

**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 Joseph Pinckney, 2023 ONCSWSSW 6

Decision date: 2023/09/12

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

JOSEPH PINCKNEY

PANEL:	Charlene Crews	Chair, Professional Member
	Rita Silverthorn	Professional Member
	Carrie McEachran	Public Member

Appearances: Benjamin Kates, counsel for the College
No one appearing for the Registrant
Andrea Gonsalves, Independent Legal Counsel to the Discipline Committee Panel

Heard: April 14, 2023

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing 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 14, 2023.

[2] Joseph Pinckney (the “**Registrant**”) was neither present nor represented at the hearing. College counsel called evidence to establish that the Registrant had been served with the two Notices of Hearing and advised of the hearing date. The evidence presented by the College also indicated that the Registrant had entered into an agreement with the College on the facts and a joint submission on penalty, but that he did not wish to attend the hearing. The Panel accepted that the Registrant was properly served with the Notices of Hearing and had adequate notice of the nature of the allegations and of the time, date, place and nature of the hearing. In particular, College

counsel presented evidence, including four affidavits of service, showing that in March 2020 the Registrant was served with Notices of Hearing via both express post mail and email, as well as through the Registrant's counsel at the time. Efforts were also made to contact the Registrant by telephone, and College representatives left voice messages advising him of the hearing dates.

[3] The Panel was satisfied on the evidence presented that the notice requirements in the *Statutory Powers Procedure Act*, RSO 1990, c S.22, as well as the requirements regarding the manner of service in the College Discipline Committee's Rules of Procedure, were complied with. The Panel therefore decided to proceed with the hearing in the Registrant's absence.

Publication Ban

[4] 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 [redacted] C1, [redacted] C2, [redacted] C3, and [redacted] C4 to be publicly identifiable. 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 identified as C1, C2, C3, and C4 and, as such, involve the disclosure of highly sensitive personal information about those individuals.

[5] The Panel was satisfied that the order sought 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—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 C1, C2, C3 and C4, 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

[6] This hearing concerned two Notices of Hearing. The first Notice of Hearing is dated January 27, 2022 (the "**First Notice of Hearing**"). The second Notice of Hearing is dated August 4, 2022 (the "**Second Notice of Hearing**"). Both Notices of Hearing were subsequently updated to provide the hearing date but were not changed otherwise. 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 College tendered written confirmation of the parties' consent to combine the hearings, signed by both Mr. Pinckney and the College Registrar.

[7] The two Notices of Hearing both involve the same Registrant, Mr. Pinckney, and they involve similar questions of fact and similar allegations of professional misconduct. Although the two proceedings relate to different clients, there are similarities in the alleged misconduct. 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 would relate to 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. 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

[8] 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**”).¹ The details of the allegations in each Notice of Hearing are discussed below.

[9] As noted, the Registrant was not present or represented at the hearing. However, the College presented two Agreed Statements of Facts signed by the Registrant—one for each Notice of Hearing—in which he admits that by reason of engaging in the conduct outline in each Agreed Statement of Facts, he is guilty of professional misconduct as alleged in the corresponding Notice of Hearing. The signed Agreed Statements of Facts also express the Registrant’s understanding as to the nature of the allegations made against him; that by voluntarily admitting to the allegations, he waives the right to require the College to otherwise prove the case against him; that the Committee can accept that the facts to which he agreed constitute professional misconduct; and that any agreement between him and the College does not bind the Committee.

[10] The College presented evidence that the Registrant had signed the Agreed Statements of Facts and that he was not contesting the allegations made against him.

[11] The Panel accepted the Agreed Statements of Facts and admitted them into evidence.

The First Notice of Hearing – Allegations and Evidence

[12] The allegations in the First 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**”). At all relevant times, you provided social work services to clients through your employment at [redacted] (the “**Facility**”).

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008, by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

ALLEGATIONS IN RESPECT OF C1

2. Between in or about December 2017 and November 2020, you provided social work services to C1. The services you provided to C1 included counselling services.
3. C1 disclosed that she had a drug addiction, a history of sexual abuse, and past suicidal ideation.
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) Redirecting the conversation to yourself instead of issues raised by C1;
 - (c) Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:
 - (i) Providing details of your marriage and your marital problems;
 - (ii) Stating that you and your wife were splitting up;
 - (iii) Discussing your immediate and extended family and/or planned get-togethers or activities you would do with family and your children;
 - (iv) Stating that you were single;
 - (v) Stating that you had purchased the home from your wife;
 - (vi) Stating that you had a previous workplace injury and/or an injured back;
 - (vii) Discussing your hunting and/or ice fishing experience, and/or your plans to engage in these activities; and/or
 - (viii) Discussing your plans to have a beer.
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. As a result, C1 did not feel that her concerns were being properly addressed.
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) Looked up C1's phone number and began sending her text messages;

- (b) Added C1 as a “friend” on Facebook and exchanged messages with her via Facebook Messenger
 - (c) Sent C1 messages in the evening, late at night and/or in the early hours of the morning;
 - (d) Sent C1 messages that were personal, flirtatious, and/or unprofessional, including but not limited to by:
 - (i) Offering to go to C1’s home to conduct a counselling session;
 - (ii) Asking C1 if she was “still using” and, when she indicated she was, asking if she would let you watch her use methamphetamine so that you could see the effect it had on her;
 - (iii) Stating that C1 allowing you to watch her use methamphetamine would give you a better understanding of what it did and would make you a better social worker/counsellor;
 - (iv) Saying that you would pay for the methamphetamine if C1 let you watch her take it;
 - (v) Inviting C1 to drive to your home and indicating that if she did, you would give her money for methamphetamine, gas, and her time, and/or offering to go to C1’s house to give her money for drugs;
 - (vi) Offering to bring C1 to your house and to give her some cocaine from your neighbour;
 - (vii) Stating that you were looking for someone to do some light housekeeping and asking C1 if she would be interested;
 - (viii) Informing C1 that you were and/or had been attracted to her, that she was a “lovely woman”, and/or that you were hoping she would be interested in you after you separated from your wife;
 - (e) Told C1 that she was a “beautiful woman”;
 - (f) Told C1 that you were going to be in her town and offering to drop by her house;
 - (g) Gave C1 money for gas; and/or
 - (h) Messaged C1 while you were under the influence of alcohol and/or drugs, and/or informed her that you had been drinking.
7. When C1 told you that she was feeling uncomfortable and was considering getting another counsellor, you repeatedly messaged C1 and attempted to encourage, coerce, and/or bribe her in exchange for her not reporting your behaviour to the Facility and/or the College, including but not limited to by:
- (a) Asking if C1 was planning on ruining your career;

- (b) Offering to give her a birthday gift of \$100 with “no strings attached”;
 - (c) Asking to have a conversation with C1 before she did anything;
 - (d) Stating that you had children and that if C1 did not report you, you would compensate her for your inappropriate actions and any harm you had caused;
 - (e) Offering to pay for her to see another therapist or for a drug treatment program of C1’s choice if she did not report you;
 - (f) Repeatedly suggesting that you and C1 come to a mutual and beneficial agreement wherein you would give her money to pay off her debt in exchange for her agreement not to report your conduct and her deleting the messages between you; and/or
 - (g) Stating that C1 had you “by the balls” and that you would do “just about anything” for her silence.
8. C1 seriously considered your offer in light of her significant debt, but ultimately reported your conduct to the Facility.
9. When your superior(s) at the Facility spoke with you following C1’s report, you attempted to paint C1 as someone who wanted money, was trying to blackmail you, and/or was trying to ruin your career.
10. When your superior(s) confronted you about C1’s allegations, you initially denied them. Only after your superior(s) informed you that they had proof of your conduct did you admit to it.
11. The Facility ultimately terminated your employment because of your conduct in respect of C1

ALLEGATIONS IN RESPECT OF C2

12. C2 began receiving counselling services from you in or about the spring of 2018. She sought counselling for anxiety/depression and for grief relating to the death of her partner. C2 disclosed that she had been sexually abused as a child.
13. During one of C2’s early sessions, you provided her with your personal phone number and told her that she could text you any time.
14. 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) Redirecting the conversation to yourself instead of issues raised by C2;

- (c) Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:
 - (i) Providing details of your marriage and/or your marital problems;
 - (ii) Stating that you had never met a woman who met all your needs;
 - (iii) Discussing your immediate and extended family and/or planned get-togethers or activities you would do with family and your children;
 - (iv) Stating that your house was being redone;
 - (v) Discussing your back injury; and/or
 - (vi) Discussing your hunting and/or ice fishing experience, and/or your plans to engage in these activities.

