

**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 John Fellows,
2025 ONCSWSSW 5

Date: 20250523

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

JOHN FELLOWS

PANEL:	Charlene Crews	Chair, Professional Member
	Nicole Bonnie	Public Member
	Daniel Afram	Professional Member

Appearances: Jill Dougherty, counsel for the College
Ruba El-Sayegh, counsel for the Registrant
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: December 18, 2024

DECISION AND REASONS FOR DECISION

[1] This matter came was heard by videoconference by a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”) on December 18, 2024. The Panel announced our decision on the misconduct allegations, penalty and costs orally on the record at the hearing. These are the Panel’s reasons for decision.

Publication ban

[2] The College requested an order banning publication of the identity of the Client in this matter and of any information that would identify the Client.

[3] The Registrant did not oppose the order sought.

[4] The Panel granted the order as requested, pursuant to s. 28(7) of the *Social Work and Social Service Work Act, 1998*, SO 1998, c 31 (the “**Act**”). This case involves sensitive personal information about the Client, including allegations of sexual abuse by the Registrant. The desirability of avoiding public disclosure about those matters in connection with the Client’s identity outweighs the desirability of giving the public access to that information.

The allegations

[5] In the Notice of Hearing dated February 6, 2024, the Registrant is alleged to be guilty of professional misconduct pursuant to 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**”).

[6] The factual particulars of the allegations against the Registrant as set out in the Notice of Hearing are as follows:

1. Now, and since July 14, 2015, you have been a Registered Social Worker with the Ontario College of Social Workers and Social Service Workers (the “**College**”).
2. Prior to your registration with the College, and subsequent to it, you provided counselling services in your private practice including to clients with substance use, addiction, custody, access, and/or mental health issues.
3. From in or around 1995 or 1996 to in or around September, 2022, you provided counselling services on an off-and-on basis to [C1] (the “**Client**” or “[C1]”). [C1] was a vulnerable client who struggled with substance use and/or addiction issues. [C1] had a history of sexual abuse and mental health issues. [C1] sought counselling services from you for some or all of those issues. In or around 1995 or 1996, [C1] was a minor, and was under the age of 18.
4. During the period from approximately 1995 to February 2022, you also provided counselling services to [C1]’s family members, including her brother, mother, and mother’s husband.
5. During an appointment in or around 1995 or 1996, you touched [C1]’s knee.
6. During an appointment in or around 1995 or 1996, you requested that [C1] discuss specifics of sexual abuse that she experienced in detail.
7. During an appointment on or between March 7, 2022 and June 18, 2022, you massaged [C1]’s back and/or shoulders, and/or stroked [C1]’s head.
8. During an appointment on or between March 7, 2022 and June 18, 2022, you requested that [C1] discuss specifics of her sexual abuse she experienced in detail.

9. You failed to maintain records of all appointments with [C1]. Where records were maintained, those records were deficient and/or not legible.
10. On or between March 7, 2022 and June 18, 2022, you failed to discuss and/or involve [C1] in the development of a treatment plan and/or goals. You failed to evaluate any progress towards treatment goals together with [C1] and/or failed to record any such evaluation. You did not make referrals and/or document that any referrals had been made.
11. You exchanged a number of text messages with [C1], including:
 - a. On or about May 25, 2022, [C1] texted you indicating, among other things, "Guy I've known for 30 years in aa came o er and GA e him a blow job [*sic*]" and "Now I feel so bad I did that". You said, "Did you hurt him?" and the Client said, "No". You said, "If not then why bother feeling guilty? He probably was grateful".
 - b. During the text exchange on or about May 25, 2022, [C1] indicated that she was suicidal. You said, among other things, "How would anyone feel knowing their mother would rather die than look out for them?", and "That is such crap".
 - c. On or about June 4, 2022, [C1] texted you stating, among other things, "Might not be able to walk up the steps on Monday..had a very bad fall with the dog this morning" and you replied, "That's okay I'll carry you".
 - d. On or about June 18, 2022, [C1] texted you indicating that she wanted to take a break from counselling.
 - e. On or about August 1, 2022, [C1] texted you saying, among other things, "Miss seeing you!". You responded, among other things, saying "Miss you too".
 - f. On or about August 3, 2022, [C1] texted you and invited you to her home for [*sic*]
 - g. On or about August 3, 2022, [C1] wrote, "Love your cock". The Registrant replied, "No sexual texts please. My phone is always on But thank you for the compliment".
12. You went to [C1]'s home on August 3, 2022. In your written response to the College, you indicated that the reason you went to [C1]'s home on August 3, 2022 was because you wanted to know how [C1] was doing and why [C1] wanted to terminate counselling services with you. You attended at [C1]'s home on at least two other occasions.
13. From on or about August 3, 2022 to in or around September 2022, you maintained a personal and sexual relationship with [C1]. You engaged in frequent texting with [C1], including about a golf tournament that you were involved in.

