

**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  
Delaney, 2023 ONCSWSSW 11

Decision 20230923  
date:

**BETWEEN:**

THE ONTARIO COLLEGE OF SOCIAL WORKERS  
AND SOCIAL SERVICE WORKERS

- and -

DAMIEN DELANEY

PANEL:	Charlene Crews	Chair, Professional Member
	Vera Mercier	Public Member
	Candice Snake	Professional Member

Appearances: Jill Dougherty, counsel for the College  
Damien Delaney, self-represented  
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: September 22, 2023

**DECISION AND REASONS FOR DECISION**

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on September 22, 2023 at the Ontario College of Social Workers and Social Service Workers (the “**College**”).

**The Allegations**

[2] In the Notice of Hearing dated August 5, 2022, Damien Delaney, (the “**Registrant**” or “Mr. Delaney”) is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, SO 1998, c 31 (the “**Act**”) in that he allegedly

engaged in conduct that contravened sections of the Act and sections of Ontario Regulation 384/00 (the “**Professional Misconduct Regulation**”).

[3] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

**I. The following are particulars of the allegations:**

1. You obtained a Diploma from the Continuing Education Centre for Continuous Learning at George Brown College in 2012.
2. Now, and since October 6, 2021, you have been a Registered Social Service Worker with the Ontario College of Social Workers and Social Service Workers (the “College”).
3. Prior to your registration with the College, and subsequent to it, you provided counselling services to clients with substance use, addiction, and/or mental health issues.
4. From approximately May 29, 2018 to June 4, 2021, you were employed as a Clinical Addictions Counsellor and/or Addictions and Mental Health Clinical Director, in Toronto, Ontario, at Addiction Rehab Toronto. Your role was to assist clients in addressing their substance use and/or addiction issues, which included providing counselling services to clients with substance use, addiction, and/or mental health issues.
5. From on or about June 29, 2020 to on or about August 27, 2020, you provided counselling services to [Client XX] (the “Client” or “(Client XX)”) while she was enrolled in a 60-day residential treatment program at Addiction Rehab Toronto.
6. Client XX was a vulnerable client who had sought assistance from you with respect to substance use and/or addiction issues. The Client also had a recent history of mental health issues.
7. During the period from approximately June 29, 2020 to August 27, 2020, you provided individual and/or group counselling to the Client at a frequency of approximately twice per week.
8. Immediately following the Client’s release from the Addiction Rehab Toronto treatment program, the Client came to live with you at your home in Port Credit, Ontario, where she resided from on or about August 28, 2020 to on or about October 30, 2020.
9. During that period, from on or about August 28, 2020 to on or about October 30, 2020, you maintained a personal and sexual relationship with the Client.
10. During that period, from on or about August 28, 2020 to on or about October 30, 2020, you also charged and received fees from the Client’s family to provide the Client with “after care sessions”, which you failed to provide.
11. You were terminated by or resigned in lieu of termination from Addiction Rehab Toronto on approximately June 4, 2021, due to having intimate relationships with a female client from September until November 2020, after the client completed treatment at Addiction Rehab Toronto.
12. During your professional relationship with the Client and/or subsequent to the termination of that professional relationship, you engaged in a series boundary crossings and/or boundary violations relating to the Client, in that you:
  - (a) invited the Client to live with you in your home;
  - (b) lived with the Client in your home;
  - (c) socialized with the Client in your home;
  - (d) socialized with the Client and your two children inside and/or outside of your home;
  - (e) stored the Client’s belongings in your home;
  - (f) saw the Client for extended periods of time during and/or outside of formal work hours;

- (g) communicated with the Client by text messages of a personal or intimate nature;
- (h) shared details of your personal life with the Client;
- (i) took a trip to Niagara Falls with the Client and your children;
- (j) told the Client not to tell anyone about your personal and sexual relationship with her; and/or
- (k) asked the Client to procure Oxycontin and/or other psychoactive substances for you.

13. During the professional relationship with the Client and/or subsequent to the termination of the professional relationship, you engaged in an intimate relationship with the Client and engaged in acts of a sexual nature with her.