- 15. By virtue of the conduct described in paragraph 14 above, you failed to appropriately focus on the issues for which C2 was seeking counselling. As a result, C2 did not feel that her concerns were being properly addressed, felt like she was having coffee with a friend, and/or felt like she was counselling you more than you were counselling her.

- 16. 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) Offered to try to find her a bicycle and/or to fix up a bicycle for her;
 - (b) Offered to help C2 move into a new residence;
 - (c) Offered to take C2 out for fish and chips on her birthday and/or indicated that you had taken other clients out for their birthdays, for dinner, or for coffee;
 - (d) Sent C2 text messages late in the evening/night and/or in the early hours of the morning that were personal and/or unprofessional;
 - (e) On or about April 10, 2020, engaged in a text message exchange in which you made comments including but not limited to:
 - (i) That you had feelings for C2;
 - (ii) That you found C2 attractive in many ways;
 - (iii) That maybe you and C2 should explore a relationship;
 - (iv) That you were not supposed to engage in a relationship with a client but that you wouldn't tell if she wouldn't;
 - (v) That you loved that C2 did not wear a bra and expressing that you loved and/or enjoyed breasts;

- (vi) Asking C2 about her sexual preferences and/or disclosing information about your sexual preferences;
 - (vii) That sex could be great with the right person, and asking C2 if she agreed;
 - (viii) That you had a lot of things on your “fuck bucket list” that you wanted to experience;
 - (ix) That you were thinking about running your hands up and down C2’s body;
 - (x) Asking C2 if she was aroused and/or asking her to describe how badly she “wanted” you;
 - (xi) In response to C2’s statement that the two of you should stop for the night, asking her if she really wanted you to stop or if she wanted you to come over; and/or
 - (xii) Sending C2 a picture of your erect penis.
17. After the text message exchange that occurred on or about April 10, 2020, C2 asked you to refer her to another counsellor.
18. You encouraged C2 not to report your behaviour by asking her to keep your text messages between the two of you, and told her that you could lose your job.

ALLEGATIONS IN RESPECT OF C3

19. C3 received counselling services from you between approximately February 2018 and November 2020. She was seeking counselling for various concerns, including but not limited to her involvement with a Children’s Aid Society and an abusive relationship.
20. C3 disclosed to you that she had been a prostitute in the past, that she had been sexually abused as a child and teenager, and that she had been diagnosed with bipolar disorder and borderline personality disorder.
21. During the period when C3 was seeing you for counselling services, you violated professional boundaries and/or sexually abused C3 including but not limited to by:
- (a) Engaging in a romantic and sexual relationship with C3 that included sexual intercourse;
 - (b) Dropping off food and clothes for C3 and/or her children; and/or
 - (c) Conducting your counselling sessions with C3 as if they were social interactions instead of a counselling relationship, which resulted in C3’s sessions not being used effectively to focus on the issues for which she was seeking counselling.

22. Your conduct caused C3 to fall in love with you and to believe that you were going to be in a relationship with her after you left your wife. However, you subsequently informed her that this was not going to happen because she had multiple children.
23. After your employment with [the Facility] was terminated, you continued to have contact with C3.
24. C3 was hurt and upset by your conduct, including by her discovery that you were involved with other women.

ALLEGATIONS IN RESPECT OF C4

25. C4 received counselling services from you from in or about February 2018 to in or about November 2020.
26. During your sessions with C4, you discussed yourself, your life, and/or your issues in a manner that you knew or ought reasonably to have known would not benefit C4, 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) Redirecting the conversation to yourself instead of issues raised by C4;
 - (c) Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:
 - (i) Discussing your dog, your immediate and extended family and/or planned get-togethers or activities you would do with family and your children;
 - (ii) Discussing hunting with your family; and/or
 - (iii) Discussing the fact that you had to miss Thanksgiving.
27. By virtue of the conduct described in paragraph 26 above, you failed to appropriately focus on the issues for which C4 was seeking counselling. As a result, C4 felt uncomfortable and/or that her concerns were not being properly addressed.
28. C4 also learned of your sexual relationship with C3 This caused C4 to experience trust issues.

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 **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 failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients; and by 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 are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;
 - (B) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client would be at risk;
 - (C) engaging in a sexual relationship with a client;
 - (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;
 - (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 and/or respond to client queries, concerns, and/or complaints in a timely and reasonable manner;
 - (B) failing to assume full responsibility for demonstrating that a 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, 8.2.1, 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 sexual intercourse or another form of physical sexual relations with a client;

- (C) 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;
 - (D) engaging with sexual relations with a client at the time of referral, assessment, counselling, psychotherapy, or other professional services;
 - (E) engaging in sexual relations with a 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) 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;
 - (d) In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws; and/or
 - (e) 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.

[13] The Agreed Statement of Facts relating to the First Notice of Hearing (marked as Exhibit 7), provides in relevant part as follows:

BACKGROUND

1. At all relevant times, Joseph G. Pinckney (the “**Member**”) was a registered social worker registered with the Ontario College of Social Workers and Social Service Workers (the “**College**”). At all relevant times, he provided social work services to clients through his employment at [redacted] (the “**Facility**”).

ALLEGATIONS IN RESPECT OF C1

2. Between December 2017 and November 2020, the Member provided social work services to C1. The services he provided to C1 included counselling services.
3. C1 disclosed that she had a drug addiction, a history of sexual abuse, and past suicidal ideation.
4. During the Member’s sessions with C1, the Member discussed himself, his life, and his own issues in a manner that he knew or ought reasonably to have known would not benefit C1, amounted to ineffective and/or improper counselling, and that violated professional boundaries, including by:

- (a) Discussing himself and his own personal matters for a disproportionate amount of time (by C1's estimate, the Member spent approximately 30% of the sessions talking about himself);
 - (b) Redirecting the conversation to himself instead of issues raised by C1;
 - (c) Engaging in inappropriate and/or unnecessary self-disclosure, including:
 - (i) Providing details of his marriage and marital problems;
 - (ii) Stating that he and his wife were splitting up;
 - (iii) Discussing his immediate and extended family and planned get-togethers with them, as well as activities he planned to do with his family and children;
 - (iv) Stating that he was single;
 - (v) Stating that he had purchased the home from his wife;
 - (vi) Stating that he had a previous workplace injury that resulted in an injured back;
 - (vii) Discussing his hunting and ice fishing experience, and his plans to further engage in these activities; and
 - (viii) Discussing his plans to have a beer.
5. The Member acknowledges that by virtue of the conduct described in paragraph 4 above, he failed to appropriately focus on the issues for which C1 was seeking counselling. As a result, C1 did not feel that her concerns were being properly addressed.
6. During the period when C1 was the Member's client, the Member engaged in inappropriate communication, violated professional boundaries and 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, the Member:
- (a) Looked up C1's phone number and began sending her text messages;
 - (b) Added C1 as a "friend" on Facebook and exchanged messages with her via Facebook Messenger
 - (c) Sent C1 messages in the evening, late at night and/or in the early hours of the morning;
 - (d) Sent C1 messages that were personal, flirtatious, and/or unprofessional, including by:
 - (i) Repeatedly offering to go to C1's home to conduct a counselling session (despite the fact that the Facility was offering virtual counselling sessions during the COVID-19 pandemic);

