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

Indexed as: Ontario College of Social Workers and Social Service Workers v Sinisa Najcler, 2025 ONCSWSSW 12

Date: 20251008

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

SINISA NAJCLER

PANEL:	Sandie Sidsworth	Chair, Professional Member
	Candice Snake	Professional Member
	Nicole Bonnie	Public Member

Appearances: Benjamin Kates, counsel for the College
Anne Marshall, counsel for the Registrant
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: April 25, 2025

DECISION AND REASONS FOR DECISION

[1] This matter was heard by videoconference before a panel of the Discipline Committee (the "**Panel**") of the Ontario College of Social Workers and Social Service Workers (the "**College**") on April 25, 2025. The Panel announced its decisions on the misconduct allegations, penalty and costs orally on the record at the hearing. These are the Panel's reasons for decision.

Publication Ban

[2] The College sought an order banning the publication of any details or information in connection with this matter that may directly or indirectly cause the individuals referred to as Client 1 or [C1], and Client 2 or [C2] The College's request was made under s. 28(7) of the *Social Work and Social Service Work Act, 1998*, SO 1998, c 31 (the "**Act**"), and was based on the fact that the allegations and evidence in this case relate to sexual abuse of the clients and, as such,

involve the disclosure of highly sensitive personal information about those individuals. The Registrant consented to the order sought.

[3] The Panel was satisfied that a publication ban is appropriate. There is a strong public interest in the openness of College discipline proceedings but the individual clients involved also have a strong privacy interest, particularly in cases involving sexual abuse allegations. The order sought is limited in scope in that the hearing remained open to the public and the only restriction on public access is on the publication of information that could identify the clients. The desirability of maintaining the privacy of Client 1 and Client 2, and avoiding public disclosure of their identities, outweighs the public interest in revealing their identities, where all other information about this proceeding is publicly available.

Combining Two Notices of Hearing

[4] This hearing concerned two Notices of Hearing, both dated May 10, 2023. The First Notice of Hearing concerns the allegations relating to Client 1. The Second Notice of Hearing concerns the allegations relating to Client 2. At the outset of the hearing, the College brought a motion pursuant to s. 9.1(1) of the *Statutory Powers Procedure Act*, RSO 1990, c S.22, to combine the two Notices of Hearing. The Registrant consented to the College's request.

[5] The two Notices of Hearing both involve the same Registrant, Mr. Najcler, and they involve similar allegations of professional misconduct, raising similar issues of law and policy. The Panel also placed weight on the parties' agreement that the proceedings should be combined and that they had entered into a joint submission on penalty that, if the Panel made findings of professional misconduct, would address both Notices of Hearing. The Panel was satisfied that combining the two proceedings into a single hearing would promote efficiency and would be in the interests of justice, without causing any unfairness or prejudice to either party. Accordingly, the Panel granted the order requested.

[6] The Panel was reminded, however, that combining the two proceedings does not permit evidence relating to the allegations in one Notice of Hearing to be used as evidence to support the allegations in the other Notice of Hearing, and that the consideration of each Notice of Hearing must be confined to only the evidence tendered in respect of that Notice of Hearing.

The Allegations and Evidence

[7] In the two Notices of Hearing, the Registrant is alleged to be guilty of professional misconduct within the meaning of s. 26(2) of the Act in that he is alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**"). The details of the allegations in each Notice of Hearing are discussed below.

The First Notice of Hearing – Allegations and Evidence

[8] The factual particulars of the allegations in the First Notice of Hearing are as follows, except for certain particulars that the College advised it would not be relying upon:

1. At all times relevant to the allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"). At all relevant times, you provided social work services to clients through your private practice.

2. Between approximately September 2021 and May 2022, you provided social work services to [C1]. The services you provided to [C1] included counselling services and/or psychotherapy.

3. [C1] disclosed to you that she had difficulty with emotional regulation, had poor experiences with abandonment and rejection in her relationships with men, and was having marital difficulties.

4. During your sessions with [C1], you discussed yourself, your life, and/or your issues in a manner that you knew or ought reasonably to have known would not benefit [C1], amounted to ineffective and/or improper counselling, and/or that violated professional boundaries, including by:

    a. Discussing yourself and/or your own personal matters for a disproportionate amount of time;

    b. Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:

        i. Telling Discussing your marital circumstances;

        ii. [*not relied on by the College*]

        iii. Discussing your [health condition];

        iv. Showing and/or discussing gifts that had been given to you by other clients;

        v. [*not relied on by the College*]

        vi. Discussing your exercise routines, hobbies, and interests;

        vii. Sharing details about your children; and/or

    c. [*not relied on by the College*]

5. By virtue of the conduct described in paragraph 4 above, you failed to appropriately focus on the issues for which [C1] was seeking counselling.

6. During the period when [C1] was your client, you engaged in inappropriate communication, violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards [C1] that were not of a clinical nature appropriate to the service provided. In particular, you:

a. Engaged in extensive text and/or email exchanges with [C1] that were of a familiar and personal nature, between sessions including at night;

b. Sent [C1] messages and/or made comments in person that were personal, flirtatious, and/or unprofessional, including but not limited to by:

   i. Complimenting [C1], including but not limited to commenting on her hair, her legs, and telling her she was a "beautiful young moment", "pretty", and "a pretty geek", or words to that effect;

   ii. Texting [C1] you love her sense of humour, and like her accent and her taste in music;

   iii. Texting [C1], "I'm confident we have lots in common";

   iv. From time to time sending [C1] text messages referencing "wank", "wanking", "wanker", after [C1] used that term;

   v. Using crude and/or vulgar language;

   vi. Discussing and/or sending text messages regarding alcohol consumption including but not limited to "remind me to tell you my tequila story and my dad";

   vii. Stating "this is the chemistry between us", or words to that effect, in response to a static shock;

   viii. Texting that when [C1] called you "Mr. Nino", it made you feel special and that she was sweet;

   ix. Telling [C1] she looked "so stunning" and "so good" that you were "going to have a heart attack", or words to that effect;

   x. Telling [C1] she "looked lovely that day" and that if things did not work out in her marriage you were sure she would find somebody, or words to that effect;

c. [*not relied on by the College*]

d. [*not relied on by the College*]

e. [*not relied on by the College*]

f. Openly discussed sex, including but not limited to telling [C1] that you had a "big libido", or words to that effect;

g. Made express and/or implied comments to [C1] about your sexual relationship with your spouse;

h. [*not relied on by the College*]

i. Told jokes with overt sexual content and/or sexual innuendo by text message and/or in therapy sessions; and/or

j. Discussed sexual topics in therapy sessions perceived by [C1] to be crude, out of place, and/or inappropriate.

7. [*not relied on by the College*]

8. In and around May 2022, [C1] disclosed to you that she had developed romantic and/or sexual feelings for you. In response to [C1]'s disclosure, you communicated express, implied and/or mixed messaging that you reciprocated [C1]'s feelings and about your ability to have a professional, personal, and/or romantic relationship in the circumstances, including but not limited to by:

   a. Describing the concept of "countertransference" and saying you had plans to speak to someone about it;

   b. [*not relied on by the College*]

   c. Telling [C1] that you could never have a relationship with a psychotherapy patient but that "I could say I saw you as a social worker", or words to that effect; and/or

   d. Offering that, if [C1] wanted to, she could contact you for a year and "check in".

9. On or about May 18, 2022, [C1] told you that she would not continue to see you as a therapist.

10. Your conduct regarding [C1] had a detrimental impact on her emotional well-being and her relationship with her husband.