14. On or about August 6, 2022, [C1] texted you, “Come over Monday for 🍷” and, “I’m sorry about last night”. You responded saying, “Hope you feeling better”. [C1] said, “A bit, I think I threw up because I was smoking a big of weed yesterday while drinking, I’m sorry. I’m not drinking king today though [sic]”.
15. When [C1] initiated behaviour of a sexual nature, you failed to state clearly that this behaviour was inappropriate by virtue of the professional relationship.
16. During your professional relationship with [C1] and/or subsequent to the termination of that professional relationship, you engaged in a series of boundary crossings and/or boundary violations relating to the Client, in that you:
 - a. socialized with the Client and the Client’s family, including attending the Client’s mother’s wedding and later, visiting the Client’s mother in hospice and attending the Client’s mother’s funeral and/or visitation and/or memorial;
 - b. communicated with the Client by text messages for a personal and/or nontherapeutic purpose;
 - c. shared details of your life with the Client, including, but not limited to, [redacted].
17. During the professional relationship with the [C1] and/or subsequent to the termination of the professional relationship, you engaged in sexual intercourse or another form of physical sexual relations with [C1] and engaged in touching, behaviour, or made remarks of a sexual nature with her, including:
 - a. Massaging [C1]’s shoulders and head;
 - b. Asking[C1] to discuss details of her sexual abuse in significant detail;
 - c. requesting, having and/or permitting[C1] to touch your groin area or genitals;
 - d. watching [C1] undress (or in a state of undress);
 - e. engaging in, requesting, having and/or permitting [C1] to perform oral sex; and/or
 - f. engaging in sexual intercourse with [C1].
18. You engaged in disgraceful, dishonourable or unprofessional conduct, including by engaging in the conduct detailed in paragraphs 1-17 above.

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

- a) in that you violated section 2.2 of the *Professional Misconduct Regulation* and Principle I of the Handbook (commented on in Interpretations 1.1, 1.3, 1.5 and 1.6),

by failing to participate together with the client in setting and evaluating goals, and identifying a purpose for your relationship with the client; by respecting and facilitating self determination, including by acting as a resource for clients and encouraging them to decide which problems they want to address as well as how to address them; by failing to be aware of your values, attitudes and needs and how those impact on your professional relationships with clients; and by failing to distinguish your needs and interests from those of your clients and to ensure that, within professional relationships, clients' needs and interests remain paramount;

- b) in that you violated section 2.2, 2.9 and 2.10 of the *Professional Misconduct Regulation* and Principle II of the Handbook (commented on in Interpretations 2.1, 2.1.1, 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8), by failing to be committed to ongoing professional development and maintaining competence in your practice; by failing to be responsible for being aware of the extent and parameters of your competence and your professional scope of practice and limit your practice accordingly, or informing the client of the option to be referred to another professional; by failing to ensure that clients are protected from the abuse of power during and after the provision of professional services, and by failing to establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients; by engaging in professional relationships that constitute a conflict of interest or in situations in which you ought reasonably to have known that the client would be put at risk in any way; by having sexual relations with clients; by using information obtained in the course of a professional relationship, and using your position of authority to coerce, improperly influence, harass, abuse or exploit a client, former client, student, trainee, employee colleague or research subject; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
- c) in that you violated section 2.2 of the *Professional Misconduct Regulation* and Principle III of the Handbook (commented on in Interpretations 3.7 and 3.8), by failing to assume full responsible for demonstrating that a client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally, in a situation where a personal relationship occurred between you and a client or former client; and by failing to make reasonable efforts to hold a termination session with the client when professional services were discontinued;
- d) in that you violated section 2.2 and 2.20 of the *Professional Misconduct Regulation* and Principle VI of the Handbook (commented on in Interpretation 4.1.1, 4.1.3, 4.1.7, 4.2.1 and 4.2.3 and Footnotes 1, 2 and 3), by failing to record information that conforms with accepted service or intervention standards and protocols within the profession of social work and social service work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention; by failing to keep systematic, dated, and legible records for each client or client system serviced; by failing to comply with the requirements regarding record retention, storage, preservation and security set out in any applicable privacy and other legislation and by establishing clear policies relating to record retention, storage, preservation and security; by using a documentation by exception system that did not permit the total record to capture the minimum content

as set out in Footnote 3; by failing to ensure that each client record is stored and preserved in a secure location for at least seven years from the date of the last entry;

- e) in that you violated section 2.2, 2.5, 2.9 and 2.10 of the *Professional Misconduct Regulation* and Principle VIII of the Handbook (commented on in Interpretation 8.1, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.4, 8.6, and 8.7) by failing to be responsible for ensuring that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations with a client; by engaging in touching of a sexual nature of the client; by engaging in behaviour or remarks of a sexual nature towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by failing to seek consultation/supervision and developing an appropriate plan when you developed sexual feelings towards a client that could put the client at risk; by failing to clearly state that a client initiating behaviour of a sexual nature is inappropriate by virtue of the professional relationship; by engaging in sexual relations with a client at the time when professional services were provided; by engaging in sexual relations with a client to whom you provided psychotherapy and/or counselling services, or with respect to whom you have performed the controlled act of psychotherapy;
- f) 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
- g) 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.

Registrant's position

[8] The Registrant admitted to the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry at the hearing. Additionally, in the Agreed Statement of Facts between the College and the Registrant (discussed below), the Registrant confirmed in writing his understanding of the nature of the allegations against him, that he was voluntarily admitting to the allegations, and that he understood the consequences of admitting to the misconduct.

