

**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 McQuarrie,  
2024 ONCSWSSW 13

Date: 20241125

**BETWEEN:**

THE ONTARIO COLLEGE OF SOCIAL WORKERS  
AND SOCIAL SERVICE WORKERS

- and -

SEAN McQUARRIE

PANEL:	Chisanga Chekwe	Chair, Public Member
	Charlene Crews	Professional Member
	Sana Imran	Professional Member

Appearances: Amy Block, counsel for the College  
Registrant, self-represented  
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: May 10, 2024

**DECISION AND REASONS FOR DECISION**

[1] This matter came on for hearing by videoconference before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”) on May 10, 2024. The Panel announced our decision on the misconduct allegations, penalty and costs orally on the record at the hearing. These are our reasons for decision.

**Publication ban**

[2] The College requested an order banning publication of the identity of the client in this matter (referred to as “Client 1”) and of any information that would identify Client 1. The College’s request was made pursuant to s. 28(7) of the *Social Work and Social Service Work Act*, 1998, S.O. 1998, c 31 (the “**Act**”), and was based on the fact that the allegations and evidence in this case involve sensitive personal information about Client 1, including matters involving sexual

misconduct of the Registrant in relation to Client 1. 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 order is in the public interest as it reassures clients that if they come forward with concerns of sexual misconduct by members of the College, their identity will be protected at a hearing.

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

[4] The Panel granted the order as requested. There is no compelling public interest in Client 1's identity. The publication ban does not undermine the public interest; rather, it serves the public interest by encouraging reporting of sexual misconduct.

### **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 *Social Work and Social Service Work Act*, 1998, S.O. 1998, c 31 (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 are set out in the Notice of Hearing as follows:

- a. You graduated from George Brown College in 2004 and were first registered with the Ontario College of Social Workers and Social Service Workers (the "College") on April 3, 2013.
- b. Between October 22, 2018, and August 10, 2023, you were employed and practising at [employment] as a Concurrent Disorders Counsellor.
- c. On or about June 1, 2021, you were assigned to provide counseling service to [C1] (the "Client" or "[C1]"). You provided counselling services until the Client completed treatment in or around July 8, 2022.
- d. During this period, you provided individual counselling to [C1] at a frequency of approximately once a week.
- e. [C1] was a vulnerable client who had sought assistance from you, including with respect to substance use and/or addiction issues.
- f. During the professional relationship, you failed to maintain appropriate boundaries with the Client, including by:
  - a. sharing details of your personal life with [C1]
  - b. engaging in counselling sessions in informal locations, such as parks;

- c. suggesting the Client attend a particular location for group treatment meetings, and attending those same meetings at the same location;
- d. forming a personal friendship with [C1]
- g. From in or around March 2023 to in or around May 2023, less than 8 months after your last counselling session with [C1], you engaged in a personal and sexual relationship with her, including exchanging romantic and/or sexually explicit messages and engaging in sexual intercourse.
- h. On August 10, 2023, your employment with [employment] was terminated due to having a personal/intimate relationship with the Client.

[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:

- a. In that you violated **Section 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5, 1.6 and 1.7)** by:
  - i. failing to be aware of your values, attitudes and needs and how these impact on your professional relationships with clients; and/or
  - ii. failing to distinguish your needs and interests from those of your clients to ensure that, within professional relationships, clients' needs and interests remain paramount;
  - iii. failing to maintain an awareness and consideration of the purpose, mandate and function of those organizations and how these impact on and limit professional relationships.
- b. In that you violated **Sections 2.2, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2. and 2.2.3, and 2.2.8)** by:
  - i. failing to ensure clients are protected from an abuse of power, including sexual misconduct, during and after the provision of professional services and/or failing to establish and maintain clear and appropriate boundaries in a professional relationship;
  - ii. engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client or former client would be at risk; failing to evaluate professional relationships and other situations involving clients or former clients for potential conflicts of interest; failing to avoid conflicts of interest and/or dual relationship with clients that could impair your professional judgment or increase risk of exploitation or harm to clients;
  - iii. engaging in sexual relations with a client or former client, through sexual intercourse, touching of a sexual nature and/or behaviour or remarks of a