14. Prior to your registration with the College, you used the protected title of “Social Service Worker” and/or the protected title of “SSW” in correspondence related to your work at Addiction Rehab Toronto. That correspondence included an email dated September 14, 2020 regarding Addiction Rehab Toronto Online Aftercare, in which you referred to yourself as “Damien Delaney SSW, CACCF, Clinical Supervisor, Addiction Specialist, Family Program Coordinator, Addiction Rehab Toronto”.

**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 2.36 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;
- (b) in that you violated section 2.28 of the Professional Misconduct Regulation by contravening the Social Work and Social Service Work Act, 1998, S.O. 1998, c. 31, regulations or by-laws; and/or
- (c) in that you violated section 2.15 of the Professional Misconduct Regulation by inappropriately using a term, title or designation in respect of your practice;
- (d) in that you violated section 47(1) and/or (2) of the Social Work and Social Service Work Act, 1998, S.O. 1998, c. 31 by using the English title “social service worker” or “registered social service worker” or an abbreviation of any of those titles to represent or hold out expressly or by implication that you were a social service worker or registered social service worker.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

.....

### **Registrant’s position**

[4] The Registrant admitted the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Registrant’s admissions were voluntary, informed and unequivocal

### **The Evidence**

[5] The hearing evidence was tendered by way of an Agreed Statement of Facts, which provided in relevant part as follows:

#### **I. BACKGROUND**

1. Damien Daniel Delaney (the “**Registrant**”)<sup>1</sup> obtained a Diploma in social service work from the Continuing Education Centre for Continuous Learning at George Brown College in 2012.

---

<sup>1</sup> For ease of reference, Mr. Delaney is referred to as the Registrant throughout this Agreed Statement of Facts, although it is acknowledged that Mr. Delaney has been a registrant of the College since 2021 and

2. Now, and since October 6, 2021, he has been a Registered Social Service Worker with the Ontario College of Social Workers and Social Service Workers (the “College”).
3. Prior to his registration with the College, and subsequent to it, the Registrant provided counselling services to clients with substance use, addiction, and/or mental health issues.
4. From approximately May 29, 2018 to June 4, 2021, the Registrant was employed as a Clinical Addictions Counsellor and/or Addictions and Mental Health Clinical Counsellor and/or Supervisor, in Toronto, Ontario, at Addiction Rehab Toronto (“ART”). ART is a treatment facility that provides residential and aftercare treatment programs as well as sober living options to clients experiencing substance use and/or addiction issues.
5. The Registrant’s role at ART was to assist clients in addressing their substance use and/or addiction issues, which included providing counselling services to clients with substance use, addiction, and/or mental health issues. The Registrant was a member of the Canadian Addiction Counsellors Certification Federation (“CACCF”), an association that has a set of standards and code of ethics. As a condition of his employment, the Registrant was required to abide by the CACCF’s standards and code of ethics.
6. According to the terms of the Registrant’s employment, personal relationships were not permitted within two years of treatment. Copies of the Registrant’s letters of employment signed by the Registrant and dated July 11, 2018, June 27, 2019 and July 31, 2020 are attached as **Schedule “A”**. The expectations of a Clinical Addiction Counsellor as acknowledged by the Registrant are set out in a document signed by the Registrant and dated May 26, 2018 and the core functions of Chemical Dependency Counselors are set out in a document of the same name and signed on the same date. Copies of these documents are attached as **Schedule “B”**. Job descriptions with respect to the Registrant’s roles of Counsellor, Supervisor and Clinical Supervisor are attached as **Schedule “C”**. A termination letter from ART to the Registrant dated June 4, 2021 refers to the prohibition on relationships with clients within two years of treatment. A copy of this letter is attached as **Schedule “D”**.

