



Ontario College of
Social Workers and
Social Service Workers

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

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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

This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on April 3, 2018 at the Ontario College of Social Workers and Social Service Workers (the “**College**”). JoAnn Lee (the “**Member**”) attended the hearing by teleconference.

This hearing involved a motion to stay a proceeding before the Discipline Committee in respect of certain allegations of professional misconduct, on the basis of an Undertaking, Agreement &

Acknowledgement given by the Member, as described below. After hearing from the parties, the Panel made an order staying the proceeding. The following are the Panel's reasons for that order.

The Allegations

In the Notice of Hearing dated February 22, 2017, the Member is alleged to be guilty of professional misconduct pursuant to subsection 26(2) of the *Social Work and Social Service Work Act* (the "**Act**") in that she 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 allegations set out in the Notice of Hearing and the particulars of those allegations are as follows.

1. Now, and 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**").
2. On or about February 27, 1989, you commenced employment as a social worker with the [Facility]. You remained employed in that capacity until December 15, 2008 when the [Facility] divested to become the [Centre]. As an employee of the [Facility] and then the Centre, you held the role of social worker in Outpatient Services.
3. On or around November 29, 2015, you voluntarily retired from the Centre.
4. While employed at the [Facility], you provided counselling services to the [Client] on approximately three occasions in or around December 1989.
5. Your therapeutic relationship with the Client terminated after you referred her to another counselor.
6. In or around September 1990, you encountered the Client again when she was residing with your spouse's family on a temporary basis.
7. After your encounter with the Client in September 1990, you and the Client had an "on again off again" friendship that lasted for approximately 25 years, until in or around the summer of 2016.
8. Through your friendship with the Client, the Client met [Client B] (another client of yours with whom it is alleged that you were in a personal and/or sexual relationship, and who had made a previous complaint to the College) on a number of occasions.

9. During the course of the College's investigation into [Client B's] complaint, you:
 - (a) Shared [Client B's] client file and/or other confidential information and documentation regarding [Client B] with the Client;
 - (b) pressured the Client and/or offered her money to write a letter in support of your defence to the allegations arising from [Client B's] complaint;
 - (c) pressured the Client to make untrue and/or misleading statements in the letter of support, including that you and [Client B] did not have a personal and/or sexual relationship;
 - (d) threatened the Client, directly or indirectly, when she declined to permit the letter of support to be sent to the College;
 - (e) told the Client that you gave your sister money in exchange for her sending a letter to the College, falsely stating that she (and not you) had a personal, intimate and/or sexual relationship with [Client B].
 - (f) told the Client that you hired a vocal coach to modify your voice in order to defend against information provided by [Client B] to the College in support of the complaint; and,
 - (g) It is alleged that you engaged in the conduct identified at paragraphs 9(e) and (f), namely that you gave your sister money in exchange for her sending a false and/or misleading letter to the College in response to its investigation, and that you hired a vocal coach to assist you in modifying your voice in order to mislead the College regarding information supplied by [Client B] to the College.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:

- (a) In that you violated **Sections 2.2 and 2.6 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2.1, 2.2.3, 2.2.5 and 2.2.8)** by engaging in situations in which you ought reasonably to have known that the client or former client would be at risk; by using your professional position of authority, to coerce, improperly influence, harass, abuse or exploit your client and/or former client; by failing, when a complaint investigation was underway, to conduct yourself in a manner which demonstrates respect for both the complainant and the College; and by engaging in conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
- (b) In that you violated **Sections 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.7)** by failing to assume full responsibility for demonstrating that your client or former client has not been exploited,

coerced or manipulated, intentionally or unintentionally, where a personal relationship occurs with the client or former client;

- (c) In that you violated **Section 2.2 and 2.11 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretations 5.1 and 5.3)** by failing to comply with applicable privacy and other legislation, and by failing to obtain consent to the collection, use or disclosure of client information, including personal information, without it being permitted or required by law; and by disclosing information concerning or received from your client; and
- (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 and/or unprofessional.

The Motion

The College brought a motion, supported by the Member, for the following order:

1. An order staying the proceedings against the Member; and,
2. An order directing the Registrar to note on the public register:
 - a. a summary of the allegations set out in the Notice of Hearing dated February 22, 2017;
 - b. a summary of the within motion and the Discipline Committee's decision;
 - c. a notation that the allegations have been permanently stayed as part of a resolution of Discipline Committee proceedings; and,
 - d. the contents of the Undertaking, Agreement & Acknowledgement.