- (ii) Asking C1 if she was “still using” and, when she indicated she was, asking if she would let the Member watch her use methamphetamine so that he could see the effect it had on her;
 - (iii) Stating that C1 allowing him to watch her use methamphetamine would give the Member a better understanding of what it did and would make him a better social worker/counsellor;
 - (iv) Saying that the Member would pay for the methamphetamine if C1 let him watch her take it;
 - (v) Inviting C1 to drive to the Member’s home and indicating that if she did, he would give her money for methamphetamine, gas, and her time, and/or offering to go to C1’s house to give her money for drugs;
 - (vi) Offering to bring C1 to the Member’s house and to give her some cocaine from the Member’s neighbor;
 - (vii) Stating that the Member was looking for someone to do some light housekeeping and asking C1 if she would be interested;
 - (viii) Informing C1 that the Member was attracted to her and had felt that way for a long time, that she was a “lovely woman”, and that he was hoping she would be interested in the Member after he separated from his wife;
 - (ix) Told C1 that she was a “beautiful woman”;
 - (e) Told C1 that the Member was going to be in her town and offering to drop by her house;
 - (f) Gave C1 money for gas; and
 - (g) Messaged C1 while the Member was under the influence of alcohol and/or drugs, and informed her that he had been drinking.
7. When C1 told the Member that she was feeling uncomfortable and was considering getting another counsellor, the Member repeatedly messaged C1 and attempted to encourage, coerce, and bribe her in exchange for her not reporting the Member’s behaviour to the Facility and/or the College, including by:
- (a) Asking if C1 was planning on ruining the Member’s career;
 - (b) Offering to give her a birthday gift of \$100 with “no strings attached”;
 - (c) Asking to have a conversation with C1 before she did anything;
 - (d) Asking if she was going to report him and stating that he was sure there was something he could do for her;

- (e) Stating that the Member had children and that if C1 did not report him, the Member would compensate her for his inappropriate actions and any harm he had caused;
 - (f) Offering to pay for her to see another therapist or for a drug treatment program of C1's choice if she did not report the Member;
 - (g) Repeatedly suggesting that the Member and C1 come to a "mutual and beneficial agreement" wherein the Member would give C1 money to pay off her debt in exchange for her agreement not to report the Member's conduct and her deleting the messages between the two of them; and
 - (h) Stating that C1 had him "by the balls" and that he would do "just about anything" for her silence.
8. In total, the Member offered to pay off \$10,000 of C1's debt if she did not report him to the Facility and/or the College. He informed her that she could have as long as she wanted to think about his offer, as long as she deleted all their communications when she felt he had satisfied his end of any agreement they entered into.
9. C1 seriously considered the Member's offer in light of her significant debt, but ultimately reported his conduct to the Facility.
10. When the Member's superior at the Facility spoke with him following C1's report, he attempted to paint C1 as a liar who wanted money, was trying to blackmail him, and was trying to ruin his career.
11. When the Member's superior confronted him about C1's allegations, he initially denied them. Only after his superior informed him that they had proof of his conduct did the Member admit to it.
12. The Facility ultimately terminated the Member's employment because of his conduct in respect of C1 and reported his conduct to the College.

ALLEGATIONS IN RESPECT OF C2

13. C2 began receiving counselling services from the Member in or about the spring of 2018. She sought counselling for anxiety/depression and for grief relating to the death of her partner. C2 disclosed that she had been sexually abused as a child.
14. During one of C2's early sessions, the Member provided her with his personal phone number and told her that she could text him any time.
15. During the Member's sessions with C2, he discussed himself, his life, and his issues in a manner that he knew or ought reasonably to have known would not benefit C2, amounted to ineffective and/or improper counselling, and that violated professional boundaries, including by:
- (a) Discussing himself and/or his own personal matters for a disproportionate amount of time;

- (b) Redirecting the conversation to himself instead of issues raised by C2;
 - (c) Engaging in inappropriate and unnecessary self-disclosure, including the following:
 - (i) Providing details of his marriage and his marital problems;
 - (ii) Stating that he had never met a woman who met all his needs;
 - (iii) Discussing his immediate and extended family, planned get-togethers with them, and activities he would do with his family and children;
 - (iv) Stating that his house was being redone;
 - (v) Discussing his back injury; and
 - (vi) Discussing his hunting and ice fishing experience and his plans to engage in these activities.
16. By virtue of the conduct described in paragraph 15 above, the Member failed to appropriately focus on the issues for which C2 was seeking counselling. As a result, C2 did not feel that her concerns were being properly addressed, felt like she was having coffee with a friend, and felt like she was counselling the Member more than he was counselling her.
17. During the period when C2 was the Member's client, the Member engaged in inappropriate communication, violated professional boundaries and 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, the Member:
- (a) Offered to try to find her a bicycle or to fix up a bicycle for her;
 - (b) Offered to help C2 move into a new residence;
 - (c) Offered to take C2 out for fish and chips on her birthday and indicated that he had taken other clients out for their birthdays, for dinner, or for coffee;
 - (d) Sent C2 text messages late in the evening/night and/or in the early hours of the morning that were personal and unprofessional;
 - (e) On April 10, 2020, engaged in a text message exchange in which the Member made comments including:
 - (i) That he had feelings for C2;
 - (ii) That he found C2 attractive in many ways;
 - (iii) That he and C2 should explore a relationship;

- (iv) That he was not supposed to engage in a relationship with a client but that he wouldn't tell if she wouldn't;
 - (v) That he loved that C2 did not wear a bra and that he loved and enjoyed breasts;
 - (vi) Asking C2 about her sexual preferences and disclosing information about the Member's own sexual preferences;
 - (vii) That sex could be great with the right person, and asking C2 if she agreed;
 - (viii) That he had a lot of things on his "fuck bucket list" that he wanted to experience;
 - (ix) That he was thinking about running his hands up and down C2's body;
 - (x) Asking C2 if she was aroused and asking her to describe how badly she "wanted" the Member;
 - (xi) In response to C2's statement that the two of them should stop for the night, asking her if she really wanted the Member to stop or if she wanted him to come over; and/or
 - (xii) Sending C2 a picture of his erect penis.
18. After the April 10, 2020 text message exchange, C2 asked the Member to refer her to another counsellor.
19. The Member encouraged C2 not to report his behaviour by asking her to keep their text messages between the two of them, and told her that he could lose his job.
20. C2 ultimately disclosed the Member's conduct to the Facility on December 16, 2020, after learning that the Member's employment had been terminated. Her new counsellor at the Facility reported the Member's conduct to the College on January 5, 2021.

ALLEGATIONS IN RESPECT OF C3

21. C3 received counselling services from the Member between February 2018 and November 2020. She was seeking counselling for various concerns, including her involvement with a Children's Aid Society and an abusive relationship.
22. C3 disclosed to the Member that she had been a prostitute in the past, that she had been sexually abused as a child and teenager, and that she had been diagnosed with bipolar disorder and borderline personality disorder.
23. During the period when C3 was seeing the Member for counselling services, he violated professional boundaries and sexually abused C3 including by:

- (a) Engaging in a romantic and sexual relationship with C3 that included sexual intercourse;
 - (b) Dropping off food and clothes for C3 and her children; and
 - (c) Conducting his counselling sessions with C3 as if they were social interactions instead of a counselling relationship, which resulted in C3's sessions not being used effectively to focus on the issues for which she was seeking counselling.
24. The Member's conduct caused C3 to fall in love with him and to believe that he was going to be in a relationship with her after he left his wife. However, the Member subsequently informed her that this was not going to happen because she had multiple children.
25. After the Member's employment with [the Facility] was terminated, he continued to have contact with C3
26. C3 was hurt and upset by the Member's conduct, including by her discovery that he was involved with other women.