## **II. THE REGISTRANT’S CONDUCT WITH RESPECT TO [Client XX]**

7. From on or about June 29, 2020 to on or about August 27, 2020, the Registrant provided counselling services to [Client XX] (the “Client” or “(Client XX)”) while she was enrolled in a 60-day residential treatment program at ART.
8. [Client XX] was a vulnerable client who had sought assistance from the Registrant with respect to substance use and/or addiction issues. The Client also had a recent history of mental health issues, of which the Registrant was also aware.
9. During the period from approximately June 29, 2020 to August 27, 2020, the Registrant provided individual and/or group counselling to the Client at a frequency of approximately twice per week. During counselling sessions with the Registrant, [Client XX] perceived that the Registrant was becoming romantically interested in her.
10. During the counselling relationship, the Registrant was supportive of [Client XX] ending her relationship with her partner of more than nine years, [YY], which she then did. Towards the end of [Client XX’s] treatment at ART, the Registrant told [Client XX] that it was not safe for her to return to her living situation with [YY].
11. Immediately following [Client XX’s] release from the ART treatment program, [Client XX] went directly from the facility to the Registrant’s home in Port Credit Ontario, where she stored her belongings, spent time with the Registrant’s children and, at times, lived with the Registrant from on or about August 28, 2020 to on or about October 30, 2020. At the time, the Registrant’s two children (aged approximately 7 and 19) also lived at the Registrant’s home.
12. During that period, from on or about August 28, 2020 to on or about October 30, 2020, the Registrant maintained a personal, intimate and romantic relationship with [Client XX], which relationship included acts of a sexual nature.

---

that the allegations contained in the Notice of Hearing dated August 5, 2022 predate his registration with the College.

13. During that period, from on or about August 28, 2020 to on or about October 30, 2020, the Registrant also charged fees and received payment of fees from the Client's family to provide the Client with private "after care sessions", the purpose of which was ostensibly to provide [Client XX] with support relating to addiction and/or substance use issues. According to the Client, the Registrant failed to provide any aftercare sessions and accepted payment for services he did not provide.

14. In the Registrant's view, he provided after care counselling to the Client. The Registrant acknowledges that these sessions were not appropriately provided as they lacked documentation and the Registrant was in a personal, intimate and romantic relationship with the Client at the time the after care sessions would have been provided. The Registrant further acknowledges that the Client and/or her family paid him directly for after care sessions.

15. [Client XX's] father paid fees for these one-on-one sessions directly to the Registrant, notwithstanding that as a graduate of ART, [Client XX] qualified to receive online after care from that organization. The Registrant shared information about the online after care program with [Client XX] in an email dated September 14, 2020. A copy of this email is attached as **Schedule "E"**. If the Registrant were to testify, he would explain that the aftercare offered by ART was virtual, group-based discussion which was distinct from the one-on-one aftercare counselling he offered to the Client.

16. In addition, [Client XX's] relationship with her family became increasingly strained following her discharge from ART while she hid the fact of her relationship with the Registrant from her family. Her relationship with her family had already been strained during the period of time when she was experiencing active substance use/addiction.

17. During the professional relationship with [Client XX] and/or subsequent to the termination of that professional relationship, the Registrant engaged in a series of boundary crossings and/or boundary violations relating to [Client XX], in that the Registrant:

- (a) lived with [Client XX] in his home, at times;
- (b) socialized with [Client XX] in his home;
- (c) socialized with [Client XX] and his two children inside and/or outside of his home;
- (d) stored [Client XX's] belongings in his home;
- (e) saw [Client XX] for extended periods of time during and/or outside of formal work hours;
- (f) communicated with [Client XX] by text messages of a personal or intimate nature;
- (g) shared details of his personal life with [Client XX];
- (h) took a trip to Niagara Falls with [Client XX] and his children to celebrate the Registrant's son's birthday and during this trip [Client XX] paid for much of the group expenses;
- (i) told [Client XX] not to tell anyone about the personal, intimate and romantic relationship with her;
- (j) shared a bedroom with [Client XX], at times;
- (k) encouraged or allowed [Client XX] to perform housekeeping duties such as cooking and cleaning in his home on at least one occasion;
- (l) on several occasions, allowed [Client XX] to either drive the Registrant's daughter to baseball practice or allowed the Registrant's daughter to borrow [Client XX's] car so that she could drive herself to baseball practice; and
- (m) accepted payment for counselling sessions, which [Client XX] understood to be payments for rent.

18. With respect to the particular included at paragraph 12(a) of the Notice of Hearing dated August 5, 2022 ("**Notice of Hearing**"), relating to the Registrant having "invited [Client XX] to live with [him] in [his] home", the Registrant denies this particular and has consistently denied this particular throughout the discipline process. The College does not accept the Registrant's denial of this particular, but does not seek to prove it in an uncontested hearing. Had this matter proceeded to a contested hearing, the College would have sought to prove this particular. The Registrant would have denied this particular.