- sexual nature, where these relations, combined with the professional relationship, would create a conflict of interest;
- iv. using information obtained in the course of a professional relationship, and using the Member's professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client, former client;
  - v. engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social service work.
- c. In that you violated **Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.7)** by failing to assume full responsibility for demonstrating that your client has not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurs with the client.
- d. In that you violated **Sections 2.2, of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.3, and 8.7)** by:
- i. failing to ensure that sexual misconduct did not occur;
  - ii. by developing sexual feelings towards your client that could, in your judgment, put the client at risk, and failing to seek consultation/supervision or develop an appropriate plan; and
  - iii. by engaging in sexual relations, including with your client to whom you provided counselling services, following the termination of the professional relationship.
- e. In that you violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

### **Registrant's position**

[8] The Registrant admitted the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry at the hearing. In addition, 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 and of the consequences of admitting to the misconduct.

[9] The Panel was satisfied that the Registrant's admission was 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. Sean Arvid McQuarrie (the “**Registrant**”) graduated from George Brown College in 2004. He first registered with the Ontario College of Social Workers and Social Service Workers (the “**College**”) as a Social Service Worker on April 3, 2013 and is currently registered in that capacity.
2. Commencing on October 22, 2018, the Registrant worked as a Concurrent Disorders Counsellor at [employment].
3. The Registrant’s role at [employment] involved providing clinical counselling services to clients with concurrent mental health and addiction disorders by delivering clinical assessments and developing and implementing treatment plans. As a Concurrent Disorders Counsellor, the Registrant met with his clients individually every two weeks.
4. As set out below, the Registrant was terminated by [employment] on August 10, 2023.

**B. Services Provided by the Registrant to Client 1**

5. Client 1 (“**C1**”) was referred to [employment] by her family doctor, when she raised concerns about her alcohol consumption. She was referred to the Concurrent Disorders Team, to assist in reaching her goal of moderating or abstaining from her alcohol use.
6. On May 18, 2021, C1 met with a counsellor at [employment] for an initial screening, the notes of which formed part of C1’s clinical record, and which the Registrant reviewed.
7. As set out in the clinical record, C1, aged [age] at the time, is a mother of two children, one with anorexia and one with autism. She was separated from her spouse. She reported regular frequent alcohol and cannabis use. With respect to her mental health status, she identified that she had been diagnosed with depression, anxiety, post traumatic stress disorder and bipolar disorder. She reported taking the following medications: Seroquel (treatment of mood disorders such as bipolar), Mirtazapine (antidepressant), Prozac (treatment of mood disorders such as depression and panic attacks) and Clonazepam (benzodiazepine used for acute treatment of panic disorder).
8. Following the initial screening, on June 1, 2021, C1 met with the Registrant over the telephone for their first counselling session. In the initial meeting, she reported that she had not worked for two months because of her mental health. She described feelings of isolation and zero motivation.
9. C1 continued to meet with the Registrant approximately 52 times between June 1, 2021 and July 8, 2022, at a frequency of approximately once a week. Initially the counselling sessions took place over the phone. Later, the counselling sessions took place in person.

10. In the summer of 2021, C1 reported to the Registrant that she began attending AA meetings. While counselling was ongoing, in or around October 2021, C1 attended residential in-patient treatment for alcohol addiction.
11. In their counselling sessions, C1 disclosed childhood trauma involving her father, ongoing struggles with alcohol addiction, stressors including her unwell mother, the death of her father, and dealing with medical and other issues with her daughter.
12. In her final session on July 8, 2022, C1 was approaching one year clean and sober from drugs and alcohol. She had returned to work after an extended absence.

**C. Boundary Violations During the Counselling Relationship**

13. While providing counselling between June 2021 and July 2022, the Registrant failed to maintain appropriate boundaries with C1:
  - (a) In their counselling sessions, the Registrant suggested to C1 that she attend AA meetings at a particular location. Unbeknownst to C1, the Registrant also attended AA meetings at that location. After C1 attended that group, further to the Registrant's suggestion, the Registrant disclosed to her that he too attends this particular group and that he had been to the same meeting as her. Thereafter, they continued to attend the same group meetings;
  - (b) In their counselling sessions, the Registrant made personal disclosures to C1 including about his own recovery and his life outside work that were not clinically indicated. They developed a friendship and the Registrant described the two as having a "connection";
  - (c) At some point within the year, rather than having counselling sessions over the phone, the Registrant suggested they meet in person at a park. C1 observed that their in-person meetings at the park slowly began to resemble friendship rather than counselling.