ALLEGATIONS IN RESPECT OF C4

27. C4 received counselling services from the Member from February 2018 to November 2020.
28. During the Member's sessions with C4, he discussed himself, his life, and his issues in a manner that he knew or ought reasonably to have known would not benefit C4, amounted to ineffective and/or improper counselling, and/or that violated professional boundaries, including by:
- (a) Discussing himself and his own personal matters for a disproportionate amount of time (by C4's estimate, approximately 50% of the time in her sessions was spent discussing the Member's life);
 - (b) Redirecting the conversation to himself instead of issues raised by C4;
 - (c) Engaging in inappropriate and unnecessary self-disclosure, including the following:
 - (i) Discussing his dog, his immediate and extended family, planned get-togethers, and activities he would do with his family and children;
 - (ii) Discussing hunting with his family; and
 - (iii) Discussing the fact that he had to miss Thanksgiving.
29. By virtue of the conduct described in paragraph 27 above, the Member failed to appropriately focus on the issues for which C4 was seeking counselling. As a result, C4 felt uncomfortable and that her concerns were not being properly addressed.

30. In March 2020, C4 learned of the Member's sexual relationship with C3. This caused C4 to experience trust issues.

APPLICABLE STANDARDS OF PRACTICE

31. The College's *Code of Ethics and Standards of Practice Handbook* (the "**Handbook**") sets out the standards that applied to the Member's conduct. These standards include the requirement that members:
- (a) Are aware of their own values, attitudes and needs and how these impact on their professional relationships with clients (Interpretation 1.5)
 - (b) Distinguish their own needs and interests from those of clients to ensure that, within professional relationships, clients' needs and interests remain paramount (Interpretation 1.6)
 - (c) Establish and maintain clear and appropriate boundaries in professional relationships and take steps to ensure that clients are protected from abuses of power during and after professional relationships (Interpretation 2.2);
 - (d) Avoid professional relationships that constitute a conflict of interest or in situations in which members ought reasonably to know that the client would be at risk in any way. To do so, members must:
 - (i) evaluate professional relationships and other situations involving clients for potential conflicts of interest and seek consultation to identify and deal with potential conflicts of interest;
 - (ii) avoid conflicts of interest and dual relationships with clients that could impair members' professional judgment or increase the risk of exploitation or harm to clients; and
 - (iii) if a conflict of interest situation arises, declaring the conflict and taking appropriate steps to address and eliminate it (Interpretation 2.2.1);
 - (e) Avoid sexual relationships with clients (Interpretation 2.2.2);
 - (f) Avoid using information obtained in the course of a professional relationship or their professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client (Interpretation 2.2.3);
 - (g) Avoid conduct that could reasonably be seen as reflecting negatively on the profession of social work (Interpretation 2.2.8);
 - (h) Deliver client services and respond to clients queries, concerns, and complaints in a timely and reasonable manner (Interpretation 3.2);
 - (i) Assume full responsibility for demonstrating that clients and former clients have not been exploited, coerced, or manipulated, intentionally or unintentionally (Interpretation 3.7);

- (j) Provide services in a manner that conforms to College standards and avoid providing services and/or products that the member knows or ought reasonably to know is not likely to benefit the client (Interpretation 3.8);
 - (k) Maintain sole responsibility for ensuring sexual misconduct does not occur (Interpretation 8.1);
 - (l) Avoid engaging in sexual intercourse or another form of physical sexual relations with a client (Interpretation 8.2.1);
 - (m) Avoid engaging in behaviour or remarks of a sexual nature toward a client, other than behaviour or remarks of a clinical nature appropriate to the service provided (Interpretation 8.2.3);
 - (n) Avoid engaging in sexual relations with a client at the time of referral, assessment, counselling, psychotherapy, or other professional services (Interpretation 8.6); and
 - (o) Avoid engaging in sexual relations with a client to whom the member has provided psychotherapy and/or counselling (Interpretation 8.7).
32. The Member acknowledges that the conduct set out in paragraphs 2-30, above, did not abide by these standards. In particular:
- (a) The Member prioritized his own needs above the needs of his clients by violating professional boundaries and engaging in behaviour or remarks of a sexual nature and/or sexual intercourse with clients and, when clients confronted him about his behaviour, he tried to coerce, encourage, or bribe them not to report his improper conduct (contrary to Interpretations 1.5 and 1.6);
 - (b) The Member abused his power and used information obtained in the course of the professional relationship (and his professional position of power) to abuse, harass, coerce, and/or exploit his clients by having inappropriate personal conversations, making sexualized comments, and engaging in a sexual relationship with a client. As a result, he engaged in professional relationships while he was in a conflict of interest and in situations in which he ought to have known the clients would be at risk. This behaviour reflected negatively on the profession (contrary to Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8);
 - (c) When clients confronted the Member about his behaviour, instead of addressing their concerns, he attempted to coerce, encourage, or bribe them not to report his conduct. This conduct, as well as his violations of professional boundaries, comments or remarks of a sexual nature, and sexual relationships with clients all had the effect of exploiting, coercing, and/or manipulating his clients. In addition, he focused on his own issues instead of the clients' issues during counselling sessions. The counselling services he provided in these circumstances did not conform to College standards (contrary to Interpretations 3.2, 3.7, and 3.8); and

- (d) The Member engaged in behaviour or remarks of a sexual nature and sexual intercourse with clients to whom he was providing psychotherapy or counselling (contrary to Interpretations 8.1, 8.2.1, 8.2.3, 8.6, and 8.7)

ADMISSIONS OF PROFESSIONAL MISCONDUCT

33. The Member admits that by reason of engaging in the conduct outlined above, he is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*:

- (a) In that he 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 failing to be aware of his values, attitudes and needs and how those impact on his professional relationship with clients; and by failing to distinguish his needs and interests from those of his clients to ensure that, within his 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 are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;
 - (B) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which he ought reasonably to have known that the client would be at risk;
 - (C) engaging in a sexual relationship with a client;
 - (D) using information obtained in the course of a professional relationship and/or his professional position of authority to coerce, improperly influence, harass, abuse, or exploit a 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 and/or respond to client queries, concerns, and/or complaints in a timely and reasonable manner;
 - (B) failing to assume full responsibility for demonstrating that a 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 he 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, 8.2.1, 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 sexual intercourse or another form of physical sexual relations with a client;
 - (C) 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;
 - (D) engaging with sexual relations with a client at the time of referral, assessment, counselling, psychotherapy, or other professional services;
 - (E) engaging in sexual relations with a client to whom he provided psychotherapy and/or counselling;
 - (b) In that he violated **Section 2.5 of the Professional Misconduct Regulation** in that he abused a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of subsection 43(4) of the *Act*;
 - (c) In that he violated **Section 2.6 of the Professional Misconduct Regulation** by using information obtained during a professional relationship with a client or using his professional position of authority to coerce, improperly influence, harass, or exploit a client;
 - (d) In that he violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws; and/or
 - (e) In that he 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, dishonorable or unprofessional.
34. With respect to the allegation in paragraph 33(e) above, the parties agree that the Member's conduct should be classified as disgraceful, dishonourable and unprofessional.

