



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

250 Bloor Street E.
Suite 1000
Toronto, ON M4W 1E6

Phone: 416-972-9882
Fax: 416-972-1512
www.ocswssw.org

**DISCIPLINE COMMITTEE OF THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

PANEL:

Sophia Ruddock, Chair, Public Member
Frances Keogh, Professional Member
Amanda Bettencourt, Professional Member

BETWEEN:

ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

-and-

JOANN LEE

)
) Jordan Glick for Ontario
) College of Social Workers
) and Social Service Workers
)
)
)
) Philip Abbink for
) JoAnn Lee
)
)
) Aaron Dantowitz
) Independent Legal Counsel

Heard: April 3, 2018

DECISION AND REASONS FOR DECISION

After the first phase of this hearing, the Panel made findings of professional misconduct against JoAnn Lee (the “**Member**”), which was communicated to the parties by decision dated February 23, 2018. On April 3, 2018 the Panel reconvened to deal with the matters of penalty and costs. The Member attended this phase of the hearing by teleconference, and her counsel attended in person.

The Findings

The detailed findings and reasons for them are set out in the Panel's written reasons from February 23, 2018. In sum, the Panel found that the Member engaged in boundary violations with her client (the "Client"), including having had a sexual relationship with the Client.

Penalty and Costs Submissions

The parties were in agreement on the issue of penalty and costs, and jointly proposed that this Panel make an order as follows:

- a. Directing the Registrar to revoke the Member's Certificate of Registration, pursuant to s. 26(4)(1) of the Act;
- b. Directing the Registrar to fix a period of 5 years from the date of the Order in which the Member cannot reapply for registration, pursuant to s.26(7) of the Act;
- c. Directing that the Member be reprimanded by the Committee in writing and that reprimand be recorded on the register for an unlimited period of time, pursuant to s. 26(5)(1) of the Act;
- d. Directing that the finding and the Order of the Committee be published, in detail, with the name of the member (but without the name or information tending to identify the complainant), in the official publication of the College, on the College's website and on any other media related document that is provided to the public and is deemed appropriate by the College, pursuant to s. 26(5)(3) of the Act; and,
- e. Directing the Member to pay costs of this proceeding in the amount of \$5000 to be paid by way of certified cheque or money order immediately following the hearing of this matter, pursuant to s. 26(5)(4) of the Act.

Penalty and Costs Decision

Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepts the joint submission and makes an order as follows.

- a. Directing the Registrar to revoke the Member's Certificate of Registration, pursuant to s. 26(4)(1) of the Act;
- b. Directing the Registrar to fix a period of 5 years from the date of the Order in which the Member cannot reapply for registration, pursuant to s.26(7) of the Act;
- c. Directing that the Member be reprimanded by the Committee in writing and that reprimand be recorded on the register for an unlimited period of time, pursuant to s. 26(5)(1) of the Act;

d. Directing that the finding and the Order of the Committee be published, in detail, with the name of the member (but without the name or information tending to identify the complainant), in the official publication of the College, on the College's website and on any other media related document that is provided to the public and is deemed appropriate by the College, pursuant to s. 26(5)(3) of the Act; and,

e. Directing the Member to pay costs of this proceeding in the amount of \$5000 to be paid by way of certified cheque or money order immediately following the hearing of this matter, pursuant to s. 26(5)(4) of the Act.

Reasons for Penalty and Costs Decision

Penalty:

The first four terms of the joint submission relate to penalty.

The panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members and above all to protect the public. This is achieved through a penalty that considers general deterrence, specific deterrence and where appropriate, rehabilitation and remediation of the members professional practice.

Considering the serious nature of the misconduct and the member's agreement, the panel concluded that this order is reasonable in that it protects the public interest by demonstrating the College's ability to regulate its members and supporting the goals and principles of maintaining high professional standards.

The penalty terms for this professional misconduct, provide both specific and general deterrence to members. They inform members that this type of serious misconduct will not be dealt with lightly and deter them from engaging in similar conduct. This is achieved by all terms of the order including the recording of the written reprimand in the register and the publication of the decision. Overall the penalty is also consistent with other panel decisions of the Discipline Committee involving similar conduct, specifically the matters of Nathalie Beauchamp-Brown (2017) and Joseph Vaz (2017).

In conclusion, considering all of the above reasons, and the principle that the panel should accept the joint submission of penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute, the Panel agreed to the proposed penalty.

Costs:

The parties proposed that the cost award be fixed at \$5,000 and the panel found this to be reasonable.

I, Sophia Ruddock, sign this Decision as Chairperson of the panel and on behalf of the panel members listed below.

Date: _____

Signed: _____

Sophia Ruddock, Chair, Public Member
Frances Keogh, Professional Member
Amanda Bettencourt, Professional Member