[9] The College alleges in the First Notice of Hearing that by reason of engaging in some or all of the conduct outlined above, the Registrant is guilty of professional misconduct as set out in ss. 26(2)(a) and (c) of the Act, as follows:

a) In that you violated **Section 2.2 of the Professional Misconduct Regulation** and

   i. **Principle I of the Handbook (commented on in Interpretations 1.5 and 1.6)** by:

      A. failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients;

      B. failing to distinguish your needs and interests from those of your clients to ensure that, within your professional relationships, clients' needs and interests remained paramount;

   ii. **Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8)** by:

      A. failing to ensure clients are protected from the abuse of power, including sexual misconduct, during and after the provision of professional services and/or failing to establish and maintain clear and appropriate boundaries in a professional relationship;

B. engaging in a professional relationship that constitutes a conflict of interest and/or a situation in which you ought reasonably to have known that the client would be at risk; failing to evaluate professional relationships and other situations involving clients or former clients for potential conflicts of interest; failing to avoid conflicts of interest and/or dual relationship with clients or former clients that could impair your professional judgment or increase risk of exploitation or harm to clients or former clients;

C. engaging in sexual relations with a client through behaviour or remarks of a sexual nature other than behaviour or remarks of a clinical nature appropriate to the service provided, where these relations, combined with the professional relationship, would create a conflict of interest;

D. using information obtained in the course of a professional relationship and/or your professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client or former client;

E. engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work;

iii. **Principle III of the Handbook (commented on in Interpretations 3.2, 3.7, and 3.8)** by:

A. failing to deliver client services in a reasonable manner;

B. failing, in the context of a personal relationship with a client or former client, to assume full responsibility for demonstrating that the client or former client was not exploited, coerced or manipulated, intentionally or unintentionally;

C. providing services in a manner that did not conform to College standards and/or providing a service that you knew or ought reasonably to know is not likely to benefit the client;

iv. **Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2.3, [*withdrawn*] 8.4, and 8.6)** by:

A. failing to be solely responsible for ensuring that sexual misconduct did not occur;

B. engaging in behaviour or remarks of a sexual nature towards a client, other than behaviour or remarks of a clinical nature appropriate to the service provided;

C. [*withdrawn*]

D. failing, in circumstances where a client initiates behaviour of a sexual nature, to state clearly that this behaviour is inappropriate by virtue of the professional relationship and/or to terminate the relationship or offer to assist the client to seek alternative services;

E. engaging in sexual relations, through behaviour or remarks of a sexual nature other than behaviour or remarks of a clinical nature appropriate to the service provided, with a client at the time of referral, assessment, counselling, psychotherapy, or other professional services;

b) In that you violated **Section 2.5 of the Professional Misconduct Regulation** in that you abused a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of subsection 43(4)(c) of the Act;

c) In that you violated **Section 2.6 of the Professional Misconduct Regulation** by using information obtained during a professional relationship with a client or using your professional position of authority to coerce, improperly influence, harass, or exploit a client; and/or

d) In that you violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

[10] The evidence at the hearing was tendered by way of an Agreed Statement of Facts for each Notice of Hearing, The Agreed Statement of Facts relating to the First Notice of Hearing (marked as Exhibit 3), provides in relevant part as follows:[1]

A. Overview

1. Sinisa (Nino) Najcler (the "**former Registrant**") provided social work services to [C1] ("**Client 1**") between September 2021 and May 2022. The services provided to Client 1 included counselling services and psychotherapy.

2. The former Registrant violated professional boundaries during the period of service provision. During his sessions with Client 1, the former Registrant complimented Client 1's physical appearance and character and discussed himself, his life, and issues that he was experiencing. He also engaged in inappropriate communications with Client 1 between sessions, including by exchanging text messages of a personal nature at night. Certain of the former Registrant's communications with Client 1, including during and in between sessions, involved behaviour or remarks of a sexual nature towards Client 1 that were not of a clinical nature appropriate to the service provided.

3. The former Registrant engaged in boundary crossing conduct despite knowing that Client 1 had difficulty regulating her emotions and emotional responses and had poor experiences with abandonment and rejection by men. The former Registrant did not take adequate steps to manage the feelings of transference Client 1 experienced.

4. In and around March 2022 Client 1 first acknowledged to herself that she may have romantic and sexual feelings for the former Registrant.

[1] References to exhibits to the Agreed Statement of Facts have been omitted.

5. In and around May 2022, Client 1 disclosed to the former Registrant that she had developed romantic feelings for him. In response to Client 1's disclosure, the former Registrant communicated express, implied, and mixed messaging about his ability to continue a professional and personal relationship in the circumstances.

6. The former Registrant's final therapy session with Client 1 was on or about May 17, 2022.

7. The former Registrant resigned his certificate of registration in January 2023, and it was cancelled effective as at January 11, 2023.

B. The former Registrant's Background

8. The former Registrant obtained a Master's Degree from Wilfrid Laurier University in 2006. He first registered with the College as a Social Worker on July 3, 2006.

9. At the relevant time, the former Registrant provided social work services through his private practice at Orchard Therapy: The CBT Centre, located in [location], Ontario. The former Registrant held the title of CEO and Chief Psychotherapist and held himself out as providing counselling and psychotherapy services, with a specialization in Cognitive Behavioural Therapy.

10. By way of letter dated January 9, 2023, the Registrant filed a resignation in writing with the College Registrar. The Registrant's resignation was effective as at January 11, 2023.

C. Client 1's Therapy Sessions with the former Registrant

11. Client 1 first contacted the former Registrant on August 28, 2021 to inquire about Cognitive Behavioural Therapy sessions provided by him. Through the email intake process, Client 1 advised the former Registrant that she needed support for her mental health but was high functioning. On September 7, 2021, the former Registrant held a phone consult with Client 1 for the purpose of assessing her struggles, reviewing mental health symptoms, environmental factors, and overall functioning.

12. Client 1 signed a Services Contract with the former Registrant and Orchard Therapy on September 21, 2021. The Services Contract specified that Orchard Therapy "carries on a practice of providing services in Counselling/Psychotherapy." Schedule A to the Services Contract specified that the clinical services to be provided to Client 1 would include "professional counselling/psychotherapy and Social Work services".

13. Client 1's therapy with the former Registrant began on September 21, 2021 and ended on May 17, 2022. With some exceptions, the sessions took place weekly between September to December 2021 and monthly thereafter. Client 1 saw the former Registrant for a total of 24 therapy sessions, 20 in-person and four by video. The former Registrant provided Client 1 with counselling and psychotherapy services, including Cognitive Behavioural Therapy, psychoeducation, cognitive restructuring, evidence-based therapy, and exposure treatment.

D. Inappropriate Conduct During Therapy Sessions

14. During their initial therapy sessions in September 2021, Client 1 disclosed to the former Registrant that she had difficulty regulating her emotions and emotional responses, experienced social anxiety, and had had poor experiences with abandonment and rejection by men. Throughout their therapeutic relationship, Client 1 continued to raise the issues of her struggles with her emotions, difficulty gaining control, maladaptive relationship patterns, anxiety, and poor self-esteem. Client 1's therapy sessions with the former Registrant frequently included discussion of her marital difficulties. A recurring theme during Client 1's therapy sessions was her aversion to conflict and her unwillingness to challenge situations when they bother her.

15. The former Registrant regularly disclosed information about himself in his sessions with Client 1. Client 1 perceived early on that the former Registrant did not abide by the usual professional boundaries or allow the therapeutic relationship to be patient-centred. The former Registrant complimented Client 1 from time to time, and, while many of his compliments were appropriate, some were not. Client 1 perceived the therapy as feeling like a friendship because the content of discussions was not always about her and the extent to which the former Registrant shared about himself.

16. The extent of the former Registrant's self-disclosures consumed a disproportionate amount of therapy session time and went beyond any clinical benefit to Client 1. They were inappropriate and unnecessary, and the former Registrant failed to appropriately focus on the issues for which Client 1 was seeking counselling. The former Registrant either knew or ought to have known that the nature and volume of these self-disclosures amounted to ineffective and improper counselling while also violating professional boundaries.