The Second Notice of Hearing – Allegations and Evidence

[14] The allegations in the Second 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**”). At all relevant times, you provided social work services to clients through your employment at [redacted] (the “**Facility**”).
2. Between in or about January and November 2020, you provided social work services to C5 and her four children. The services you provided to C5 and her children included counselling services related to C5’s separation and divorce from her ex-husband.
3. During the period when C5 was your client, you engaged in inappropriate communication, violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards C5 that were not of a clinical nature appropriate to the service provided. In particular, you:
 - (a) Became “friends” with C5 on Facebook;
 - (b) Exchanged personal cell phone numbers with C5;
 - (c) Asked if C5 and/or her daughter would perform some house cleaning for you and stating that you would compensate them and feed them in exchange;
 - (d) Had C5 attend your home on at least one occasion;
 - (e) Invited C5 to return to your home;
 - (f) Had a drink with C5 socially;
 - (g) Exchanged numerous text messages with C5 outside of office hours, including during the night;
 - (h) Sent C5 messages that were personal, flirtatious, and/or unprofessional, including but not limited to by:
 - (i) Telling C5 that she was beautiful, attractive, desirable, a “hell of a woman”, or words to that effect;
 - (ii) Stating that C5’s feet were pretty and/or sexy;
 - (iii) Inviting C5 to spend time in your backyard;
 - (iv) Inviting C5 to use your hot tub and/or suggesting the two of you have a “pool day”;
 - (v) Inviting C5 to meet you for a drink;
 - (vi) Suggesting that you and C5 celebrate the sale of her home;
 - (vii) Telling C5 that your friend had sent you a joke involving a “dick pic” and that you were going to send it to her;
 - (viii) Joking about harming and/or killing C5’s ex-husband;

- (ix) Suggesting and/or making arrangements to meet with C5 socially after work and/or on the weekend;
 - (x) Telling C5 that you found her desirable, attractive, that you liked/loved her, that you had fallen for her, and/or that you saw things in her that only someone like you could love and appreciate;
 - (xi) Telling C5 that you felt the two of you had a connection;
 - (xii) Asking C5 if she liked you and/or found you attractive;
 - (xiii) Asking C5 if she was having a hard time processing her feelings for you;
 - (xiv) Stating that the number of children C5 had was not a “deal breaker” for you and/or suggesting that you were willing to get a bigger house to accommodate them; and/or
 - (xv) Stating and/or implying that you wanted to be with C5 sexually.
4. Your conduct caused C5 to feel betrayed, given that you were someone she had gone to for help, trusted, and confided in.

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 **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, 2.2.3, and 2.2.8)** by:
 - (A) failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;
 - (B) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client would be at risk;

- (C) 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;
- (D) 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 Interpretation 3.7)** by failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally;
- (iv) **Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2.3, and 8.3)** 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) failing to seek consultation/supervision and/or to develop an appropriate plan when you developed sexual feelings towards a client that could put the client at risk;
- (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) 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;
- (d) In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the Act, regulations or by-laws; and/or
- (e) 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.

[15] The Agreed Statement of Facts relating to the Second Notice of Hearing (marked as Exhibit 8), provides in relevant part as follows:

BACKGROUND

1. At all relevant times, Joseph G. Pinckney (the “**Member**”) was a registered social worker registered with the Ontario College of Social Workers and Social Service Workers (the “**College**”). At all relevant times, he provided social work services to clients through his employment at [redacted] (the “**Facility**”).
2. Between January and November 2020, the Member provided social work services to C5 and her four children. The services the Member provided to C5 and her children included counselling services related to C5’s separation and divorce from her ex-husband.
3. Over the course of their professional relationship, C5 disclosed a variety of personal information to the Member about her marriage, her sex life, and her childhood trauma.
4. Starting in the spring of 2020 and while C5 was the Member’s client, the Member engaged in inappropriate communication, violated professional boundaries and engaged in behaviour or remarks of a sexual nature towards C5 that were not of a clinical nature appropriate to the service provided. In particular, the Member:
 - (a) Became “friends” with C5 on Facebook;
 - (b) Exchanged personal cell phone numbers with C5;
 - (c) Asked if C5 and/or her daughter would perform some house cleaning for him, and stating that he would compensate them and feed them in exchange;
 - (d) Had C5 attend the Member’s home on at least one occasion;
 - (e) Invited C5 to return to the Member’s home;
 - (f) Had a drink with C5 socially;
 - (g) Exchanged numerous text messages with C5 outside of office hours, including during the night;
 - (h) Sent C5 messages that were personal, flirtatious, and unprofessional, including but not limited to by:
 - (i) Telling C5 that she was beautiful, attractive, desirable, and a “hell of a woman”;
 - (ii) Stating that C5’s feet were pretty/sexy;
 - (iii) Inviting C5 to spend time in the Member’s backyard;
 - (iv) Inviting C5 to use the Member’s hot tub and suggesting the two of them have a “pool day”;
 - (v) Inviting C5 to meet the Member for a drink;
 - (vi) Suggesting that the Member and C5 celebrate the sale of her home;

- (vii) Telling C5 that the Member's friend had sent him a joke involving a "dick pic" and that he would send it to her;
 - (viii) Joking about harming/killing C5's ex-husband;
 - (ix) Suggesting and making arrangements to meet with C5 socially after work and on the weekend;
 - (x) Telling C5 that the Member found her desirable, attractive, that he liked/loved her, that he had fallen for her, and that he saw things in her that only someone like the Member could love and appreciate;
 - (xi) Telling C5 that the Member felt the two of them had a connection;
 - (xii) Asking C5 if she liked him and found him attractive;
 - (xiii) Asking C5 if she was having a hard time processing her feelings for the Member;
 - (xiv) Stating that the number of children C5 had was not a "deal breaker" for the Member and suggesting that the Member was willing to get a bigger house to accommodate them; and
 - (xv) Stating that you wanted to be with C5 sexually.
5. The Member's conduct caused C5 to feel betrayed, given that the Member was someone she had gone to for help, trusted, and confided in.

APPLICABLE STANDARDS OF PRACTICE

6. The College's *Code of Ethics and Standards of Practice Handbook* (the "**Handbook**") sets out the standards that applied to the Member's conduct. These standards include the requirement that members:
- (a) Are aware of their own values, attitudes and needs and how these impact on their professional relationships with clients (Interpretation 1.5)
 - (b) Distinguish their own needs and interests from those of clients to ensure that, within professional relationships, clients' needs and interests remain paramount (Interpretation 1.6)
 - (c) Establish and maintain clear and appropriate boundaries in professional relationships and take steps to ensure that clients are protected from abuses of power during and after professional relationships (Interpretation 2.2);
 - (d) Avoid professional relationships that constitute a conflict of interest or in situations in which members ought reasonably to know that the client would be at risk in any way. To do so, members must:
 - (i) evaluate professional relationships and other situations involving clients for potential conflicts of interest and seek consultation to identify and deal with potential conflicts of interest;

- (ii) avoid conflicts of interest and dual relationships with clients that could impair members' professional judgment or increase the risk of exploitation or harm to clients; and
 - (iii) if a conflict of interest situation arises, declaring the conflict and taking appropriate steps to address and eliminate it (Interpretation 2.2.1);
 - (e) Avoid using information obtained in the course of a professional relationship or their professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client (Interpretation 2.2.3);
 - (f) Avoid conduct that could reasonably be seen as reflecting negatively on the profession of social work (Interpretation 2.2.8);
 - (g) Assume full responsibility for demonstrating that clients and former clients have not been exploited, coerced, or manipulated, intentionally or unintentionally (Interpretation 3.7);
 - (h) Maintain sole responsibility for ensuring sexual misconduct does not occur (Interpretation 8.1);
 - (i) Avoid engaging in behaviour or remarks of a sexual nature toward a client, other than behaviour or remarks of a clinical nature appropriate to the service provided (Interpretation 8.2.3); and
 - (j) Seek consultation or supervision and develop an appropriate plan when a member develops sexual feelings towards a client that could put the client at risk (Interpretation 8.3).
7. The Member acknowledges that the conduct set out in paragraphs 2-5, above, did not abide by these standards. In particular:
- (a) The Member prioritized his own needs above those of C5 by violating professional boundaries and engaging in behaviour or remarks of a sexual nature (contrary to Interpretations 1.5 and 1.6);
 - (b) The Member abused his power and used information obtained in the course of the professional relationship (and his professional position of power) to abuse, harass, coerce, and/or exploit C5 by having inappropriate personal conversations, meeting with her socially, and making sexualized comments. As a result, he engaged in a professional relationship while he was in a conflict of interest and when he ought to have known the client would be at risk. This behaviour reflected negatively on the profession (contrary to Interpretations 2.2, 2.2.1, 2.2.3, and 2.2.8);
 - (c) Instead of assuming responsibility for ensuring C5 was not exploited, manipulated, or coerced, his conduct had the effect of exploiting, manipulating, or coercing her (contrary to Interpretation 3.7); and
 - (d) The Member engaged in behaviour or remarks of a sexual nature a client to whom he was providing psychotherapy or counselling, and did not seek

consultation/supervision or develop an appropriate plan when he developed sexual feelings towards C5 (contrary to Interpretations 8.1, 8.2.3, and 8.3).

