. 1.

Lemoyne attorney Patrick F. Lauer Jr., who represents two of the women, said Dauphin County detectives investigated the complaint and found the women to be credible.

But District Attorney John F. Cherry declined to file criminal charges.

Cherry said he would review Lauer's complaint and make a decision soon. His office initially said no charge applies to

Zarkin's alleged actions.

The state's Peeping Tom law, officially known as loitering and prowling at nighttime, applies only to someone looking into a home at night.

Lauer is asking Cherry to charge the dentist, who has a history of sex crimes, with open lewdness, a misdemeanor, and summary charges of disorderly conduct and harassment. By filing the petition, Lauer can put the complaint before a county judge if Cherry declines to prosecute.

Open lewdness is defined in the state Crimes Code as committing "any lewd act which he knows is likely to be observed by others who would be affronted or alarmed." Harassment, a summary offense, is committing acts "which alarm or seriously annoy" another person.

"Prosecutors prosecute cases all the time where there is no guarantee they're going to win," Lauer said. "The typical response is 'let it up to a jury to decide.' That's all we're asking in this case."

Steven Snook, who represents Zarkin's dental assistant, and who is also Mifflin County's district attorney, said he did not file a separate complaint because the issue is the same in all three cases.

According to the suits, the women, all longtime employees of Zarkin, confronted Zarkin Nov. 1 after he emerged with a ring around his eye. The suit says he admitted he had been peeping on them for nine months.

All three immediately quit.

Zarkin, through an attorney, later denied the allegations. However, Lauer said Zarkin did not pursue an appeal of the employees' unemployment claims, which are based on the same allegations.

Zarkin has challenged the suits, arguing the claims are barred by the state's Workers' Compensation Act. The act says any injuries occurring at work,

even if they are caused intentionally, must be pursued through workers' compensation claims.

Lauer said Zarkin's criminal history should weigh on Cherry's decision.

Zarkin was arrested twice in 1980 for indecent exposure and once in 1985 for open lewdness, all misdemeanors. He was admitted in 1980 and 1985 to Accelerated Rehabilitative Disposition, a probationary program for first-time offenders, records show.

Zarkin, 49, also was arrested in 1988 for patronizing a prostitute, according to court records. He pleaded guilty and paid a \$200 fine.