**D. Sexual Relationship Following the Termination of Counselling Relationship**

14. After the last counselling session on July 8, 2022, the Registrant continued to see C1 at their AA meetings. The two continued their friendship.
15. In or around March 2023, C1 told the Registrant she had been having dreams about him. The Registrant then revealed that he had been having sexual feelings towards her for several months. C1 noted that he had been her counsellor. The Registrant responded that she was almost two years sober, so he was not concerned.
16. The two then commenced an intimate personal and sexual relationship. The Registrant advised C1 not to tell her sponsor about their relationship and to keep the relationship secret.
17. The intimate personal and sexual relationship included:
  - (a) Sexual intimacy, including sexual intercourse, on multiple occasions;

- (b) Exchanging romantic and sexually explicit or suggestive texts, copies of which are attached as **Exhibit "A"** to this Agreed Statement of Facts [*omitted from these Reasons for Decision*];
  - (c) The Registrant meeting C1's children and sleeping at her house; and
  - (d) Exchanging expressions of love for each other.
18. In their text exchanges, among other things:
- (a) The Registrant disclosed "I've been thinking of you for a long time and now we're together..." C1 responded "I still feel like this is all a dream. That's the first time I've ever put myself in a position to be so vulnerable...";
  - (b) The Registrant remarked "I've wanted this for a long time";
  - (c) The Registrant wrote "After a few serious talks for me, we will be free and open about our relationship with all";
  - (d) The Registrant wrote "All those nights talking after the meetings I just wanted to grab you and kiss you with the passion I have for you." C1 replied "Oh Babe, I would have melted into a puddle at your feet! I yearned for you do [*sic*] do that every single time I saw you. Seeing you was always the highlight of my week...".
19. In or around the end of May 2023, the intimate and personal relationship between the Registrant and C1 came to end shortly after the Registrant's wife learned about the affair.
20. The Registrant acknowledges that:
- (a) His conduct during and following the period of counselling resulted in a conflict of interest and a dual relationship with C1;
  - (b) He placed his needs and interests ahead of those of C1;
  - (c) The Registrant failed to recognize that he was in a position of power over C1 and exerted improper influence over her;
  - (d) The Registrant acknowledges it was his responsibility for demonstrating that his former client was not exploited, coerced or manipulated and acknowledges he did not fulfill that responsibility.
- E. C1's Disclosure and Mandatory Report**
21. Following the break-up, C1 was no longer comfortable attending the same AA Group as the Registrant. She was forced to find a new AA location.
22. C1 suffered increased symptoms of anxiety and consulted her physician. She disclosed to her physician what had happened with the Registrant. Her physician advised her to contact [employment].

23. In July 2023, C1 contacted [employment] and disclosed that she had a personal and sexual relationship with the Registrant commencing in March 2023. [employment] conducted an investigation. Although he initially denied the relationship, the Registrant ultimately confirmed it.
24. [employment] terminated the Registrant on August 10, 2023. The Registrant acknowledges his conduct was contrary to [employment]'s expectations and that he failed to maintain awareness of the organization's purpose and mandate in pursuing a relationship with a former [employment] client. In September 2023, [employment] made a mandatory report to the College.

**F. Admissions of Professional Misconduct**

25. The Registrant agrees that the following are standards of the profession, as set out in the Code of Ethics and Standards of Practice Handbook (the "**Handbook**"):
  - (a) Principle I addresses relationships with clients;
  - (b) Principle II addresses competence and integrity;
  - (c) Principle III addresses responsibility to clients; and
  - (d) Principle VIII addresses sexual misconduct.
26. 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 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5, 1.6 and 1.7) by:
    - (i) failing to be aware of his values, attitudes and needs and how these impact his professional relationships with clients; and/or
    - (ii) failing to distinguish his needs and interests from those of his client to ensure that, within professional relationships, clients' needs and interests remain paramount; and
    - (iii) failing to maintain an awareness and consideration of the purpose, mandate and function of the organization which employs him and how these impact and limit professional relationships.
  - (b) violated Sections 2.2, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2. and 2.2.3, and 2.2.8) by:
    - (i) failing to ensure clients are protected from an abuse of power, including sexual misconduct, during and after the provision of professional services and failing to establish and maintain clear and appropriate boundaries in a professional relationship;