ADMISSIONS OF PROFESSIONAL MISCONDUCT

8. The Member admits that by reason of engaging in the conduct outlined above, he is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*:

(a) In that he 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 his values, attitudes and needs and how those impact on his professional relationship with clients;

(B) failing to distinguish his needs and interests from those of his clients to ensure that, within his professional relationship, clients' needs and interests remained paramount;

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

(A) failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;

(B) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which he ought reasonably to have known that the client would be at risk;

(C) using information obtained in the course of a professional relationship and/or his professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client;

(D) 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 Interpretation 3.7)** by:

(A) failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally;

(iv) **Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2.3, and 8.3)** by:

- (A) failing to be solely responsible for ensuring that sexual misconduct did not occur;
 - (B) engaging in behavior or remarks of a sexual nature towards a client, other than behavior or remarks of a clinical nature appropriate to the service provided;
 - (C) failing to seek consultation/supervision and/or failing to develop an appropriate plan when you developed sexual feelings toward a client that could put the client at risk;
- (b) In that he violated **Section 2.5 of the Professional Misconduct Regulation** in that he abused a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of subsection 43(4) of the *Act*;
 - (c) In that he violated **Section 2.6 of the Professional Misconduct Regulation** by using information obtained during a professional relationship with a client or using his professional position of authority to coerce, improperly influence, harass, or exploit a client;
 - (d) In that he violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws; and/or
 - (e) In that he 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.
9. With respect to the allegation in paragraph 8(e) above, the parties agree that the Member's conduct should be classified as disgraceful, dishonourable and unprofessional.

Decision of the Panel

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

[17] Having carefully considered the onus and standard of proof, the Agreed Statements of Facts, and the submissions of counsel for the College, the Panel found that the Registrant committed the acts of professional misconduct alleged in both Notices of Hearing. With respect to allegation (e) in each Notice of Hearing, relating to s. 2.36 of the Professional Misconduct Regulation, the Panel found that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Reasons for Decision

First Notice of Hearing

[18] The Panel's reasons for its findings of professional misconduct with respect to the allegations in the First Notice of Hearing are as follows.

[19] Allegation (a) relates to the failure to maintain the standards of the profession, which is misconduct pursuant to Section 2.2 of the Professional Misconduct Regulation. One of the relevant standards is set out in Principle 1 of the Handbook – Interpretations 1.5 and 1.6. The College has proven on the evidence that the Registrant contravened this standard by failing to be aware of his values, attitudes and needs and how those impact on his professional relationship with clients; and by failing to distinguish his needs and interests from those of his clients to ensure that, within his professional relationship, the client's needs and interests remain paramount.

[20] More specifically with respect to each of the clients at issue:

- a. In the case of C2, the Registrant discussed his personal life including his hobbies, personal issues, and marital problems. During counselling sessions the Registrant failed to focus on C2's issues, resulting in C2 feeling that her concerns and counselling needs were not addressed.
- b. In the case of C1, the Registrant spent counselling sessions discussing himself, including personal matters, immediate and extended family activities, details of marital issues including purchasing his house from his wife. The Registrant failed to focus on the issues presented by C1 resulting in the client feeling unheard.
- c. In the case of C3, the Registrant violated professional boundaries by developing a romantic relationship with the client, dropping off food and clothing for the client and her children.
- d. In the case of C4, the Registrant spent counselling session time discussing inappropriate personal information including, his dog, immediate and extended family activities, and discussion about hunting with his family.

[21] Another standard at issue in this case is Principle II of the Handbook – Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3 and 2.2.8. The evidence establishes that the Registrant failed to maintain this standard when he failed to ensure his clients were protected from an abuse of power during and after the provision of professional services and failed to maintain clear and appropriate boundaries in a professional relationship.

[22] In particular, the evidence proves the following:

- a. In the case of C1, the Registrant engaged in inappropriate and unprofessional conversation and abused his use of power through inappropriate text messaging and adding the client as a Facebook "friend" in order to exchange messages in the evening and late at night.

- b. In the case of C2, the Registrant failed to maintain professional boundaries and abused his power, including through inappropriate communication with C2, sending text messages of a flirtatious and sexual nature, offering to buy a bicycle and repair it for the client, taking the client out for a birthday dinner, and sending her text messages late at night.
- c. In the case of C3, the Registrant violated professional boundaries and abused his power by establishing an inappropriate sexual relationship that included intercourse. The Registrant also offered to drop off food and clothing for the client and her children.
- d. In the case of C4, the Registrant failed to maintain professional boundaries and abused his use of power through discussion about personal matters. In addition, C4 learned of the Registrant's sexual relationship with C3 causing her to experience trust issues.

[23] The Registrant's contraventions of Principle II of the Handbook – Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3 and 2.2.8, also include engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which he ought reasonably to have known that the client would be at risk.

[24] In all four cases (C1, C2, C3, and C4) the Registrant placed his clients at risk and demonstrated a lack of insight in establishing therapeutic relationships with his clients. Violation of this principle is demonstrated through the Registrant's inappropriate communication with all clients, discussing his personal life and engaging in inappropriate self disclosure as well as through his invitations to all of these clients to establish relationships outside of the therapeutic relationship.

[25] Allegation (a) in the First Notice of Hearing further alleges that the Registrant failed to maintain the standards of the profession by engaging in a sexual relationship with a client, having inappropriate personal conversations, making sexualized comments, and engaging in a sexual relationship with a client. This allegation was proven on the evidence. As the Registrant acknowledged in the Agreed Statement of Facts, when clients confronted him about his behaviour, instead of addressing their concerns, he attempted to coerce, encourage, or bribe them not to report his conduct. This conduct, as well as his violations of professional boundaries, his comments or remarks of a sexual nature, and sexual relationships he engaged in with clients all had the effect of exploiting, coercing, and/or manipulating his clients. More specifically:

- a. In the case of C1, the Registrant engaged in inappropriate communication and demonstrated behaviour of a sexual nature towards C1 by sending text messages through the client's cell phone and Facebook. These communications were described as flirtatious and unprofessional. The Registrant made comments to C1 about being attracted to her, telling her she was a lovely woman, and hoped that she would be interested in him.
- b. In the case of C2, the Registrant engaged in a personal relationship with the client that progressed to inappropriate sexual discussions and behaviour. Initially the Registrant exchanged cell phone numbers with the client and invited C2 to contact him. The communications escalated by the Registrant sending text messages late at night and telling C2 that he had feelings for her and that she was attractive in many ways. The Registrant told the client that he "loved that she did not wear a bra" and that he

enjoyed breasts. The Registrant talked to the client about sexual preferences and expressed that sex could be great if it was with the right person. The Registrant talked to C2 about his “fuck bucket list” and sent C2 a picture of his erect penis. As a result of this behavior the client asked the Registrant to refer her to another counsellor

- c. In the case of C3 the Registrant engaged in a sexual relationship resulting in sexual intercourse. The client fell in love with the Registrant and felt that him was going to be in a relationship with her after he left his wife. The Registrant told the client this was not going to happen because she had too many children. The Registrant continued to have contact with C3 after being terminated from his employment. The client expressed hurt after finding out that the Registrant was involved with other women.
- d. In the case of C4, the client learned of the Registrant’s sexual relationships with C3 which resulted in trust issues.

[26] Those facts also establish that the Registrant failed to maintain the standards of the profession set out in Principle III of the Handbook – Interpretation 3.2, 3.7 and 3.8, by (a) failing to deliver client services and/or respond to client queries, concerns, and /or complaints in a timely and reasonable manner, and (b) failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally.