The Undertaking, Agreement & Acknowledgement was signed by the Member on March 26, 2018. It provides as follows:

WHEREAS I have been a member of the College as a social worker with a Certificate of Registration, No. 321090;

AND WHEREAS the Complaints Committee of the College referred allegations of professional misconduct against me to the Discipline Committee, which allegations are contained in the Notices of Hearing dated September 12, 2016 and February 22, 2017;

AND WHEREAS I did not attend the hearing on November 23, 2017;

AND WHEREAS in a decision dated February 23, 2018, the Discipline Committee found that I committed acts of professional misconduct in relation to the Notice of Hearing dated September 12, 2016;

AND WHEREAS the College and I have entered into a Joint Submission as to Order relating to the findings of professional misconduct emanating from the Notice of Hearing dated September 12, 2016;

AND WHEREAS I have advised the College that I have retired from practice and intend to resign my membership in the College;

AND WHEREAS I am prepared to relinquish my membership with the College, surrender my Certificate of Registration and cease to practise as a social worker in Ontario and/or engage in activities within the scope of practice of the profession of social work in Ontario, as defined in the current Code of Ethics and Standards of Practice Handbook of the College, now and in the future;

NOW THEREFORE, I, JoAnn Lee, undertake that:

1. I hereby resign permanently as a member of the College, and surrender irrevocably my Certificate of Registration, effective April 3, 2018.

2. Following my resignation on April 3, 2018, I will not practise as a social worker in Ontario and/or engage in activities within the scope of practice of the profession of social work in Ontario, as defined in the current *Code of Ethics and Standards of Practice Handbook* of the College, now or in the future;.

AND NOW THEREFORE, I also confirm, agree and acknowledge that:

3. I will not be entitled in the future to seek membership in the College after having resigned permanently from membership in the College and having irrevocably surrendered my Certificate of Registration pursuant to the Undertaking, Agreement & Acknowledgement above.

4. I will no longer:

- (a) use the English title “social worker” or “registered social worker” or the French title “travailleur social” or “travailleur social inscrit” or an abbreviation of any of those titles to represent expressly or by implication that I am a social worker or registered social worker;
- (b) represent or hold out expressly or by implication that I am a social worker or a registered social worker; and/or
- (c) engage in the practice of social work in any capacity in the Province of Ontario.

5. The College will seek an order by the Discipline Committee, with my consent, directing that the contents of this Undertaking, Agreement & Acknowledgement shall be included on the public portion of the Register maintained by the College and that the Register shall reflect that I entered into this Undertaking,

Agreement & Acknowledgement as part of a resolution of Discipline Committee proceedings.

6. I acknowledge that the College is authorized to provide information regarding this Undertaking, Agreement & Acknowledgement in response to any inquiries it receives from any authority that regulates the practice of social work in any other jurisdiction.

7. I understand and agree that if I breach or fail to comply with any of the terms of this Undertaking, Agreement & Acknowledgement, information relating to the breach or failure to comply will be brought to the attention of the Registrar, who has the authority to initiate an investigation into the breach or failure to comply. The results of the investigation, if undertaken, would be presented to the Executive Committee, which has the authority to take various actions, up to and including referring specified allegations of professional misconduct to the Discipline Committee. The College may also take any other legal action against me that it deems appropriate.

8. I fully understand the terms of this Undertaking, Agreement & Acknowledgement.

I am entering into this Undertaking, Agreement & Acknowledgement voluntarily and without compulsion or duress. I have been encouraged to seek legal advice, have had ample opportunity to consult with legal counsel and have obtained legal advice from Philip Abbink of the law firm Cavalluzzo LLP regarding the discipline proceeding, the terms of this Undertaking, Agreement & Acknowledgement, and any other related legal issues, prior to executing this Undertaking, Agreement & Acknowledgement.

Panel's Decision on the Motion

The Panel decided to grant the motion, and made the following Orders:

1. An order staying the proceedings against the Member; and,
2. An order directing the Registrar to note on the public register:
 - a. a summary of the allegations set out in the Notice of Hearing dated February 22, 2017;
 - b. a summary of the within motion and the Discipline Committee's decision;
 - c. a notation that the allegations have been permanently stayed as part of a resolution of Discipline Committee proceedings; and,
 - d. the contents of the Undertaking, Agreement & Acknowledgement.

Reasons for Decision

The Undertaking entered into provides for the permanent resignation of Ms. Lee and the surrender of her Certificate of Resignation. The stay of proceedings is in the public interest as the member has already been found to have committed professional misconduct in a previous matter that was dealt with by this Panel, in which she agreed to the revocation of her certificate of registration. Additionally, the publication of a summary of these allegations and notation on the public register that the allegations have been permanently stayed serves the public interest in demonstrating the transparency of the College’s discipline process. Public protection is served as Ms. Lee has agreed to no longer practice social work in Ontario and to never reapply for registration to the College.

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