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

The evidence

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

A. Background and Overview

1. John Anthony Fellows (the “**Registrant**”) obtained a Master's Degree in Social Work from Wilfrid Laurier University in 1977. He first registered with the Ontario

College of Social Workers and Social Service Workers (the “**College**”) as a Social Work member on July 14, 2015 and is currently registered in that capacity.

2. Both before and after his registration with the College, the Registrant provided counselling services in his private practice, including to clients with substance use, addiction, custody, access, and/or mental health issues.
3. From in or around 1995 or 1996 to in or around March 2022, the Registrant periodically provided counselling services to [C1] (the “**Client**”). To the Registrant’s knowledge, the Client was a vulnerable individual with a history of sexual abuse and mental health concerns, who struggled with substance use and addiction issues. The Client sought and received counselling from the Registrant for some or all those issues.

B. Services Provided by the Registrant to the Client

4. The Registrant provided social work services (including counselling services) to the Client during three periods of time. The first period was in or around 1995 or 1996, the second was in or around 2016 (with the Client’s former partner), and the third was in 2022.
5. From approximately 1995 to February 2022, the Registrant also provided counselling services to the Client’s family members at various times, including her brother, her mother’s husband, and her mother (the “**Client’s Mother**”). The Registrant treated the Client’s Mother for roughly 30 years until her death in [date].

(a) First Period of Services: 1995 or 1996

6. The Client first sought counselling from the Registrant in or around 1995 or 1996, when she was a teenager, for six sessions. The Registrant was aware of the Client’s age when he provided counselling to her.
7. During that period, the Client advised the Registrant that she had been sexually abused by her father. The Registrant requested the Client to talk about that sexual abuse in detail during a counselling session. When the Client did so, she became dysregulated, and the Registrant acknowledges that he placed his hand on the Client’s knee which the Registrant indicates would have been to ground her.
8. Ultimately, the Client indicates she became concerned about the Registrant’s conduct and discontinued counselling with him. However, the Registrant continued to provide counselling to the Client’s Mother.
9. Before becoming a member of the College, when the Client’s Mother re-married, the Registrant [...] attended the wedding. This was the first time he saw the Client again after the first period of services. The Registrant frequently came to see the Client’s Mother when she was terminally ill, both at her house and when she was in hospice care. In addition, the Registrant attended the Client’s Mother’s funeral, visitation, and a memorial the Client hosted at her house. The Registrant acknowledges, as described below, that this conduct violated professional boundaries.

(b) Final Period of Services: 2022

10. In [date], the Client's Mother died. In [date] 2022, the Client reached out to the Registrant by telephone to schedule a session, as the Client's counsellor, [redacted], had retired and the Client was struggling with the death of her mother.
11. As of 2022, the Client had been diagnosed with thought disorders and was on anti-psychotic medications. The Client suffered from alcoholism and had recently started drinking again. The Client was also struggling with complex post-traumatic stress disorder (CPTSD). The Registrant was aware of those circumstances and diagnoses.
12. From [date] to [date], 2022, the Registrant saw the Client for approximately 15 sessions at the Registrant's office. Throughout all the sessions, the Registrant failed to discuss and/or involve the Client in the development of a treatment plan and/or goals. The only treatment plans mentioned in the Registrant's records were:
 - Encourage exercise and activities (painting, landscaping, walking dog) and healthy eating;
 - Develop behavioural strategies to handle voices and anxiety; and
 - Discuss any pertinent memories not covered in therapy previously.
13. The Registrant acknowledges that this treatment plan was not appropriate. The Registrant failed to participate together with the Client to set and evaluate goals, and failed to identify a purpose for the Registrant's relationship with the Client.
14. The Registrant failed to adequately record an evaluation of the Client's progress.
15. The Registrant also failed to maintain records of all appointments with the Client. Among other things, the Registrant did not make any notes of some sessions that occurred, including June 6th, 8th, or 13th, 2022. Other dates such as March 7, 14, April 4, 11, 20, 25, May 9, 16, 24, and June 2, 2022 are listed with brief notes about the sessions but without explicit mention of treatment plans and goals. Where records were maintained, those records were deficient, incomplete, and not legible. The Registrant's records do not facilitate monitoring and evaluation of the effects of the service and intervention. The Registrant failed to keep records as required by the regulations and standards of the profession.
16. The 2022 sessions largely focused on the Client's depression over the loss of her mother, anxiety, suicidal ideation, alcoholism, her father's past abuse, and body dysmorphia. During an appointment on or between March 7, 2022 and June 13, 2022, the Registrant also requested that the Client discuss the specifics of her sexual abuse, allegedly perpetrated by her father. As a result, the Client would become upset and "disassociate" during counselling sessions. The Registrant then massaged the Client's back and/or shoulders and/or stroked her head. The Registrant acknowledges that the Client was uncomfortable with this, although if the Registrant were to testify at a contested hearing, he would state that those actions were intended to ground the Client.

17. The Registrant continued to provide social work services to the Client and did not make referrals or document that any referrals had been made, although the Registrant was aware the Client was being followed by psychiatry and he facilitated her decision to enter detox. The Registrant acknowledges that referrals would have been appropriate, as the Client's needs extended beyond the extent and parameters of his competence and professional scope of practice. The Registrant failed to be aware (and be responsible for being aware) of the extent and parameters of his competence and professional scope of practice, and limit his practice accordingly, or inform the Client of the option to be referred to another professional. The Registrant failed to be committed to ongoing professional development and maintaining competence in his practice. The Registrant ought reasonably to have known that the professional services provided to the Client were not likely to benefit the Client.