[27] The evidence further proves the allegation that the Registrant failed to maintain the standards of the profession by using information obtained in the course of a professional relationship and his professional position of authority to coerce, improperly influence harass, abuse, or exploit a client;

- a. In the case of C1 it was determined that the client suffered from a drug addiction. The Registrant misused this information and asked the client if she was still using and if so, could he watch her so that he could use the information to gain a better understanding of her addiction. The Registrant offered to give her money for drugs, gas and her time. The Registrant offered for the client to come to his home so he could give her cocaine that he obtained from the neighbor.
- b. C2’s presenting issues included sexual abuse as a child. Aware of her vulnerability due to this history, the Registrant exploited the client by sending her personal text messages late at night, offering to take her out for dinner for her birthday. Included in one text messages were the Registrant’s feelings for the client, telling her she was attractive in many ways, asking her to explore the relationship and telling her that he would not tell if she did.
- c. C3 was exploited and influenced by the Registrant into having a sexual relationship including intercourse. This violation of professional boundaries led the client to be hopeful that there would be a relationship with the Registrant. The Registrant told the client that this would not happen because she had too many children. C3 was hurt by the Registrant’s conduct after finding out that he was involved with other women.

[28] Through the conduct described above, which is admitted by the Registrant, the College has proven the allegation that the Registrant failed to maintain the standards of the profession by providing services in a manner that did not conform to College standards and/or providing a service

that he know or ought reasonably to know was not likely to benefit the client and by engaging in conduct that could reasonable be perceived as a reflecting negatively on the profession of social work.

[29] Finally, on the issue of the Registrant's failure to maintain the standards of the profession, the College has proven that the Registrant contravened the standards in Principle VIII of the Handbook – Interpretations 8.1, 8.2.1, 8.2.3, 8.6 and 8.7, by failing to be solely responsible for ensuring that sexual misconduct did not occur;

- a. In the case of C1 the Registrant failed to meet this standard by engaging sexual misconduct including inappropriate communication that was personal and flirtatious, sending text messages in the evening and late at night by phone and through Facebook. The Registrant also told C1 that he was attracted to her, that she was a lovely woman and hoping that she would be interested in the Registrant.
- b. In the case of C2 the Registrant engaged in inappropriate communication by making remarks of a sexual nature, offering to take her out for fish and chips on her birthday, sending text messages late at night that were personal, expressing feelings for C2, telling the client that he loved that she didn't wear a bra and that he enjoyed breasts. The Registrant told the client about his sexual preferences and that he had a "fuck bucket list". The Registrant told the client that he thought about running his hands on C2's body.
- c. In the case of C3 the Registrant engaged in a sexual relationship including intercourse. This behaviour resulted in the client falling in love with the Registrant and hoping for a relationship. The Registrant told the client this would not happen because she had too many children. This conduct resulted in C3 being hurt by the Registrant's behaviour and due to his involvement with other women.

[30] Allegation (b) in the First Notice of Hearing is that the Registrant engaged in professional misconduct as prohibited under Section 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) of the Act. That provision defines "sexual abuse" 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.

[31] The Registrant engaged in a sexual relationship with C3, which included sexual intercourse. This meets the definition of "sexual abuse" and constitutes professional conduct.

[32] With respect to C1, the Registrant engaged in behaviour and remarks of a sexual nature, including sending messages by phone in the evening and late at night through Facebook that were personal and flirtatious, telling the client that she was a beautiful woman, and messaging her while he was under the influence of alcohol. He further abused his client psychologically or emotionally

through his interest in having C1 use drugs for his observation and offering to purchase drugs for her to use at his home.

[33] In the case of C2, the Registrant abused his client sexually, psychologically and emotionally through his unprofessional, personal and flirtatious communication, and by engaging in behaviour and remarks of a sexual nature, through text messaging, asking the client to explore a relationship, telling her that he liked that she did not wear a bra and that he like breasts, talking about his sexual preferences and about his “fuck bucket list”. The Registrant talked about sexual preferences, that sex could be great with the right person and that he had a “fuck bucket list”. The Registrant told the client he thought about running his hands on her body.

[34] In the case of C4 the Registrant violated Section 2.5 of the Professional Misconduct Regulation by abusing his client psychologically and emotionally by engaging in conversation about himself and not focusing on the needs of the client. C4 also developed trust issues in learning about the Registrant’s sexual relationship with C3

[35] The Panel found the Registrant engaged in professional misconduct as alleged in allegation (c) of the First Notice of Hearing, pursuant to Section 2.6 of the Professional Misconduct Regulation, by using information he obtained during a professional relationship with a client or using his professional position of authority to coerce, improperly influence, harass, or exploit a client. Specifically:

- a. The presenting issues for C1 included the client having a drug addiction. The Registrant used this information to exploit the client by asking if she was still using and if so, could he watch her so that he could use the information to gain a better understanding of her addiction. The Registrant offered to give her money for drugs, gas and her time. The Registrant offered for the client to come to his home so he could give her cocaine that he obtained from the neighbor.
- b. C2’s presenting issues included sexual abuse as a child and the Registrant used his position of authority in the therapeutic relationship, and information he had about the client’s history in attempt to improperly influence, exploit and coerce C2 into an inappropriate relationship. This was evidenced by sending her personal text messages late at night, offering to take her out for dinner for her birthday. Included in one of his text messages was the expression of the Registrant’s feelings for the client, telling her she was attractive in many ways, asking her to explore the relationship and telling her that he would not tell if she did not. The Registrant’s conduct intentionally placed a vulnerable client, whom he knew to have a history of sexual abuse, in harm’s way for his own personal interests and failed to ensure that the client’s needs were paramount.
- c. The Registrant used his professional position of authority to influence and exploit C3 into having a sexual relationship with him. This violation of professional boundaries led the client to be hopeful that she would have a relationship with the Registrant, and her being hurt when he told her that would not happen.

[36] The Panel’s finding on allegation (d)—that the Registrant engaged in professional misconduct as set out Section 2.28 of the Professional Misconduct Regulation by contravening the Act, regulations or by-laws—flows from the Panel’s findings on all the other allegations, which

involve contraventions of the Act, the Professional Misconduct Regulation and/or the Handbook, which is a by-law of the College.

[37] Finally, the Panel found that the College proved allegation (e)—that the Registrant 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.

[38] In all cases including C1, C2, C3 and C4 the Registrant's conduct as described above would be regarded by members of the profession as disgraceful, dishonourable and unprofessional. Both disgraceful and dishonourable conduct have an element of moral failing. The Registrant knew or ought to have known that his conduct fell well below the standards of the profession. His conduct casts doubt on his moral fitness to practise. His actions were completely incompatible with the duties a professional social worker owes to his clients. He put his own interests ahead of the needs of his vulnerable clients. The misconduct in this matter is, in every sense of the words, unprofessional, dishonourable and disgraceful.

Second Notice of Hearing

[39] The Panel's reasons for its findings on the Second Notice of Hearing are as follows.

[40] The College proved that the Registrant failed to maintain several standards of the profession in his interactions with C5 as alleged in allegation (a). In particular:

- a. The Registrant failed to be aware of his values, attitudes and needs and how those impact on his professional relationship with his client, contrary to Principle 1 of the Handbook – Interpretations 1.5 and 1.6. when he engaged in inappropriate communication with C5 and violated professional boundaries by becoming “friends” on Facebook with C5, exchanging personal phone numbers, asking if the client or her daughter would do house cleaning for the member in exchange for compensation including food. He also failed to distinguish his needs and interests from those of his client and to ensure that, within his professional relationship, client's needs and interests remained paramount. The Registrant's conduct caused C5 to feel betrayed, given the Registrant was someone the client had gone to for help, trusted and confided in.
- b. The Registrant failed to maintain the standards set out in Principle 11 of the Handbook – Interpretation 2.2, 2.2.1, 2.2.3 and 2.2.8 by:
 - (i) failing to ensure his client, C5, was protected from an abuse of power during and after the provision of professional services and failing to maintain clear and appropriate boundaries in the professional relationship. The Registrant abused his position of power through inappropriate communication, inviting C5 to his home and offering to go to her home, inviting C5 for a drink, joking about harming her ex-husband and suggesting and making arrangements to meet with C5 socially after work and on the weekend.
 - (ii) Engaging in a professional relationship with C5 that constitutes a conflict of interest and in a situation in which he ought reasonably to have known that the

client would be at risk. The Registrant knowingly put the client C5 at risk by engaging in a personal and flirtatious relationship. The Registrant invited the client to his home on more than one occasion, drank socially with the client, suggesting that the Registrant and C5 celebrate the sale of her home, inviting C5 to use the Registrant's hot tub and suggesting a "pool day".