19. With respect to the particular included at paragraph 12(k) of the Notice of Hearing, relating to the Registrant having "asked [Client XX] to procure Oxycontin and/or other psychoactive substances for

[him],” which were also [Client XX’s] substances of abuse, the Registrant denies this particular and has consistently denied this particular throughout the discipline process. The College does not accept the Registrant’s denial of this particular, but does not seek to prove it in an uncontested hearing. Had this matter proceeded to a contested hearing, the College would have sought to prove this particular. The Registrant would have denied this particular.

20. As outlined above, during the professional relationship with [Client XX] and/or subsequent to the termination of the professional relationship, the Registrant engaged in a personal relationship with [Client XX], including by engaging in acts of a sexual nature with her. The personal relationship ended on or around October 30, 2020, when [Client XX’s] brother learned of the relationship between the Registrant and [Client XX]. According to [Client XX], up until on or around October 30, 2020, the nature of her relationship with the Registrant had been unknown to [Client XX’s] family. [Client XX’s] brother confronted the Registrant about the relationship by way of a telephone conversation. After the telephone call, the Registrant ended the relationship with [Client XX], at which point, [Client XX] was no longer welcome at the Registrant’s home.

21. The Registrant and [Client XX] exchanged text messages over the course of several days in November 2020. The subject matter of the text messages consisted of inquiries from [Client XX] about retrieving her belongings from the Registrant’s home and attempts to arrange a time to collect her belongings from the Registrant or his daughter. [Client XX] itemized a number of her belongings that were still in the Registrant’s possession, which items included household goods such as pots, pans and a microwave. Screenshots of the text messages between the Registrant and [Client XX], from approximately November 11, 2020 to November 21, 2020, are attached as **Schedule “F”**. The Registrant’s daughter eventually brought [Client XX’s] belongings to [Client XX] due to scheduling constraints that prevented the Registrant from assisting [Client XX] in this regard. In addition, the Registrant was not comfortable allowing [Client XX] to pick up her belongings from his home while he was not home.

22. Upon the dissolution of the personal relationship with the Registrant, [Client XX] experienced a period of homelessness during which time she lived in her car. As referenced above, hiding the fact of the relationship with the Registrant from her family put significant strain on [Client XX’s] already strained relationship with her family. In addition, [Client XX] has continued to seek counselling with respect to substance use and/or addiction issues.

23. On June 2, 2021, an ART client advised the Director and Lead Coordinator of ART that the Registrant had engaged in an intimate relationship with [Client XX]. Based on this information, ART engaged in an internal investigation.

24. As a result of the internal investigation, the Registrant was terminated by or resigned in lieu of termination from ART on June 4, 2021, at which time he admitted to having engaged in an intimate relationship with a female client from September 2020 to November 2020, after the client had completed treatment at ART. Both the CCAF (of which the Registrant was a member) and the Registrant’s employer prohibited personal relationships with clients for a period of two years following the termination of the professional relationship. A copy of the termination letter from ART to the Registrant dated June 4, 2021 is attached as **Schedule “D”**.

### **III. MISUSE OF PROTECTED TITLE**

25. Section 47(1) and (2) of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c. 31 prohibits the use of the title “social service worker” or “registered social service worker” or an abbreviation of those titles to represent expressly or by implication that he or she is a social service worker or registered social service worker.

26. Prior to the Registrant’s registration as a social service work member of the College on or about October 6, 2021, he used the protected title of “Social Service Worker” and/or the protected title of “SSW” in correspondence related to his work at ART. That correspondence included an email dated September 14, 2020 regarding ART Online Aftercare, in which he referred to himself as “Damien Delaney SSW, CACCF, Clinical Supervisor, Addiction Specialist, Family Program Coordinator, Addiction Rehab Toronto”. A copy of the email dated September 14, 2020 is attached as **Schedule “E”** to this Agreed Statement of Facts.