C. Text Messages Exchanged by Registrant and Client

18. While the counselling was ongoing in 2022, the Registrant began communicating with the Client by text message. The messages were not all of a clinical nature and were not appropriate to the service provided. The Registrant did not include copies of those text messages in the Client's clinical record and instead deleted them. In so doing, the Registrant failed to comply with the requirements regarding record retention, storage, preservation and security set out in privacy legislation and failed to establish clear policies relating to record retention and preservation. The Client's record was not stored for at least seven years, as required.
19. The text messages exchanged between the Registrant and the Client are attached at **Exhibit "A"** to this Agreed Statement of Facts [omitted from these Reasons for Decision] and included the following:
 - (a) On or about May 25, 2022, the Client texted the Registrant indicating, among other things, "Guy I've known for 30 years in aa came o er and GA e him a blow job [*sic*]" and "Now I feel so bad I did that". The Registrant said, "Did you hurt him?" and the Client said, "No", to which the Registrant said, "If not then why bother feeling guilty? He probably was grateful".
 - (b) During the text exchange on or about May 25, 2022, the Client indicated that she was suicidal. The Registrant said, among other things, (referring to the Client's son) "How would anyone feel knowing their mother would rather die than look out for them?", and "That is such crap". Though the Registrant called the police immediately after.
 - (c) On or about June 4, 2022, the Client texted the Registrant stating, among other things, "Might not be able to walk up the steps on Monday..had [*sic*] a very bad fall with the dog this morning" and the Registrant replied, "That's okay I'll carry you".
20. In these communications, the Registrant failed to be aware of his values, attitudes and needs and how those impacted on his professional relationship with the Client.
21. If the client were to testify, she would say that her previous social worker, [redacted], informed her of concerns regarding the Registrant and his practice with other clients.

The Client then texted the Registrant on June 18, 2022, saying that she wanted to “take a break from counselling right now.”

22. The Registrant did not document this text as a termination of the counselling relationship and no termination session took place.

D. Sexual Abuse

23. The Registrant did not hear from the Client for several weeks after her June 18, 2022 text. On or about August 1, 2022, the Client texted the Registrant saying, among other things, “Miss seeing you!”. The Registrant responded, saying “Hi [C1] I’m doing well. Miss you too”. The Registrant indicates that he replied reflexively but acknowledges he failed to draw appropriate boundaries by not endorsing or validating this manner of communication.
24. On or about August 3, 2022 in the late afternoon, the Client texted the Registrant and invited him to her home for “drinks”. The Registrant states that he went to the Client’s home on that afternoon because he was curious about her previous June 18, 2022 text, saying that she wanted to take a break from counselling.
25. The Client indicates that she and the Registrant consumed alcohol together on the Client’s back patio. The Registrant indicates that the Client offered him a beer, which he declined. The Client indicates that she massaged the Registrant’s genitals over his clothing and performed oral sex on him. The Registrant indicates that the Client solicited him and massaged his genitals, which he terminated after about thirty seconds, and that he did not accept her invitation to perform oral sex and left the Client’s home about five minutes later. The Registrant acknowledges that he failed to maintain appropriate professional boundaries.
26. After the Registrant left the Client’s home, the Client sent him a text saying “Love your cock”. The Registrant replied, “No sexual texts please. My phone is always on. But thank you for the compliment”.
27. On or about August 6, 2022, the Client texted the Registrant, “Come over Monday for 🍆”, using the eggplant emoji to presumably symbolize a penis and inviting the Registrant to engage in sexual touching. The Registrant did not respond.
28. On or about August 7, 2022, the Registrant accepted the Client’s invitation to attend her home for a second time, indicating that he wanted to discuss the prior visit. The Registrant observed that the Client had been drinking heavily before the Registrant came over. The Client started to disrobe and the Registrant saw the Client naked and seductively writhing on her bed. The Client indicates that during this visit, the Registrant laid on the bed with the Client and the Client performed oral sex on the Registrant. This was interrupted when the Client had to go to the bathroom to vomit. The Registrant left the house about 15 minutes later after he ensured she was better.
29. The Client texted the Registrant the following day, saying “I’m sorry about last night” and the Registrant responded saying, “Hope you feeling better”. The Client

said, “A bit, I think I threw up because I was smoking a big of weed yesterday while drinking, I’m sorry. I’m not drinking king today though” (sic).