- (iii) using information obtained in the course of his professional relationship with C5 and/or his professional position of authority to coerce, improperly influence, harass, abuse, or exploit his client. The Registrant was providing counselling to C5 with regards to her separation and divorce. The Registrant used this information to coerce and influence the client into having a personal relationship with him, suggesting to her that he found her desirable, attractive and that he loved her. The Registrant told the client that he saw things in her that only someone like him could love and appreciate. The Registrant joked with C5 about harming/killing her ex-husband.
 - (iv) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work, namely establishing a personal relationship, asking the client and her daughter to perform house cleaning for him in exchange for money and food, engaging in flirtatious communication, inviting C5 to be involved in a relationship with him and offering to get a bigger home to provide for her and all of her children.
- c. The Registrant failed to maintain the standards in Principle III of the Handbook – Interpretation 3.7 and Principle VIII of the Handbook – Interpretations 8.1, 8.2.2 and 8.3, when he exploited and manipulated his client, C5 and engaged in sexual misconduct with her. The Registrant engaged in inappropriate communication with the client and making remarks to her of a sexual nature. The Registrant sent text messages to the client that were personal and flirtatious, telling C5 that she was beautiful, attractive, desirable, and a "hell of a woman". The Registrant told the client that she had pretty and/or sexy feet, and invited her client to spend time in his backyard and invited her to use the hot tub. The Registrant told C5 that his friend had sent him a joke involving a "dick pic" and he offered to send it to her. The Registrant told the client he found her desirable, attractive, and that he liked/loved her and that he had fallen for her. The Registrant told C5 that he felt they had a connection and asked C5 if she found him attractive. Overall, the unprofessional conduct of the Registrant caused C5 to feel betrayed. Finally, the Registrant failed to seek supervision or consultation to establish a plan to deal with the sexual feelings he had towards C5, which put the client at significant risk.

[41] With respect to allegation (b), the Panel found that the Registrant engaged in professional misconduct under Section 2.5 of the Professional Misconduct Regulation by abusing C5 sexually, psychologically and emotionally, including by sexually abusing her within the meaning of s. 43(4) of the Act. The Panel found that the Registrant's conduct of engaging in a personal, flirtatious and unprofessional relationship, including making remarks of a sexual nature and inviting C5 to enter into a relationship with him, failed to keep paramount the psychological and emotional safety of the client.

[42] The College proved allegation (c): that the Registrant violated Section 2.6 of the Professional Misconduct Regulation by using information obtained during his professional relationship with C5, or used his professional position of authority, to coerce, improperly influence, harass, or exploit his client. The Registrant abused his position of authority to exploit C5 by engaging in text messaging with the client, inviting her to his home, drinking socially with the client, and making inappropriate sexual advances.

[43] As with the First Notice of Hearing, the College proved allegation (d) in the Second Notice of Hearing by proving the other allegations, all of which involve the Registrant's contravention of the Act, regulations or by-laws.

[44] Lastly, the Registrant violated Section 2.36 of the Professional Misconduct Regulation with respect to the Second Notice of Hearing 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, dishonorable and unprofessional.

[45] In all the circumstances, the Registrant's exploitive conduct towards his client C5 would be regarded by members as disgraceful, dishonorable and unprofessional, abusing his position of power and exploiting his client emotionally, psychologically and sexually, resulting in the client feeling unsafe. The conduct is appropriately described as not only unprofessional but also disgraceful and dishonorable conduct, as the Registrant demonstrated moral failing and knew or ought to have known that his conduct fell well below the standards of the profession.

Submissions on Penalty

[46] 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 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 shall be 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 shall be 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.

[47] In support of the Joint Submission, College counsel argued that the Joint Submission satisfies that objectives of penalty and the College's duty to protect the public. It demonstrates to the public that the Registrant's behaviour is unacceptable and has no place in the profession.

[48] The reprimand allows the Panel to convey its concerns and disapproval of the Registrant's conduct directly to him. This component of the Joint Submission is a specific deterrent and remedial in nature.

[49] Revocation of the Registrant's certificate of registrant, together with a five-year period during which he may not reapply, is appropriate in light of the seriousness of the misconduct. Sexual abuse is perhaps the most serious form of professional misconduct, warranting the most serious penalty of revocation. In prior cases the Discipline Committee has ordered a five-year prohibition on reapplying where a member's certificate of revocation was revoked after findings of sexual abuse of a client. Revocation acts as a strong deterrent, demonstrating to the Registrant and to other registrants of the profession that this type of conduct will not be treated lightly.

[50] The publication of the details of this decision will further communicate a clear message to the public that professional misconduct of this nature will not be tolerated. Publication is necessary for public protection and as a deterrent.

[51] College counsel noted the aggravating and mitigating factors in this case. The aggravating factors include the number of incidents and clients; the vulnerability of the clients; the inherent power imbalance between the Registrant and the client; the nature, length and duration of the personal relationship between the Registrant and the clients and in particular C3; and the Registrant's attempt to dissuade C1 from reporting his behaviour by taking advantage of her vulnerability. The mitigation factors include that the Registrant has no prior discipline history, admitted to the misconduct and entered into agreed statements of fact, and agreed to a Joint Submission with the College.

[52] The College provided the Panel with a number of comparable cases in which sexual abuse was found, to help demonstrate that the Joint Submissions is within a reasonable range of penalties for misconduct of this nature.

Penalty Decision

[53] Having considered the findings of professional misconduct, the relevant evidence and the submissions of the College, 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

[54] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. These objectives 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. The Panel was mindful that a joint submission should not be rejected unless it would bring the discipline process into disrepute or would otherwise be contrary to the public interest.

[55] The Registrant exploited his clients and engaged in behaviour of a sexual nature including suggestive and flirtatious remarks and sexual intercourse which resulted in sexual abuse of his clients. This conduct demonstrated a lack of professionalism by using his position of power and authority to coerce, improperly influence, abuse, and exploit clients to meet his own personal needs.

[56] The Registrant placed vulnerable clients, whom he knew to have a history of trauma and in one of these cases, addictions, in harm's way including, for one client, by enticing and offering to facilitate illicit substance use for his personal interests.

[57] The Registrant targeted and preyed on multiple female clients who were seeking counselling services, and exploited their vulnerabilities through emotional and sexual abuse.

[58] The Registrant did not establish or maintain professional boundaries by failing to recognize the therapeutic needs of his clients and exerting his own wants and desires, disclosing personal information about his life and failing to ensure that the client's needs were paramount.

[59] The Panel notes that by refusing to attend the discipline hearing, the Registrant demonstrated a lack of respect for the discipline process and an unwillingness to fully accept the consequences of his actions. His refusal to participate in the hearing exhibited a lack of insight, remorse or responsibility towards the serious nature and impact of his conduct.

[60] The penalty ordered is fair and appropriate in all the circumstances. The Registrant, through his misconduct, has brought discredit to the profession and has placed public confidence in this profession in jeopardy. The penalty is necessary to restore public confidence, as well as meet the objectives of deterrence and public protection.

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

Date: September 12, 2023

Signed:

Charlene Crews, Chair
Rita Silverthorn
Carrie McEachran