17. The conduct engaged in by the former Registrant during therapy sessions with Client 1 included the following:

    (a) Complimenting Client 1's physical appearance and body, including by telling her that:

        (i) She had nice hair and asked if it was naturally wavy;

        (ii) She was a "pretty geek", in response to a comment that she was "geeky" with school work and liked to study hard;

        (iii) She had "a very nice figure";

        (iv) He was not surprised she got attention on a night out because she was "a beautiful young woman";

        (v) She had nice legs;

        (vi) On or about April 29, 2022, she "looked stunning" and that she looked "so good" he was "going to have a heart attack";

(vii) On or about May 10, 2022, she "looked lovely that day" and that he was sure she would "find somebody" if things did not work out with her marriage; and

(viii) During a discussion about what it had been like for her to be pregnant, he thought she would "look good pregnant";

(b) Making suggestive or flirtatious comments or intimate acts, including as follows:

(i) Stating "this is the chemistry between us" after experiencing a static shock with Client 1;

(ii) Placing Client 1's fingers on chords to teach her to play guitar;

(iii) Putting Client 1's jacket or coat on her when she was leaving a therapy session;

(iv) At the end of a session on May 10, 2022 telling her she was a "good egg";

(v) During a conversation about ways of starting new relationships, stating to Client 1 that he preferred meeting someone in person rather than online and that "sometimes you need to look who is right in front of you" while gesturing to Client 1;

(vi) Telling her a story about how he once won a contest between friends about who had the "best body" and proceeding to show her a picture of himself ;

(vii) Describing a piece of gym equipment that attaches to his door, lifting his shirt, and explaining that this is "the muscle" that the equipment "works on"; and

(viii) Stating "Goodbye Miss [Firstname]" in a way that referenced Client 1 calling the former Registrant "Mr. Nino" in a text and that felt flirtatious.

(c) Making inappropriate sexualized jokes and discussing sexual topics, including as follows:

(i) Suggesting, during their third therapy session, that Client 1 watch a television program called "The Female Orgasm";

(ii) Telling Client 1, who is English, that he did not consider women from England to be "very adventurous with sex" based on his experience with other clients who were English;

(iii) Invoking a popular joke involving sexual innuendo by using the phrase "that's what she said" to sexualize otherwise asexual turns of phrase;

(iv) Invoking a popular joke involving sexual innuendo when stating, in the context of his children, that he had "two that he knew of", and thereby implying that he might have illegitimate children;

(v) Telling a story about taking anti-anxiety medication on an intercontinental flight, and drinking alcohol on the layover;

(vi) Telling Client 1 he had a big libido;

(vii) Telling a story about being out with his wife and a pregnant friend, and responding, when asked if he'd like to touch the baby bump, that he would like to touch "her boobs".

(d) Drinking what appeared to Client 1 to be a glass of wine or beer during therapy sessions from time to time and offering a similar drink to Client 1, who never accepted;

(e) Discussing problems with his own marriage and sex life, including as follows:

(i) Telling Client 1 that he and his wife would always remain friends but that one day they would not be together;

(ii) Sharing the details of a dinner he had with a female friend and that his wife was not happy about him going out and asked him not to go;

(iii) Telling Client 1 a story of his wife finding it disrespectful when he looked at another woman while they were out to dinner, and saying that the woman was beautiful;

(iv) Telling Client 1 that he used to take violin lessons, that the teacher would kiss him on the cheek, and that his wife did not like it;

(v) Telling Client 1 that he could not be intimate with a woman that he did not love; and

(vi) Telling Client 1 that he could not wait to fall in love again;

(f) Discussing details about his own life, including as follows:

(i) Discussing the high grades he received in university;

(ii) Advising that he had a health condition and problems with impulse control;

(iii) Sharing a "tequila story" involving his father in response to Client 1 telling him an experience she had after drinking too much tequila;

(iv) Sharing his drinking habits, including describing himself as a "lightweight";

(v) Giving Client 1 a tour of his inner office, that included showing her gifts from patients, a closet where he kept his suits, and a cupboard where he kept alcohol;

(vi) Telling Client 1 he likes horseback riding, had a motorbike, and had a truck;

(vii) Sharing that he has a gym in his basement, made exercise equipment that attaches to the door, and does private mixed martial arts lessons; and

(viii) Sharing details and names of his family members, including related to his level of comfort with his children's social media posts.

18. Many of the conduct and communications set out above, individually or in aggregate, amounted to behaviour or remarks of a sexual nature that were not of a clinical nature appropriate to the services he provided. These acts and gestures included, among other things, unnecessary comments about Client 1's body and clothing, initiation by the former Registrant of conversations about his romantic or sexual life; amorous, seductive, and romantic remarks; the use of sexually provocative jokes and innuendo; and engaging in discussions about sex not pertinent to the service being provided.

E. Inappropriate Communications Outside of Therapy Sessions

19. During the period of service provision, between September 2021 and May 2022, the former Registrant regularly communicated with Client 1 between their therapy sessions by email and especially by text message. These communications were often familiar in nature, tone, and subject matter, and extended beyond any clinical purpose. In many instances, it was the former Registrant who either instigated or extended the conversation. Many text messages included emojis, and some involved swearing or express or implied sexual innuendo. While the casual nature of the texts was often mutual, the former Registrant took no steps to limit the informality of these conversations or refocus them.

20. Certain of the inappropriate communications between the former Registrant and Client 1 are summarized below in this Agreed Statement of Facts […]

21. On November 24, 2021, the former Registrant texted Client 1 to check in on her after a session. He called her a "beautiful person" and added, "I'm lucky to know you and help you in your mental betterment 🙂".

22. On November 30, 2021, the former Registrant texted Client 1 to follow up on his request that she provide him with a "five star" review on Google. The former Registrant had asked for the review during a therapy session earlier that day. She responded, "Lol it's been an hour and a half, give me a chance!" When she told him she would write a review, he responded, "Thanks…you rock!" She later added that she would do it after "some mummy duties", to which he responded, "Lucky boy having a great mom like you 🤗". A week later, on December 8, 2022, she told him that she had written the review. He thanked her "tremendously" and added that "these mean a great deal to me".

23. On January 4, 2022, at 6:44 pm, the former Registrant initiated a text exchange with Client 1 unrelated to the provision of services. He began the exchange as follows, "Fleabag…on Amazon Prime .. watch it if you haven't. [T]hat its British is just a bonus! [sic]" Client 1 responded by recommending another television show involving the main character from "Fleabag". The former Registrant then told the following joke:

SN:2 Thanks! Have you ever watched a German comedy?

C1: I don't think so 🤔

SN: That's because the fucking Germans aren't funny…boom bitches! 😜

24. On January 26, 2022, the former Registrant introduced the phrase "wanker" into a conversation about Client 1's husband having contracted COVID-19. "Wanker" is a British derogatory term that refers to masturbation, and Client 1 had previously used the term during a therapy session when recounting a story about a confrontation while driving. The former Registrant's unprompted text and the ensuing exchange were as follows:

SN: It's ok…those that judge you or your family are wankers! 😬

C1: Haha 😆 ✊

SN: Lol…it's the hand motion that gets me everytime!!! 😆 😆 😆 😆 😆

25. On January 27, 2022, the former Registrant wrote to Client 1 to schedule a session. He began his text with, "Hi amazing [Client 1] 🌻 ". She responded that sunflowers were her favourite flower. From that point forward, the former Registrant periodically included sunflower symbols in his text messages with Client 1. The former Registrant then again brought up "wanking" after Client 1 said she needed to consult her diary to schedule the session:

C1: I'll double check my diary when I get home 😊

SN: Diary as in, "Dear Diary, today some cunt cut me off and I hand wanked them! Not what Nino taught me for mental healthcare…yet oddly feel good 😬." That kind of diary?

26. On February 15, 2022, the former Registrant again wrote to Client 1 to schedule a session. After the session was scheduled, Client 1 ended the conversation with, "See you next week". Nevertheless, the former Registrant continued it by adding, "That's wonderful to know you're well… as per usual I'm a BAMF living the dream!! 🤗" The acronym "BAMF" stands for "Bad-Assed Motherfucker". Client 1 then again said, "See ya next week", but the former Registrant continued the exchange by bringing up an anecdote about her wedding that she had shared in therapy. He again used the term "wanker" and other language inappropriate to a counselling relationship:

[2] SN indicates Sinisa Najcler, C1 indicates Client 1.

SN: Haha 😆 … I'm just singing Suspicious Minds by Elvis thinking about your wedding Hahahah

C1: Hahah! Our guest sang o so tunefully – Falling in love with you 😳 🤬 👊

SN: Haha…what a wanker 😬

C1: Massive, knob ed wanker 🤣 🤣 🤣 [sic]

SN: Ooh …good one ha!