30. The Registrant went to the Client’s house again on or about August 17, 2022, during which the Registrant shared personal details of his life with the Client in a manner that was not therapeutic or appropriate. The Client states that on another occasion, in September 2022, that the Registrant attended her house for another visit at which time the Client indicates that she and the Registrant had sexual intercourse. If the Registrant were to testify, he would say that there was not a fourth visit and that he never engaged in sexual intercourse with the Client.
31. There is a dispute between the Registrant and the Client regarding the details and extent of the sexual touching and behaviour by the Registrant. The College accepts the truthfulness and accuracy of the Client’s version of events and would have sought to prove it if this case had proceeded to a contested hearing. While the Registrant denies engaging in oral sex, the Registrant acknowledges that he engaged in touching of a sexual nature, physical sexual relations and behaviour and remarks of a sexual nature with the Client and, in light of that acknowledgement and the proposed resolution of this case (which the College has discussed with the Client), the College is not seeking to prove the details of the conduct in a contested hearing.
32. When the Client initiated behaviour of a sexual nature, the Registrant failed to state clearly that this behaviour was inappropriate by virtue of the professional relationship. In these interactions, the Registrant failed to be aware of his values, attitudes and needs and how those impacted on his professional relationship with the Client. The Registrant failed to distinguish his needs and interests from those of the Client and to ensure that, within the professional relationship, the Client’s needs and interests remained paramount.
33. The Registrant failed to establish and maintain clear and appropriate boundaries in his professional relationship with the Client, for the protection of the Client. In summary, during the Registrant’s professional relationship with the Client 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 the Client, in that he:
 - (a) visited the Client’s Mother in hospice and attending the Client’s Mother’s funeral and/or visitation and/or memorial;
 - (b) communicated with the Client by text messages for a personal and nontherapeutic purpose;
 - (c) shared personal details of his life with the Client, without a therapeutic or clinical purpose for doing so.
34. The Registrant engaged in a professional relationship with the Client and provided services to the Client despite being in a conflict of interest and despite his dual relationship with the Client. The Registrant acknowledges that he ought to have known that the Client would be put at risk by engaging in this professional relationship.

35. The Registrant engaged in sexual abuse, including touching of a sexual nature, physical sexual relations and behaviour and remarks of a sexual nature with the Client, including:
- (a) requesting, having or permitting the Client to touch his groin area or genitals;
 - (b) watching the Client undress (and in a state of undress);
 - (c) engaging in, requesting, having or permitting the Client to engage in physical sexual touching and sexual relations with the Registrant;
 - (d) failing to be responsible for ensuring that sexual misconduct did not occur.
36. The Registrant used his professional position of authority and used information obtained during his professional relationship with the Client to encourage the Client to speak about her sexual abuse which the Registrant acknowledges made the Client feel uncomfortable.
37. The Registrant failed to assume full responsibility for demonstrating that the Client was not exploited or coerced, intentionally or unintentionally, in a situation where a personal relationship occurred.
38. The Registrant acknowledges that his conduct reflects negatively on the profession of social work, and constitutes disgraceful, dishonourable, and unprofessional conduct.
39. On August 7, 2022, the College received a report from a friend of the Client, [C2]. (the “**Reporter**”) regarding the Registrant. The Reporter stated that the Client had advised the Reporter that she had recently engaged in sexual conduct with the Registrant. The Reporter sent screenshots of the text messages between herself and the Client discussing this issue.
40. College staff investigated the report, including conducting interviews of the Client and the Client’s previous counsellor, [redacted]. The Executive Committee subsequently referred allegations of professional misconduct to the Discipline Committee, as set out in the Notice of Hearing dated March 6, 2023.

E. Admissions of Professional Misconduct

41. The Registrant agrees that the standards of the profession are set out in the Code of Ethics and Standards of Practice Handbook (the “**Handbook**”):
42. 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, 1998*, SO 1998, c 31 (the “*Act*”), in that the Registrant:
- (a) Violated **Section 2.2** of the O. Reg. 384/00: Professional Misconduct (the “**Professional Misconduct Regulation**”) by failing to meet the standards of the profession and in particular:

(i) Principle I of the Handbook (commented on in Interpretations 1.1, 1.3, 1.5 and 1.6) by:

1. Failing to participate together with the client in setting and evaluating goals, and identifying a purpose for his relationship with the client;
2. by respecting and facilitating self determination, including by acting as a resource his clients and encouraging them to decide which problems they want to address as well as how to address them;
3. by failing to be aware of his values, attitudes and needs and how those impact on his professional relationship with clients;
4. 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) Section 2.2, 2.9 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.1.1, 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8) by:

1. Failing to be committed to ongoing professional development and maintaining competence in his practice;
2. Failing to be responsible for being aware of the extent and parameters of his competence and his professional scope of practice and limit his practice accordingly, or informing the client of the option to be referred to another professional;
3. Failing to ensure that clients are protected from the abuse of power during and after the provision of professional services, and by failing to establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients;
4. Engaging in professional relationships that constitute a conflict of interest or in situations in which he ought reasonably to have known that the client would be put at risk in any way;
5. Engaging in sexual relations with clients; by using information obtained in the course of a professional relationship, and using his position of authority to coerce, improperly influence, harass, abuse or exploit a client, former client, student, trainee, employee colleague or research subject; and
6. Failing to avoid conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work.