### **IV. COLLEGE INVESTIGATION, REGISTRANT’S RESPONSE AND INTERIM SUSPENSION**

27. On December 22, 2021, the College received a complaint from [Client XX] (the “**Complaint**”) with respect to the Registrant. The Complaint indicated that the Registrant had been [Client XX’s] primary counsellor at ART and that a romantic relationship had occurred between the Registrant and [Client XX] immediately following [Client XX’s] graduation from the ART residential treatment program for a period of two months.

28. The College received a mandatory report dated January 4, 2022 from a Registered Psychotherapist, who provided counselling services to [Client XX]. The report related to the Registrant’s conduct toward [Client XX], including that a sexual and/or intimate relationship had occurred between the Registrant and [Client XX] at the end of August, 2020, and/or beginning of September, 2020, and that this relationship had lasted several weeks upon [Client XX] completing in-patient treatment at ART.

29. On January 26, 2022, the College appointed an investigator to gather information relating to the allegations contained in the Complaint and the mandatory report.

30. On March 2, 2022, the Registrant spoke to the College Investigator and admitted that he had engaged in certain boundary crossings.

31. On or about March 4, 2022, the College received a second mandatory report from a second regulated professional, a Registered Nurse, who also provided counselling services to [Client XX]. This report stated that a sexually intimate relationship had taken place between the Registrant and [Client XX].

32. The Registrant provided a response to the College investigation by email dated March 30, 2022. In his response, the Registrant denied any sexual relationship between himself and [Client XX].

33. The College investigator acknowledged receipt of the Registrant’s response and asked for certain clarifications by email dated March 30, 2022. The Registrant failed to respond to this email.

34. On August 4, 2022, the Executive Committee provided the Registrant with notice of its intention to suspend the Registrant’s certificate of registration on an interim basis pending a hearing before the College’s Discipline Committee.

35. On August 30, 2022, the College’s Executive Committee directed that the Registrar suspend the Registrant’s certificate of registration. By way of a letter of the same date, the College advised the Registrant of the interim suspension. A copy of the letter from Lisa Loiselle, Investigations Manager of the College to the Registrant dated August 30, 2022 is attached as **Schedule “G”**.

36. Prior to receiving the Complaint, the College, including the Registration Committee, had no knowledge of the Registrant’s relationship with the College or of the nature of the Registrant’s relationship with the Client.

## **V. ADMISSIONS OF PROFESSIONAL MISCONDUCT**

37. The Registrant 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*, in that he violated:

(a) 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;

(b) section 2.28 of the Professional Misconduct Regulation by contravening the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c. 31, regulations or by-laws; and/or

(c) section 2.15 of the Professional Misconduct Regulation by inappropriately using a term, title or designation in respect of his practice; and

(d) section 47(1) and/or (2) of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c. 31 by using the English title “social service worker” or “registered social service worker” or an abbreviation of any of those titles to represent or hold out expressly or by implication that he was a social service worker or registered social service worker.

38. The Registrant understands the nature of the allegations that have been made against him and that by voluntarily admitting the allegations, he waives his right to require the College to otherwise prove the case against him.

39. The Registrant irrevocably acknowledges and agrees that all the facts in this Agreed Statement of Facts are true and accurate.

40. The Registrant understands that the panel of the Discipline Committee can accept that the facts herein constitute professional misconduct and that if the panel does so, the panel will then consider the appropriate penalty to impose on the Registrant.

41. The Registrant understands that any agreement between him and the College does not bind the Discipline Committee.

42. The Registrant understands that the panel of the Discipline Committee can make orders as a result of a finding of professional misconduct, as described in the Notice of Hearing, and if the panel makes orders, it will determine the appropriate penalty under section 26(4)-(9) of the Act. The Registrant understands that the panel of the Discipline Committee might not accept a submission as to penalty or costs, even where jointly proposed by the parties.

43. The Registrant understands that if the panel makes a finding or findings of professional misconduct against him, then the panel's decision and its reasons, and/or a summary of its reasons, including the facts contained herein, and the Registrant's name will be published in the College's official member publication, in the College's register, on the College's website, and/or on CanLII (the website operated by the Canadian Legal Information Institute).

44. The Registrant acknowledges that he has had the opportunity to consult with legal counsel and was encouraged to do so by the College before making the admissions contained herein. He further acknowledges that he is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress, and after having ample opportunity to consult with legal counsel if he so wished.