It could have been worse…he could have been into rap and tried to throw down some big bootie, horny p**** tune with all the gangsta moves to boot! 😆

27. After this exchange, the former Registrant acknowledged that he may have crossed a line with Client 1 and texted, "Haha…sorry for the graphics 😳 😬. Client 1 reassured him, "Tis 'ite". The former Registrant sent his last text to Client 1 that night at 8:10 pm.

28. On February 23, 2022, the former Registrant wrote the following email in response to an email from Client 1 that sent a photo of her home cooking: "[C1] …. Oh my, that looks so scrumptious 😊 !!!! Now you've made me hungry and have to cook for me…hahaha!! Good job on the yummy cuisine. Great mom, amazing friend, super [occupation], killer chef, and lets not forget …rockstar guitar player 😊 !" Client 1 responded by way of email dated February 23, 2022, "Ha Ha 😆 Aw what lovely compliments. Thank you. 😊 ". […]

29. On March 15, 2021, the former Registrant sent a text message to Client 1, unprompted, a few hours after a therapy session. It said, "Tequila shots? 🤔 " The text was a reference to an anecdote involving tequila that Client 1 had shared during therapy. Specifically, she had gotten too drunk and was embarrassed about it. She responded with an " 🤢 " symbol, implying nausea, and the former Registrant replied "Lol 😬 .", indicating "laugh out loud". After Client 1 responded with another image, the former Registrant said, "It's okay. Remind me to tell you my tequila story and my dad… 😁 ". As set out above at paragraph 17(f)(iii), the former Registrant would later disclose a "tequila story" of his own during a therapy session.

30. On April 28, 2022, the former Registrant initiated a text message exchange with Client 1 in which he, without any prompting, introduced sexual jokes and innuendo. These comments were not of a clinical nature appropriate to any service provided to the client:

(g) First, the former Registrant told the following joke to Client 1: "Guy walks into a psychotherapists office…wrapped in nothing but clear plastic wrap. Psychotherapist looks at him and says, I can clearly see your nuts 😬 😆 😳 …lol."

(h) Client 1 then replied with a sexual joke of her own involving "wanking": "3 guys in a restaurant are wanking at the bar. The waitress asks "what

are you doing". One guy reply's [sic] 'the sign says first come first served' 😜"

(i) The former Registrant responded by implying that he was the "guy" referred to in the joke that was "wanking" at the bar: "For the record…that was a long time ago and the bar wasn't that full 😬".

(j) The former Registrant then continued the tone of the exchange. When Client 1 "laughed" at his joke, he responded, "Lol…glad you appreciated my sense of humour 🤗."

(k) The former Registrant then told another joke: "2 mates walking along see a dog licking himself. One says to the other…I wish I could do that. His buddy replies you should try petting him first." The former Registrant followed up by asking Client 1 if she liked how he "Englished it up" by adding the word "mates".

(l) The former Registrant and Client 1 continued the conversation by talking about her use of the word "wank", with the former Registrant saying, "I definitely love your sense of humour and am grateful you introduced us all to the wank!"

31. The former Registrant made several inappropriate statements to Client 1 during an email thread between May 4 and May 6, 2022. In one email, Client 1 was seeking a therapy referral for her husband. In an email dated May 4, 2022, the former Registrant advised in response that he would be happy to give a referral but also cautioned that many therapists are of poor quality. He went on to say, "As an example of poor quality therapists in the community, its common for me to learn that therapists simply don't contact people back. Imagine, your [sic] struggling and you can't even pay someone to treat you decently …. f_____ c___s!:)" The former Registrant's statement was intended to signify "fucking cunts". Later in the email thread, Client 1 advised that coming to therapy "is one of the highlights of my week". The former Registrant responded, "Lol…well having you here is one of my highlights 😊." […]

32. On May 10, 2023, the former Registrant initiated a text exchange, and he and Client 1 sent 32 texts about music and other stories and interests between 7:48 pm until 9:55 pm, at which point Client 1 went to bed. Both Client 1 and the former Registrant heavily used emojis including ones for "hugs", sunflower, heart, and "smileys". During the exchange, the former Registrant made statements including, "I like your taste in music!"; "I would pay anything to hear you play the flute"; "I'm confident we have a lot in common"; "I bet your mum and aunts sound … as cool as you." The exchange carried over to the next morning, with Client 1 initiating at 8:59 am, and the former Registrant responding, "Good morning awesome 🌼". Client 1 went on to say, "Later Mr. Nino", to which he responded, "Ooh..I like Mr. Nino, makes me feel Special Ms [First Name] 😁🍾. She answered, "You are."

33. As set out above at paragraph (viii), during a therapy session, the former Registrant later said "Goodbye Miss [First name]" in a reference to their text exchange that felt flirtatious.

F. Acknowledgement of a Personal Relationship and Breakdown of the Therapeutic Relationship

34. During a therapy session on or about March 23, 2022, the former Registrant asked Client 1 to discuss examples of conflict that she found difficult. She recounted two scenarios in which men had said inappropriate things to her. After that session, the former Registrant showed Client 1 a back room in his office and some of the items there, including gifts he identified as having been from clients, a closet where he kept his suits, and a cupboard where he kept his alcohol.

35. At the end of this session, while she was putting on her shoes, the former Registrant complimented Client 1's legs.

36. On March 26, 2022, Client 1 conveyed to her friend that she felt the former Registrant had acted inappropriately. Client 1 told her friend that she found it "a bit of an over share from a therapist perspective" for the former Registrant to have discussed his relationship with his wife, that it was not professional, and that she did not think he should have told her that. Nevertheless, Client 1 went along with the former Registrant's boundary crossing behaviour because she liked him and because she was conflict adverse.

37. In and around March 2022 Client 1 first acknowledged to herself that she may have had romantic and sexual feelings for the former Registrant. Client 1 did not disclose those feelings to the former Registrant at the time.

38. As the therapy progressed, the frequency of the former Registrant's compliments of her increased. By mid-May 2022, Client 1 grew uncomfortable about the boundaries of her relationship with the former Registrant. She had intended to confront the former Registrant about their boundaries during a May 17, 2022 session. After spending the first half-hour generally chatting with the former Registrant, she lost her nerve to confront him. Client 1 was worried what the outcome would be if she confronted the former Registrant and was afraid of spoiling the relationship.

39. By May 17, 2022, Client 1 felt that she and the former Registrant had been inappropriate in their communications and that it was becoming the norm as they were more comfortable with each other.

40. On or about May 17, 2022, while she and her husband were out to dinner, Client 1 disclosed to her husband that she had feelings for the former Registrant.

41. On or about May 18, 2022, Client 1 and the former Registrant had a phone call in which she disclosed having feelings for him. She told him that she had developed romantic and sexual feelings for him. The former Registrant responded that "nothing can happen".

42. Later, on or about May 18, 2022, Client 1 and the former Registrant had a second phone call in which the former Registrant described Client 1's feelings as "transference". He also introduced the concept of "counter-transference" and advised Client 1 that he had plans to "speak to someone" about it. During that conversation Client 1 confronted the former Registrant about having crossed boundaries, and he defended his actions by saying that "its not sexual". She

disagreed with him and told him that he had hurt her. She felt that the former Registrant's boundary-crossing behaviour had induced her to feel a certain way and that he was now asserting that no boundaries had been crossed. She felt that his denials did not accord with her experience. She also found his message to be inconsistent. The conversation left Client 1 angry and confused.

43. The former Registrant did not terminate his client relationship with Client 1 following either of their conversations on May 18, 2022. He offered that he could continue to support her. Following her second conversation that day, Client 1 decided on her own initiative that she wished to terminate her therapeutic relationship with the former Registrant.

44. Client 1 and the former Registrant had another phone call on or about May 24, 2022. During this phone call, the former Registrant implied that he could not tell Client 1 he had feelings for her even if he did. During that call, the former Registrant told Client 1 that under the "psychotherapy oath", he could never have a relationship with a patient but that under the "Social Worker Act oath" he was permitted to have contact with a "former patient" after one year. In response to a question from Client 1 about whether "nothing can ever happen", the former Registrant responded that if she wanted to contact him in a year and "check in", she could do so.