(iii) **Principle III of the Handbook (commented on in Interpretation 3.7 and 3.8)** by failing to assume full responsible for demonstrating that a client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally, in a situation where a personal relationship occurred between you and a client or former client; and by failing to make reasonable efforts to hold a termination session with the client when professional services were discontinued; and

(iv) **Section 2.2 and 2.20 of the Professional Misconduct Regulation and Principle VI of the Handbook (commented on in Interpretations 4.1.1, 4.1.3, 4.1.7, 4.2.1 and 4.2.3 and Footnotes 1, 2 and 3)** by:

1. Failing to record information that conforms with accepted service or intervention standards and protocols within the profession of social work and social service work, relevant to the services provided, and in a format that facilitates the monitoring and evaluation of the effects of the service/intervention;
2. Failing to keep systematic, dated, and legible records for each client or client system serviced;
3. Failing to comply with the requirements regarding record retention, storage, preservation and security set out in any applicable privacy and other legislation and by establishing clear policies relating to record retention, storage, preservation and security; by using a documentation by exception system that did not permit the total record to capture the minimum content as set out in Footnote 3;
4. Failing to ensure that each client record is stored and preserved in a secure location for at least seven years from the date of the last entry;

(v) **Section 2.2, 2.5, 2.9 and 2.10 of the Professional Misconduct Regulation and Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.4, 8.6, and 8.7)** by:

1. Failing to be responsible for ensuring that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations with a client;
2. Engaging in touching of a sexual nature of the client;
3. Engaging in behaviour or remarks of a sexual nature towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided;

4. Failing to seek consultation/supervision and developing an appropriate plan when you developed sexual feelings towards a client that could put the client at risk;
 5. Failing to clearly state that a client initiating behaviour of a sexual nature is inappropriate by virtue of the professional relationship; by engaging in sexual relations with a client at the time when professional services were provided; and
 6. Engaging in sexual relations with a client to whom you provided psychotherapy and/or counselling services, or with respect to whom you have performed the controlled act of psychotherapy; and
- (b) 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) 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 Registrants as disgraceful, dishonourable, and unprofessional.

F. Mitigation

43. The Registrant apologized to the Client and expressed his regret for failing to maintain professional boundaries and took full responsibility for his actions.
44. The Registrant reviewed the College's Code of Ethics and Standards of Practice.
45. If the Registrant were to testify, he would state that during the Relevant Period he was suffering from mental health challenges. While the Registrant takes full responsibility for his actions, and does not intend to excuse or condone his actions, he hopes to give context to the psychological and emotional state he was in at the relevant time. Since January 2023 the Registrant has sought out multiple formal (professional) and informal supports for himself. He attends therapy on a regular basis, and is working towards improving his own mental health. The Registrant sincerely regrets his actions and the impact that they continue to have on the Client.

Decision of the Panel

[11] 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.

[12] Having carefully considered the onus and standard of proof, 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 (g), the Panel finds that the Registrant's

conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional. The Panel announced its findings orally on the record at the hearing.

Reasons for decision

Failure to adhere to principles guiding relationship with clients

[13] Allegation (a) asserts that the Registrant engaged in professional misconduct pursuant to s. 2.2 of the Professional Misconduct Regulation by failing to meet the standards of the professional set out in Principle I of the Handbook, as commented on in Interpretations 1.1, 1.3, 1.5 and 1.6. Those standards set out fundamental practice principles arising from basic professional values, to which College registrants must adhere in their relationships with clients.

[14] The Panel found that the Registrant failed to meet those standards in several ways.

[15] First, the Registrant failed to participate together with the Client in setting and evaluating treatment goals, and in identifying a clear purpose for their professional relationship. As noted in the Agreed Statement of Facts, the treatment plan was minimal and generic and lacked individualized goals. The Registrant did not document any proper evaluation of the Client's progress. The Registrant did not involve the Client in developing treatment plans, nor did he record any collaborative evaluations of progress, in violation of Principle I (Interpretation 1.1).

[16] Second, the Panel found that the Registrant failed to respect and facilitate the Client's self-determination. The Registrant did not engage the Client in identifying which problems to address or how to address them. Instead, he allowed the professional relationship to drift outside of clinical boundaries, including by engaging in personal conversations, social contact, and physical interactions that were not grounded in the Client's therapeutic goals (Interpretation 1.3).

[17] Third, the Registrant failed to be aware of his own values, attitudes, and needs and how these influenced his professional relationship with the Client. The evidence demonstrated that the Registrant allowed his personal feelings and needs to interfere with maintaining clear boundaries, both during and after the provision of services. His decision to engage in personal and sexual interactions with the Client highlighted his failure to maintain the necessary professional distance (Interpretation 1.5).

[18] Finally, the Registrant failed to distinguish his personal needs and interests from those of the Client and did not ensure that the Client's needs and interests remained paramount. The Registrant prioritized personal contact and interactions with the Client, which directly conflicted with his professional obligations (Interpretation 1.6).

[19] The Panel concluded that the Registrant's conduct under Allegation (a) constituted clear breaches of the standards of practice, and that the College met its burden of proof on a balance of probabilities.

Boundary violations, abuse of power and professional competence

[20] With respect to allegation (b), the Panel found that the Registrant failed to meet the standards of the profession set out in Principle II of the Handbook (commented on in Interpretations 2.2, 2.1.1, 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8), and violated ss. 2.2, 2.9 and 2.10 of the Professional Misconduct Regulation.

[21] The evidence proves that the Registrant engaged in multiple boundary violations throughout and following the professional relationship with the Client. These included attending family events, visiting the Client's mother in hospice, engaging in non-therapeutic text message communication, and sharing personal details about his own life.

[22] The Panel accepted that the Registrant's actions demonstrated a misuse of professional authority and power, particularly given the Client's vulnerability due to past sexual abuse, mental health concerns, and substance use. The Registrant breached standards of the profession when he engaged in sexual relations with the Client and used information obtained in the course of a professional relationship, and his position of authority, to coerce, improperly influence, harass, abuse or exploit his client. The Registrant's conduct placed the Client at risk and reflected a serious violation of trust inherent in the client-professional relationship.