### **Decision of the panel**

[6] Having considered the admissions of the Registrant, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel found that the Registrant committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to allegation II(a), the Panel found that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

### **Reasons for decision**

[7] The evidence filed by the parties substantiated all of the allegations contained in the Notice of Hearing. The Agreed Statement of Facts contained express admissions by the Registrant confirming that he engaged in a series of boundary crossings with [Client XX] during their professional relationship. Those boundary crossings included, but were not limited to, engaging in an intimate and romantic relationship. The Registrant also admitted in the Agreed Statement of Facts to misuse of the social service worker title.

[8] The Panel is satisfied that the misconduct in this matter reflects on the Registrant's current suitability to practise. The misconduct in this case shames not only the Registrant but the broader profession as well. The misconduct demonstrates a significant element of moral failure on the Registrant's part. The Panel is fully satisfied that it accordingly has jurisdiction to make these findings against the Registrant notwithstanding that some of the misconduct would have occurred shortly prior to his registration with the College.



## Penalty submissions

[9] The parties were in agreement on the issue of penalty. They presented to the Panel a Joint Submissions as to Penalty (“**Joint Submission**”) asking this Panel make an order as follows.

1. Damien Daniel Delaney (the “**Registrant**”) shall be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register for an unlimited period of time, pursuant to s. 26(5)(1) of the *Social Work and Social Service Work Act, 1998*, SO 1998, c 31 (the “**Act**”).
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 (pursuant to section 26(7) of the Act) 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, online and/or in print, including, but not limited to in the College’s official publication, on the College’s website, and on the College’s public register, pursuant to s. 26(5)(3) of the *Act*.
5. The Registrant shall pay costs to the College in the amount of seven thousand dollars (\$7,000), by post-dated cheques, in accordance with the following payment schedule:
  - (a) \$500 to be paid on or before the date of the hearing in this matter; and
  - (b) A further thirteen (13) payments of \$500 per month to be paid on or before the first day of the next thirteen (13) months, with the first such payment to occur on or before the first day of the calendar month following the hearing, and the remaining payments to occur on or before the first day of each of the twelve (12) subsequent months thereafter.Should the Registrant fail to make any payment in accordance with the above payment schedule, the entire outstanding balance of the \$7,000 costs award shall immediately become payable.
6. The College and the Registrant agree that if the Discipline Committee accepts this Joint Submission as to Penalty and Costs unconditionally and in full, the order will be effective immediately and there will be no appeal or judicial review of the decision or order to any forum.

## Penalty decision

[10] Having considered the findings of professional misconduct and the submissions of the parties, the Panel accepted the Joint Submission and made an order consistent with its terms before the conclusion of the oral hearing.

## Reasons for penalty decision

[11] The Panel recognizes that a penalty order needs to maintain high professional standards, preserve public confidence in the ability of the College to regulate its registrants, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of a registrant’s practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless to do so would be contrary to the public interest and would bring the administration of justice into disrepute.

[12] The terms of the Joint Submission do not undermine the public confidence in the College's discipline process. The misconduct found in this case is very serious and, as noted above, the Registrant's actions demonstrated a significant moral failing.

[13] The reprimand component enables the Panel to convey its concerns and disapproval directly to the Registrant. Revocation with a 5-year prohibition on re-application is appropriate and not inconsistent with other cases where serious misconduct has been committed.

[14] Deterrence in these types of matters is critical. Clients who seek counseling are often vulnerable and the Registrant in this case held a significant position of trust and authority over the client. The misuse of a professional title fuels the likelihood of a member of the public placing trust and confidence in a service provider. More broadly though, improper use of a protected title undermines other practitioners who are legitimately registered. Revocation sends a clear message to the broader profession that misconduct of this nature will be dealt with severely and may very well require the revocation of one's privilege to practise – the most severe penalty available.

[15] The Panel is nonetheless mindful of the Registrant's absence of any prior discipline history and the manner in which he cooperated in this matter to avoid a contested hearing.

[16] This is a case where costs are appropriate. The broader College membership should not bear the entire cost of this Registrant's misconduct. The amount agreed upon between the parties is acceptable.

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

December 18, 2023

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Charlene Crews, Chair  
Vera Mercier  
Candace Snake