45. Altogether, the former Registrant's communications to Client 1 on May 18 and 24, 2022 about the nature and appropriateness of their interactions, relationship, and feelings for one another were confusing and lacked the clarity required of the situation. The former Registrant communicated express, implied, and mixed messaging that he reciprocated Client 1's feelings for him and his ability to have a professional, personal and romantic relationship with her in the circumstances.

46. In an around June 2022, Client 1 disclosed to her husband more detail of her interactions and exchanges with the former Registrant, and that disclosure caused a crisis in their relationship. Client 1's experience with the former Registrant and related damage to her relationship with her husband caused Client 1 to "emotionally shut down". She would go on to experience panic attacks and, on occasion, suicidal thoughts.

[11] The Agreed Statement of Facts also set out the Registrant's admissions to the allegations of professional misconduct arising from the agreed facts, and acknowledgements as to his understanding of the allegations against him and the consequences.

The Second Notice of Hearing – Allegations and Evidence

[12] The factual particulars of the allegations in the Second Notice of Hearing, except certain particulars the College advised it was not relying upon, are as follows:

1. At all times relevant to the allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"). At all relevant times, you provided social work services to clients through your private practice.

2. Between approximately June and November 2020, you provided social work services to [C2] The services you provided to [C2] included counselling services and/or psychotherapy.

3. You were aware from your sessions with [C2] that she presented with issues of childhood abuse and neglect, anxiety, and negative core beliefs.

4. During your sessions with [C2], you discussed yourself, your life, and/or your issues in a manner that you knew or ought reasonably to have known would not benefit [C2], amounted to ineffective and/or improper counselling, and/or that violated professional boundaries, including by:

    a. Discussing yourself and/or your own personal matters for a disproportionate amount of time;

    b. Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to discussing the following:

        i. [*not relied on by the College*]

        ii. That you have [a health condition];

        iii. [*not relied on by the College*]

        iv. Your personal and familial relationships;

        v. [*not relied on by the College*]

        vi. [*not relied on by the College*]

        vii. Sharing details about your children; and/or

    c. [*not relied on by the College*]

5. By virtue of the conduct described in paragraph 4 above, you failed to appropriately focus on the issues for which [C2] was seeking counselling.

6. During the period when [C2] was your client, you engaged in inappropriate communication, violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards [C2] that were not of a clinical nature appropriate to the service provided. In particular, you:

    a. Engaged in extensive text exchanges with [C2] that were of a familiar and personal nature, both in between sessions and after the period during which she received social work services;

    b. Made comments to [C2] that were personal, flirtatious, and/or unprofessional, including but not limited to by:

        i. Commenting on how she looked and dressed when attending sessions;

ii. Telling her she looked "really good today", or words to that effect, on a day where she wore v-neck t-shirt that was uncharacteristically tight-fitting;

iii. Telling her she was a beautiful young woman;

iv. Telling her you "would like to do something with her in the future", or words to that effect;

c. Discussing the women you were romantically pursuing and giving accounts of "flirting with friends" and of women who were interested in you romantically; and/or

d. Telling [C2] after her last session "I would give you a hug if I could", or words to that effect.

7. In and around November or December 2020, you engaged in a text message exchange with [C2] by which you engaged in inappropriate communication, violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards [C2] that were not of a clinical nature appropriate to the service provided, as follows

a. You told [C2] that you were "going to build an ab ladder to that I can maintain my six pack…boom!!! [emojis]";

b. You described for [C2] what an "ab ladder" is and told her, "It works so well that it gives you a six pack!";

c. You responded to a comment by [C2] about a woman by texting "No, it's a friend but she can get handsy …[emojis] … haha"; and

d. You sent a photo of yourself with your shirt raised and your fly open, revealing your abdominal muscles and underwear, along with the caption, "Thanks ab ladder!"

[13] The College alleges in the First Notice of Hearing that by reason of engaging in some or all of the conduct outlined above, the Registrant is guilty of professional misconduct as set out in ss. 26(2)(a) and (c) of the Act, as follows:

a. In that you violated **Section 2.2 of the Professional Misconduct Regulation** and

i. **Principle I of the Handbook (commented on in Interpretations 1.5 and 1.6)** by:

A. failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients;

B. failing to distinguish your needs and interests from those of your clients to ensure that, within your professional

relationship, clients' needs and interests remained paramount;

ii. **Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8)** by:

A. failing to ensure clients and former clients are protected from the abuse of power, including sexual misconduct, during and after the provision of professional services and/or failing to establish and maintain clear and appropriate boundaries in a professional relationship;

B. engaging in a professional relationship that constitutes a conflict of interest and/or a situation in which you ought reasonably to have known that the client or former client would be at risk; failing to evaluate professional relationships and other situations involving clients or former clients for potential conflicts of interest; failing to avoid conflicts of interest and/or dual relationship with clients or former clients that could impair your professional judgment or increase risk of exploitation or harm to clients or former clients;

C. engaging in sexual relations with a client or former client through behaviour or remarks of a sexual nature other than behaviour or remarks of a clinical nature appropriate to the service provided, where these relations, combined with the professional relationship, would create a conflict of interest;

D. using information obtained in the course of a professional relationship and/or your professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client or former client;

E. engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work;

iii. **Principle III of the Handbook (commented on in Interpretations 3.2, 3.7, and 3.8)** by:

A. failing to deliver client services in a reasonable manner;

B. failing, in the context of a personal relationship with a client or former client, to assume full responsibility for demonstrating that the client or former client was not exploited, coerced or manipulated, intentionally or unintentionally;

C. providing services in a manner that did not conform to College standards and/or providing a service that you knew or ought reasonably to know is not likely to benefit the client;

iv. **Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2.3, 8.6, and 8.7)** by:

A. failing to be solely responsible for ensuring that sexual misconduct did not occur;

B. engaging in behaviour or remarks of a sexual nature towards a client, other than behaviour or remarks of a clinical nature appropriate to the service provided;

C. engaging in sexual relations, through behaviour or remarks of a sexual nature other than behaviour or remarks of a clinical nature appropriate to the service provided, with a client at the time of referral, assessment, counselling, psychotherapy, or other professional services;

D. engaging in sexual relations, through behaviour or remarks of a sexual nature other than behaviour or remarks of a clinical nature appropriate to the service provided, with a client or former client to whom you provided psychotherapy and/or counselling;

b. In that you violated **Section 2.5 of the Professional Misconduct Regulation** in that you abused a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of subsection 43(4)(c) of the Act;

c. In that you violated **Section 2.6 of the Professional Misconduct Regulation** by using information obtained during a professional relationship with a client or using your professional position of authority to coerce, improperly influence, harass, or exploit a client; and/or

d. In that you violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

[14] The Agreed Statement of Facts relating to the Second Notice of Hearing (marked as Exhibit 4), provides in relevant part as follows:[3]

[3] References to exhibits to the Agreed Statement of Facts have been omitted.

A. Overview

1. Sinisa (Nino) Najcler (the "former Registrant") provided social work services to [C2] ("**Client 2**") between June 2020 and November 2020. The services provided to Client 2 included counselling services and psychotherapy.

2. The former Registrant violated professional boundaries during the period of service provision. During his sessions with Client 2, the former Registrant complimented Client 2's physical appearance and personal characteristics and discussed about himself, his life, and issues that he was experiencing. He also engaged in inappropriate communications with Client 2 by text messages sent between sessions and after the termination of services. Certain of the former Registrant's communications with Client 2 involved behaviour or remarks of a sexual nature towards Client 2 that were not of a clinical nature appropriate to the service provided. In particular, in the days that followed their last therapy session, the former Registrant sent Client 2 a text message containing a photo of himself with his shirt raised and fly opened.

3. The former Registrant's final therapy session with Client 2 was on or about November 19, 2021. He resigned his certificate of registration in January 2023, and it was cancelled effective as at January 11, 2023.

B. The former Registrant's Background

4. The former Registrant obtained a Master's Degree from Wilfrid Laurier University in 2006. He first registered with the College as a Social Worker on July 3, 2006.