[23] The Panel also found that the Registrant failed to practise within the scope of his competence contrary to the standards. He continued to provide services despite knowing that the Client's needs exceeded his own training and capacity, including diagnoses of CPTSD, thought disorders, and active suicidality. The failure to refer the Client to more appropriate services, or to consult with a supervisor, was a violation of Principle II of the Handbook and ss. 2.9 and 2.10 of the Professional Misconduct Regulation.

Record-keeping and documentation failures

[24] With respect to allegation (d), the College alleges that the Registrant failed meet the standards of the profession as set out in Principle VI of the Handbook (commented on in Interpretations 4.1.1, 4.1.3, 4.1.7, 4.2.1 and 4.2.3 and Footnotes 1, 2 and 3) and engaged in professional misconduct under s. 2.20 of the Professional Misconduct Regulation, both of which related to social worker record keeping requirements.

[25] The Panel found that the Registrant failed to keep adequate, complete, and legible records of his sessions with the Client, in violation of Principle VI of the Handbook and sections 2.2 and 2.20 of the Professional Misconduct Regulation. The Registrant admitted that he did not make notes of multiple sessions with the Client, that existing records were illegible, and that treatment plans and evaluations were either insufficient or absent.

[26] In addition, the Registrant deleted clinical text messages, failed to store the client record securely, and did not retain records for the required seven-year period. The lack of proper documentation undermined the Client's continuity of care and was inconsistent with the standards of social work practice.

Sexual misconduct

[27] Allegation (e) in the Notice of Hearing alleges that the Registrant engaged in professional misconduct under sections 2.2, 2.5, 2.9 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 8.1, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.4, 8.6, and 8.7), by engaging in sexual misconduct in relation to the Client.

[28] The Registrant admitted to engaging in touching of a sexual nature of the Client, including allowing the Client to touch his groin area, engaging in sexually suggestive texting, and visiting the Client's home where additional sexual activity occurred. These actions occurred during the professional relationship and shortly after it ended.

[29] The Registrant also failed to respond appropriately when the Client initiated sexual behaviour, and did not take steps to prevent or report the misconduct. The failure to maintain professional boundaries and to protect a vulnerable client from harm constituted sexual abuse within the meaning of the legislation.

[30] The Panel found that this conduct violated the standards set out in Principle VIII of the Handbook. The conduct also amounts to acts of professional misconduct under section 2.5 ("Abusing a client physically, sexually, verbally, psychologically or emotionally, including sexually abusing a client within the meaning of subsection 43 (4) of the Act"), section 2.9 ("Providing a service that the member knows or ought reasonably to know is not likely to benefit the client"), and section 2.10 ("Providing a professional service while the member is in a conflict of interest.") of the Professional Misconduct Regulation.

Disgraceful, dishonourable and unprofessional conduct

[31] The Panel found the College proved professional misconduct under allegation (g) of the Notice of Hearing. Based on the totality of the conduct—including the sexual misconduct, dual relationships, abuse of power, failure to protect the Client, and a lack of professional judgment—the Panel found that the Registrant's behaviour would reasonably be regarded by members of the profession as disgraceful, dishonourable, and unprofessional.

[32] The Panel found that the misconduct was serious and sustained over time, and reflected a profound breach of the ethical and professional obligations expected of a social worker.

[33] With respect to allegation (f), by virtue of having been found to have engaged in professional misconduct under allegations (a) through (e) and (g), the Registrant "Violated Section 2.28 of the Professional Misconduct Regulation by contravening the Act, regulations or by-laws". The Panel therefore also found that the Registrant engaged in professional misconduct under allegation (f).

Penalty submissions

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

1. The Registrant shall be reprimanded in person or electronically by the Discipline Committee, and the fact and nature of the reprimand shall be recorded on the College’s Register.
2. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Registrant, online and/or in print, including, but not limited to, in the official publication of the College, on the College’s website, and on the College’s public register. Such publication shall include the Undertaking, Agreement & Acknowledgement of the Registrant, dated November 15, 2024, which shall be published in the manner described above and posted on the public portion of the Register maintained by the College. The Register shall reflect that the Registrant entered into this Undertaking, Agreement & Acknowledgement as part of a resolution of Discipline Committee proceedings.
3. The Registrant shall pay costs to the College in the amount of six thousand dollars (\$6,000.00).

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

... I, JOHN ANTHONY FELLOWS, undertake that:

1. I hereby resign permanently as a member of the College, and surrender irrevocably my Certificate of Registration, effective November 15, 2024.
2. Following my resignation on November 15, 2024, I will not practise as a social worker in Ontario (or in any other jurisdiction) and/or engage in activities within the scope of practice of the profession of social work in Ontario, as defined in the current *Code of Ethics and Standards of Practice Handbook* of the College, now or in the future;

... I also confirm, agree and acknowledge that:

3. I will not be entitled in the future to seek registration in the College after having resigned permanently from membership in the College and having irrevocably surrendered my Certificate of Registration pursuant to the Undertaking, Agreement & Acknowledgement above.
4. I will no longer:
 - a. use the English title “social worker” or “registered social worker” or the French title “travailleur social” or “travailleur social inscrit” or an abbreviation of any

of those titles to represent expressly or by implication that I am a social worker or registered social worker;

- b. represent or hold out expressly or by implication that I am a social worker or a registered social worker; and/or
- c. engage in the practice of social work in any capacity in the Province of Ontario.