5. At the relevant time, the former Registrant provided social work services in private practice at Orchard Therapy: The CBT Centre, located in [location], Ontario. The former Registrant held the title of CEO and Chief Psychotherapist and held himself out as providing counselling and psychotherapy services, with a specialization in Cognitive Behavioural Therapy.

6. By way of letter dated January 9, 2023, the former Registrant filed a resignation in writing with the College Registrar. The former Registrant's resignation was effective as at January 11, 2023.

C. Improper and Inappropriate Conduct During Therapy Sessions

7. The former Registrant first saw Client 2 in or around June 2020 for support with general anxiety. To the knowledge of the former Registrant, Client 2's presenting issues included childhood abuse and neglect, anxiety, and negative core beliefs. Client 2 attended at least 13 sessions with the former Registrant between approximately June 25, 2020 and November 19, 2020, and the services provided by the former Registrant in those sessions included Cognitive Behavioural Therapy.

8. Throughout their sessions, the former Registrant shared personal information with Client 2. This over-sharing encompassed details about the former Registrant's health condition, personal "triggers," discussions about his family, leisure activities, and commentary on his romantic life. As a result of his failure to adopt a patient-centric approach, the former Registrant failed to provide client services

in a manner conducive to Client 2's benefit, delivering services that were unlikely to assist Client 2's needs.

9. The former Registrant communicated with Client 2 by text messages between therapy sessions. The former Registrant first gave Client 2 his phone number so that she could let him know when she had arrived at his office for sessions. However, over time, he began to text her throughout the week and in between sessions. In these text messages, the former Registrant discussed personal matters, such as his family and his daily affairs.

10. The extent of the Registrant's self-disclosures went beyond any clinical benefit to Client 2. They were inappropriate and unnecessary, and are indicative of a lack of focus on the issues for which Client 2 was seeking counselling. The former Registrant either knew or ought to have known that the nature and volume of these self-disclosures amounts to ineffective and improper counselling while also violating professional boundaries.

11. The conduct engaged in by the former Registrant during therapy sessions with Client 2 included the following:

    (m) Discussing about himself and his personal matters for a disproportionate matter of time;

    (n) Engaging in inappropriate and unnecessary self-disclosure, including by discussing the following:

        (ix) The fact that he has a health condition;

        (x) The circumstances of another client who reminded the former Registrant of himself and his decision not to continue to see that client because it gave rise to triggers for himself and issues of transference;

        (xi) His practice of having a celebratory drink with clients after their final session;

        (xii) His vehicle, a red Toyota truck;

        (xiii) Details about his children, including their names, relationships, as well as showing pictures of them;

        (xiv) Details and stories about his friends;

    (o) Complimenting Client 2 by making suggestive or flirtatious comments, making inappropriate sexualized jokes, and discussing sexual topics. These communications, individually or in aggregate, amounted to behaviour or remarks of a sexual nature that were not of a clinical nature appropriate to the service provided. In particular, the former Registrant:

        (i) Commented on how Client 2 looked and dressed when she attended sessions;

(ii) Told her, "Oh you look really good today", when she wore a well-fitting v-neck t-shirt instead of the loose-fitting clothes she normally wore to therapy sessions;

(iii) Called her a "beautiful young woman" on more than one occasion;

(iv) Complimented Client 2's intelligence and told her she was smart;

(v) Expressed interest in meeting with Client 2 outside of therapy sessions, suggesting, either directly or by implication, that he would like to engage in a personal relationship outside of counselling;

(vi) Discussed the women he was romantically pursuing, giving accounts of flirting with friends, and women who were interested in him romantically;

(vii) Told Client 2 after her last session that he would hug her if he could; and

(viii) Made sexual jokes during counselling sessions;

(p) Engaging in other boundary-violating and unprofessional conduct, including the following:

(i) Consuming what appeared to Client 2 to be a beer during at least two counselling sessions, including his final counselling session with Client 2; and

(ii) Showing Client 2 his inner office, including a fridge that was stocked with alcohol.

12. At times, Client 2 perceived the former Registrant's conduct during their therapy session to be inappropriate, and it sometimes made her feel uncomfortable.

13. The former Registrant was the one who ended the therapy sessions with Client 2. At their final session on or about November 19, 2021, the former Registrant advised Client 2 that he thought they should finish counselling because he thought she was doing "really well". This information caught Client 2 by surprise because there were more issues that she wanted to explore. To Client 2, the final session felt more like small talk than therapy.

D. Improper and Inappropriate Messages Between and After Sessions

14. The former Registrant frequently texted Client 2 outside of their sessions, both during and after the period during which she attended therapy sessions. The former Registrant first gave Client 2 his phone number for the purpose of letting him know when she had arrived in the building for sessions, but, over time, he began to text her throughout the week and in between sessions. In these text messages, the former Registrant would discuss personal matters, such as his family and his daily affairs. He and Client 2 also exchanged texts about common interests, such as cooking.

15. On or about November 24, 2021, shortly after their last session, the former Registrant and Client 2 exchanged text messages. The former Registrant described a piece of exercise equipment he was planning to build. The exchange included several inappropriate comments and culminated with the former Registrant sending Client 2 a photo of himself with his shirt raised, showing his abdominal muscles and his fly opened, showing his underwear. The text exchange […] includes the following exchange:

SN:4 😳😜🎄⛄❤️😽

Also going to build an ab ladder to that I can maintain my six pack….boom!!! 😂🙃🐴🦊

C2: How mysterious! Is it your daughter? And haha I don't even know what an an [sic] ladder is!

SN: It's basically a ladder that I build out of wood and you hand off the top rung and do leg lifts from it….so it's quite versatile. It works so well that it gives you a six pack!

Nope, it's a friend but she can get handsy….😳😬…haha.

C2: Thanks ab ladder!

[Photo of former Registrant with Shirt Raised and Fly Opened]

16. Some time after Client 2 received the former Registrant's photo of his midriff, Client 2 responded to him with a text message advising that she felt that he had violated her boundaries and no longer wished to continue their friendship. The text exchange […] includes the following exchange:

C2: Hi Nino. I've given this situation some thought and sending any pictures knowing I'm married violates my boundaries, and at the very least, seems unethical as my past therapist. I don't feel comfortable continuing a friendship. I'm grateful for your work with me in therapy.

S1: Hi [Client]. Thank you for taking the time to reflect regarding the idiotic mistake here. I agree completely with you regarding healthy boundaries and still feel horrible that I wasnt [sic] more careful to check what I'd sent. I truly am sorry and there was absolutely no ill intent here.

I respect both you and [name] and your marriage…the character of commitment and loyalty. I would never betray that and am not that person.

I'm grateful to have met you and been able to help you. I know you will do well in life.

[4] SN is Sino Najcler, and C1 is the Client.

Kindly Nino.

[15] The Agreed Statement of Facts in respect of the Second Notice of Hearing also set out the Registrant's admissions of professional misconduct and acknowledgments as to his understanding of the allegations and the consequences of his admissions.

Registrant's Plea

[16] The Registrant admitted to the allegations set out in both Notices of Hearing. The Panel conducted an oral plea inquiry at the hearing. Additionally and as noted, in each Agreed Statement of Facts between the College and the Registrant, the Registrant confirmed in writing his understanding of the nature of the allegations against him, that he is voluntarily admitting to the allegations, and that he understands the consequences of admitting to the misconduct.

[17] The Panel was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

Decision of the Panel

[18] The College bears the onus of proving the allegations against the Registrant on the balance of probabilities, using clear, cogent and convincing evidence.

[19] Having carefully considered that burden and standard of proof, the Registrant's admissions, the evidence contained in the Agreed Statements of Facts, and the submissions of counsel, the Panel found that the Registrant committed the acts of professional misconduct alleged in each Notice of Hearing (with the exception of one allegation in the First Notice of Hering, which was withdrawn).

[20] With respect to allegation (d) in each Notice of Hearing, the Panel found that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

[21] The Panel announced its decision orally on the record at the hearing.

Reasons for Decision

First Notice of Hearing

[22] The College's allegations against the Registrant in the First Notice of Hearing, relating to Client 1, relating to four heads of misconduct in the Professional Misconduct Regulation. These reasons will address each of them in turn.

<u>Allegation (a) – Failing to meet the standards of the profession</u>

[23] The College alleged that the Registrant committed professional misconduct pursuant to s. 2.2 of the Professional Misconduct Regulation by failing to meet several standards of the profession set out in the Handbook. The College met its onus of proving allegation (a).

[24] With respect to Principle I of the Handbook, as commented on in Interpretations 1.5 and 1.6, members of the profession are required to distinguish their own needs and interests from those of their clients to ensure that, within professional relationships, clients' needs and interests remain paramount. The agreed facts establish that the Registrant spent a disproportionate amount of session time with Client 1 discussing himself, disclosed personal information both inside and outside of therapy sessions, engaged on a level of undue familiarity, texted outside of sessions, and made gratuitous comments about her appearance and other comments of a sexual nature. The behaviour represents a failure to maintain the client's interest as paramount, boundary violations, and a conflict of interest, all of which are contrary to Principle I of the Handbook.

[25] Principle II of the Handbook, as commented on in Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3 and 2.2.8, requires social workers to maintain appropriate boundaries in all aspects of professional relationships. That obligation arises from their being in a position of power and responsibility relative to their clients. Boundary violations include sexual misconduct and other misuse and abuse of the member's power. The Registrant failed to ensure Client 1 was protected from an abuse of his power and he failed to establish and maintain clear and appropriate boundaries. Instead, he crossed boundaries on multiple occasions by disclosing personal information inappropriately, making comments of a sexual and vulgar nature. His failure to maintain boundaries put him in a situation where his professional judgment was impaired and he exploited and harmed his client. His conduct reflects negatively on the profession of social work.

[26] Regarding Principle III of the Handbook, commented on in Interpretations 3.2, 3.7 and 3.8, the standards require members to deliver client services in a reasonably manner, to assume full responsibility for demonstrating that the client or former client was not exploited, coerced or manipulated, and to provide services in a manner that conforms to College standards while refraining from providing a service that they know is not likely to benefit the client. The Registrant's inappropriate self-disclosures, sexual and otherwise inappropriate comments and jokes both in-session and by text message, and excessively familiar manner of communication, were not likely to benefit Client 1. As such, he failed to deliver client services in a reasonable manner and provided services that he knew or ought reasonably to have known were not likely to benefit his client.

[27] Finally, the standards in Principle VIII of the Handbook, as commented on in Interpretations 8.1, 8.2.3, 8.4 and 8.6 address sexual misconduct. The College proved that the Registrant failed to meet those standards by not ensuring that sexual misconduct did not occur and instead making remarks and jokes towards Client 1 of a sexual nature of a clinical nature that were not appropriate to the service provided. When Client 2 disclosed to the Registrant that she had developed feelings for him, he failed to respond appropriately by making clear the feelings were inappropriate by virtue of the professional relationship and/or to terminate the relationship.

Allegation (b) – Abusing a client physically, sexually, verbally, psychologically or emotionally, including sexual abuse under s. 43(4)(c) of the *Act*

[28] The College alleged that the Registrant engaged in professional misconduct pursuant to s. 2.5 of the Professional Misconduct Regulation by abusing a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of s. 43(4)(c) of the *Act*.

[29] Subsection 43(4)(c) of the *Act* defines "sexual abuse" of a client by a member of the College to mean:

> (a) sexual intercourse or another form of physical sexual relations between the member and the client,
>
> (b) touching, of a sexual nature, of the client by the member, or
>
> (c) behaviour or remarks of a sexual nature by the member towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided.

[30] The Agreed Statement of Facts in respect of the First Notice of Hearing contains facts amply supporting this allegation. The facts establish that the Registrant made several comments to Client 1 in-session that amount to behaviour or remarks of a sexual nature that were not of a clinical nature appropriate to the services he provided. His interactions included, among other things, unnecessary comments about Client 1's body and clothing, initiating conversations about the Registrant's own romantic or sexual life; amorous, seductive, and romantic remarks; the use of sexually provocative jokes and innuendo; and engaging in discussions about sex not pertinent to the service being provided.

[31] In addition, many of the Registrant's text messages and email communications with Client 1 outside of sessions were flirtatious, and contain express and implied innuendo, including jokes of an overtly sexual nature.

[32] Through this conduct, the Registrant abused Client 1 sexually, verbally, psychologically and/or emotionally, including within the definition of sexual abuse in s. 43(4)(c) of the *Act*.

[33] The College met its burden of proof for allegation (b).

> Allegation (c) – Using information obtained in a professional relationship or professional position of authority to coerce, improperly influence, harass, or exploit the client

[34] The College alleges that the Registrant engaged in professional misconduct under s. 2.6 of the Profession Misconduct Regulation by using information obtained during the professional relationship with Client 1 or using his professional position of authority to coerce, improperly influence, harass or exploit Client 1.

[35] The agreed facts prove that the Registrar used substantial in-session time with Client 1 to disclose person information, as well as to make inappropriate comments, including comments about Client 1's appearance and body, and comments of a sexual nature. Outside of their therapy sessions, he engaged in lengthy communications by text message, including initiating a text message exchange in which he, without any prompting, introduced sexual jokes and innuendo. He sent other text messages that were flirtatious or otherwise inappropriate. The improper interactions progressed to the point where Client 1 developed feeling for the Registrant, which she disclosed to her husband and to the Registrant. It was the client, not the Registrant, who terminated the therapeutic relationship. During one therapy session the Client recounted two scenarios in which men had said inappropriate things to her. After that session, the Registrant showed Client 1 a back

room in his office and some of the items there, including gifts he identified as having been from clients and a cupboard where he kept his alcohol.

[36] The Registrant's conduct, including in its escalation, demonstrated the use of information he obtained during the professional relationship with Client 1, and his profession position of authority to exploit the client.

Allegation (d) – Disgraceful, dishonourable and unprofessional conduct

[37] The College alleges that the Registrant's conduct in respect of Client 1 is conduct relevant to the practice of the profession that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, constituting misconduct under s. 2.36 of the Professional Misconduct Regulation.

[38] The Registrant and the College agreed at the hearing that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

[39] In his interactions with Client 1, the Registrant repeatedly crossed boundaries and the consequences were detrimental to the client. He inappropriately shared information about himself throughout sessions with Client 1 and made comments and jokes of an inappropriate sexual nature. His extensively communications with Client 1 out-of-session by text message included inappropriate vulgar language and jokes with sexual innuendo. Client 1 developed feelings towards the Registrant, which he mismanaged to her detriment.

[40] The Panel is satisfied that the Registrant's conduct with respect to Client 1 not only fell below professional standards—he knew or ought to have known that engaging in boundary violations, sexually abusing the client and using information she disclosed in their sessions, as well as his position of authority, to exploit Client 1, was wrong. The conduct displays moral failing by the Registrant and casts serious doubt on his moral fitness and inherent ability to discharge the higher obligations the public expects social workers to meet. The conduct is rightly described as unprofessional, dishonourable and disgraceful.

Second Notice of Hearing

[41] The allegations against the Registrant in the Second Notice of Hearing, relating to Client 2, relate to the same four heads of professional misconduct with slight differences in certain of the Interpretations of Principles in the Handbook. The Panel's reasons for finding misconduct on these four allegations are as follows.

Allegation (a) – Failing to meet the standards of the profession

[42] The agreed facts show that the Registrant failed to meet the standards of the profession in his conduct relating to Client 2.

[43] During his sessions with Client 2, the Registrant over-shared personal information, including about his health condition, personal "triggers", and romantic life. He failed to adopt a patient-centric approach, and failed to provide client services in a manner conducive to Client 2's benefit, delivering services that were unlikely to assist Client 2's needs. He inappropriate discussed himself and his personal matters for a disproportionate amount of time, engaging in inappropriate and unnecessary self-disclosure.