...

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

[36] Counsel for the College submitted that in light of the Registrant's Undertaking, the jointly proposed penalty, which includes a reprimand, and publication of the findings and undertaking, is appropriate, is consistent with previous College decisions, and serves the objectives of public protection and deterrence. The College emphasized the seriousness of the Registrant's misconduct, including multiple boundary violations, sexual misconduct, and the Registrant's failure to protect a highly vulnerable client. Aggravating factors included the power imbalance, the duration and nature of the personal and sexual relationship, and the significant impact on the Client.

[37] The College also highlighted mitigating factors, including the Registrant's lack of prior discipline history, his admission of wrongdoing and remorse, his full cooperation with the College, and the fact that the joint resolution spared the client from the stress of testifying. The College noted that the permanent resignation and undertaking went beyond what the Panel could order on its own, providing enhanced public protection, and cited the Finlay and DeJonge cases as precedent for a comparable penalty.

[38] Counsel for the Registrant endorsed the joint submission and highlighted mitigating factors, including the Registrant's expression of remorse, his acknowledgment of wrongdoing through the Agreed Statement of Facts and Joint Submission, and his long career with no previous discipline history. Counsel pointed to the Registrant's long career with no prior discipline, his early admission of misconduct, his remorse, and his mental health struggles during the relevant period. The Registrant had cooperated fully with the College's investigation and discipline process, and counsel submitted that the early resolution demonstrated accountability and avoided unnecessary expense and further harm to the client.

[39] Both parties submitted that the proposed penalty met the objectives of general and specific deterrence, public accountability, and public protection, and was consistent with the principles governing joint submissions.

Penalty decision

[40] Having considered the findings of professional misconduct, the evidence, the submissions of the parties and the Registrant's Undertaking, the Panel accepted the Joint Submission and made an order as follows:

1. The Registrant shall be reprimanded in person or electronically by the Discipline Committee, and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Registrant, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register. Such publication shall include the Undertaking, Agreement & Acknowledgement of the Registrant, dated November 15, 2024, which shall be published in the manner described above and posted on the public portion of the Register maintained by the College. The Register shall reflect that the Registrant entered into this Undertaking, Agreement & Acknowledgement as part of a resolution of Discipline Committee proceedings.
3. The Registrant shall pay costs to the College in the amount of six thousand dollars (\$6,000.00).

[41] The Panel's order was announced orally on the record at the hearing.

Reasons for penalty decision

[42] The Panel recognized that the penalty should 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 the Registrant's practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[43] The Panel carefully considered the Joint Submission on penalty and costs in light of the relevant legal principles.

[44] The Panel found that the proposed penalty aligns with the objectives of the discipline process: public protection, general and specific deterrence, and, where applicable, remediation. This must be assessed in light of the Registrant's Undertaking pursuant to which he has permanently resigned and agreed never to reapply for registration with the College or to practise social work in Ontario or any other jurisdiction. That Undertaking provides robust public protection by ensuring that the Registrant will not return to practice, which goes beyond what the Panel could order, in that an order of revocation is always subject to the provisions of the Act governing reinstatement.

[45] The publication of the Panel's decision, together with the Undertaking, enhances transparency and serves as a general deterrent to other members of the profession. The reprimand allowed the Panel to directly express its disapproval of the Registrant's misconduct.

[46] The Panel considered the aggravating factors, including the Client's significant vulnerability, the substantial power imbalance, and the serious and sustained nature of the misconduct. The Registrant's boundary violations, sexual misconduct, and failure to protect the Client's well-being reflected serious breaches of trust and professional standards. The Panel also weighed the mitigating factors, including the Registrant's lack of prior discipline history, his admission of wrongdoing, remorse, cooperation with the College, and his agreement to resolve the matter without requiring a contested hearing. The Panel recognized that resolving the matter early saved the Client the stress and other potential negative impacts of testifying.

[47] The Panel also considered the case law cited by the parties, particularly *Ontario College of Society Workers and Social Service Workers v Finlay*, 2023 ONCSWSSW 7, and *Ontario College of Society Workers and Social Service Workers v DeJonge*, 2024 ONCSWSSW 9, which involved similar misconduct and resulted in comparable penalties. The Panel concluded that the proposed penalty was within the reasonable range of outcomes and was not contrary to the public interest.

[48] With respect to costs, the Panel noted that costs orders are not punitive but are intended to offset the costs expenses in investigating and prosecuting the matter. The agreed-upon amount of \$6,000 was reasonable and consistent with costs awarded in other uncontested one-day hearings. The Panel found no reason to depart from the jointly proposed costs award.

[49] In all the circumstances, the Panel was satisfied that the joint submission on penalty and costs was fair, reasonable, and served the goals of public protection and accountability.

[50] At the end of the hearing, after confirming that the Registrant waived his right of appeal, the Panel delivered an oral reprimand to the Registrant in accordance with paragraph 1 of the Panel's order

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

Date: May 23, 2025

Signed:

Charlene Crews, Chair
Nicole Bonnie
Daniel Afram