[44] The Registrant inappropriately complimented Client 2 with suggestive or flirtatious comments, made inappropriate sexualized jokes, and discussed sexual topics that were not of a clinical nature appropriate to the services provided. Outside of therapy sessions, the Registrant texted Client 2 extensively. After their final session, the Registrant and Client 2 engaged in a text exchange that included several inappropriate comments and culminated with the Registrant sending Client 2 a semi-nude photo of himself.

[45] Through this conduct, the Registrant failed to meet the standards of the profession set out in Principle I: Relationship with Clients, as commented on in Interpretations 1.5 and 1.6; Principle II: Competence and Integrity, as commented on in Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8; Principle III: Responsibility to Clients, as commented on in Interpretations 3.2, 3.7 and 3.8; Principle VIII: Sexual Misconduct, as commented on in Interpretations 8.1, 8.2.3, 8.6 and 8.7. Those standards are discussed above and the Panel's comments need not be repeated here except to note that for the purposes of our misconduct findings under allegation (a), it does not matter that the professional relationship between the Registrant and Client 2 had ended before he texted her the photo. Interpretation 8.7 makes clear that sexual relations between College members and clients to whom the members have provided psychotherapy and/or counselling services are prohibited at any time following termination of the professional relationship.

Allegation (b) – Abusing a client physically, sexually, verbally, psychologically or emotionally, including sexual abuse under s. 43(4)(c) of the *Act*

[46] In respect of Client 2, by making remarks of a sexual nature to the client that were not of a clinical nature appropriate to the service provided, the Registrant abused Client 2 sexually, verbally, psychologically or emotionally and sexually abused her within the definition in s. 43(4)(c) of the Act. Many of the comments were flirtatious, and laden with express and implied sexual innuendo. These are acts of sexual abuse.

Allegation (c) – Using information obtained in a professional relationship or professional position of authority to coerce, improperly influence, harass, or exploit the client

[47] The College has proven that the Registrant used his position of professional authority to improperly influence, harass or exploit Client 2, both when she was his client and once she became his former client.

Allegation (d) – Disgraceful, dishonourable and unprofessional conduct

[48] The Registrant admitted and agreed with the College that his conduct with respect to Client 2 was disgraceful, dishonourable and unprofessional. By sexually abusing his client, sending her a semi-nude photo of himself, failing to maintain appropriate boundaries, and abusing Client 2, the Registrant's conduct has the effect of shaming himself and, by extension, the profession. His conduct was completely unacceptable for a social worker

Submissions on Penalty

[49] The College presented to the Panel a Joint Submission on Penalty signed by the Registrant and the College Registrar. The Joint Submission sets out the parties' joint request that the Panel dispose of both Notices of Hearings through a penalty and costs order in the following terms:

1. The former Registrant shall be reprimanded by the Discipline Committee, and the fact and nature of the reprimand shall be recorded on the College's Register.

2. The Registrar shall be directed to revoke the former Registrant's certificate of registration.

3. The findings and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Registrant, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register. Such publication shall include the Undertaking and Acknowledgment of the Registrant, dated April , 2025, which shall be published in the manner described above and posted on the public portion of the Register maintained by the College. The Register shall reflect that the Registrant entered into this Undertaking and Acknowledgment as part of a resolution of Discipline Committee proceedings.

4. The former Registrant shall pay costs to the College in the amount of $5,000.00 to be paid on April 25, 2025.

5. The College and the former Registrant agree that if the Discipline Committee accepts this Joint Submission as to Penalty unconditionally and in full, the order will be effective immediately and there will be no appeal or judicial review of the decision or order to any forum.

[50] The parties filed at the hearing an Undertaking, Agreement and Acknowledgement signed by the Registrant (the "**Undertaking**"). The Undertaking includes, among other terms, the following:

1. Having previously resigned my certificate of registration, which certificate was cancelled effective January 11, 2023, I hereby resign from the College and permanently surrender my certificate of registration.

2. I shall refrain from engaging in the practice of social work or social service work, as defined in the College's Code of Ethics and Standards of Practice and/or use the restricted titles set out in sections 46 and/or 47 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c. 31 (the "***Act***"), and/or hold myself out to the public as a member of the College and/or as qualified to practise as a social worker or social service worker.

3. I shall permanently refrain from re-applying to the College to be registered and/or in any way seek the reinstatement of my certificate of registration.

[51] Both parties made submissions in support of the jointly proposed penalty and costs order.

[52] College counsel argued that the Joint submissions is appropriate and reasonable, and satisfies the College's overarching duty to protect the public. The elements of the proposed penalty serve the objectives of general and specific deterrence and rehabilitation, maintain public confidence in the regulation of the profession, and are proportional to the misconduct and the circumstances of the Registrant.

[53] The reprimand serves as a deterrent by bring home to the Registrant the wrongfulness of his conduct. Revocation of the Registrant's certificate of registration, which the most severe penalty the Discipline Committee can order, is appropriate for general deterrence and to maintain public confidence. The Panel has jurisdiction to revoke the Registrant's certificate even though he has resigned. The order requiring of the Panel's finding and order is consistent with orders in recent cases of the Discipline Committee and is important to maintaining public confidence.

[54] College counsel further argued that the Joint Submission reflects the aggravating and mitigating factors of the case. An aggravating factor is that the Registrant engaged in similar misconduct in two different client relationship, which suggests a general lack of boundaries in the way he approached the practice of social work. Sending the photo to Client 2 was egregious and is also an aggravating factor. The Registrant's admission of misconduct, apparent remorse, and cooperation with the College in arriving at agreed statements of fact and a Joint Submission are mitigating factors.

[55] The Registrant's counsel agreed with the College that the Joint Submission achieves the purpose and objectives of penalty. She emphasized that the Registrant has taken responsibility by resigning from the College and undertaking never to reapply or seek reinstatement.

Penalty Decision

[56] The Panel accepted the parties' Joint Submission and made an order in accordance with its terms, as follows:

1. The Registrant shall be reprimanded electronically or in writing by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.

2. The Registrar is directed to revoke the Registrant's certificate of registration.

3. The period of time during which the Registrant may not apply to the College for a new certificate of registration is fixed at five (5) years from the date of the Discipline Committee's Order.

4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College. The College is permitted to share any of the information that it publishes or that it is entitled to publish about these matters with a body that governs a profession inside or outside Ontario, as deemed appropriate by the College.

5. The Registrant shall pay costs to the College in the amount of five thousand dollars ($5,000) within six (6) months of the Discipline Committee's Order.

Reasons for Penalty Decision

[57] The Panel recognized that the penalty ordered in this case should protect the public, maintain high professional standards, and preserve public confidence in the ability of the College to regulate its members. Those goals are achieved through a penalty that addresses the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Registrant's practice, and that reflects proportionality and the aggravating and mitigating factors int eh case. The Panel considered these principles when reviewing the Joint Submission.

[58] The Panel also recognized that it must accept a joint submission on penalty unless would bring the administration of justice into disrepute or is contrary to the public interest.

[59] Having considered the findings of professional misconduct, the relevant evidence and the submissions of the parties, the Panel was satisfied that the penalty proposed in the Joint Submission achieves the objectives of penalty, provides public protection and maintains high professional standards and public confidence in the profession.

[60] The reprimand operates as a specific deterrent. It enables the Panel to convey directly to the Registrant our disapproval of his misconduct and its impact. The public nature of the reprimand also acts as a general deterrence and provides public transparency and accountability, which promotes public confidence. Publication of the Panel's finding and order also furthers those objectives.

[61] Notwithstanding the Registrant's resignation and undertaking, revocation is an appropriate term of the order in light of the misconduct we found in this case. It conveys to the Registrant and to the public that misconduct of this nature, including sexual abuse, is unacceptable and will be met with appropriately harsh sanctions.

[62] With respect to the issue of costs, the parties' agreement that the Panel order the Registrant to pay costs to the College in the amount of $5,000 within six months is fair and reasonable, and consistent with orders in order one-day uncontested hearings before this Discipline Committee.

[63] In short, the Panel saw no reason to depart from the Joint Submission.

[64] The reprimand ordered by the Panel was delivered orally after the conclusion of the hearing.

I, Sandra Sidsworth, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: October 8, 2025

Signed: _____

Sandra Sidsworth, Chair
Candice Snake
Nicole Bonnie