- (ii) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client or former client would be at risk; failing to evaluate professional relationships and other situations involving clients or former clients for potential conflicts of interest; failing to avoid conflicts of interest and/or dual relationships with clients that could impair your professional judgment or increase risk of exploitation or harm to clients;
  - (iii) engaging in sexual relations with a client or former client, through sexual intercourse, touching of a sexual nature and behaviour or remarks of a sexual nature, where these relations, combined with the professional relationship, would create a conflict of interest;
  - (iv) using information obtained in the course of a professional relationship, and using his professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client or former client;
  - (v) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social service work.
- (c) violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.7) by failing to assume full responsibility for demonstrating that his client has not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurs with the client.
- (d) violated Sections 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.3, and 8.7) by:
- (i) failing to ensure that sexual misconduct did not occur;
  - (ii) by developing sexual feelings towards his client that could put the client at risk, and failing to seek consultation/supervision or develop an appropriate plan; and
  - (iii) by engaging in sexual relations, including with his client to whom he provided counselling services, following the termination of the professional relationship.
- (e) 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.

### **Decision of the Panel**

[11] The Panel recognized that the College bears the onus of proving the allegations against the Registrant on a 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 (e), the Panel found 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**

[13] The Agreed Statement of Facts, along with the Registrants admission to the allegations, contains evidence sufficient to prove that the Registrant had engaged in the acts of professional misconduct as alleged in the Notice of Hearing.

[14] The Registrant provided counselling services to C1 on an ongoing basis, meeting with C1 52 times over the course of 54 weeks. These sessions were often held at informal locations, such as parks, and the Registrant used some of this time to share with the client details of his own life. He was aware that C1 was a vulnerable client, with a history of childhood trauma and addiction, who was dealing with family and marital stressors, grief, mental health, and motivational struggles, all of which had cumulated to the point that the client took an extended leave from work.

[15] The evidence shows that the Registrant breached professional boundaries by inviting C1 to attend his home group AA meeting, where he developed a personal friendship with the client. The relationship progressed into a romantic and sexual relationship, involving sexual intercourse and sexually explicit and suggestive text messages, which were presented in the evidence at the hearing.

[16] The Registrant failed to respond appropriately to C1's disclosure of their own romantic feelings towards him, instead sharing his own building sexual interest in the client, and dismissing C1's concerns regarding the client/therapist relationship boundaries. He engaged in coercive behaviours by attempting to justify the appropriateness of the relationship through the use of knowledge about C1's sobriety date, which he had obtained in the course of the counselling relationship.

[17] The Panel was satisfied that the Registrant knew his relationship with the client was not in the client's best interest. His actions, as outlined above, constitute professional misconduct as alleged in allegation (a) in that he violated Section 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5, 1.6 and 1.7).

[18] The Registrant was in a conflict of interest when he engaged in a dual relationship with C1. He not only had a romantic and sexual relationship with a vulnerable client, he integrated himself into the client's life when he met the client's children, slept overnight at C1's home and engaged in mutual expressions of love and discussions of a future together. These actions by the Registrant constitute professional misconduct as alleged in allegation (b), in that he violated Sections 2.2, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2. and 2.2.3, and 2.2.8).

[19] In the course of these events, the Registrant failed to recognize his position of power and influence over the client and neglected his responsibility to ensure that his client was not exploited,

coerced or manipulated. Through these failures, the Registrant violated the standards expected of registrants in Principle III of the Handbook (commented on in Interpretation 3.7), and constitute professional misconduct under ss. 2.2 and 2.10 of the Professional Misconduct Regulation, as alleged in allegation (c).

[20] The Registrant committed sexual abuse of a client when he engaged in an intimate physical relationship with C1 approximately 8 months after the termination of the counselling relationship, thus placing his own interests and needs above the client's. Through this and the other acts described above, the Registrant violated Sections 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.3, and 8.7) and engaged in professional misconduct as alleged in allegation (d).

[21] The evidence further shows that the Registrant asked C1 to keep their relationship confidential, which demonstrates that he recognized the relationship was inappropriate while attempting to conceal his misconduct.

[22] Despite C1's attempt to set boundaries and terminate the relationship, citing the need to protect their own mental health and sobriety, the Registrant continued to engage in the relationship with the client, which ultimately ended when C1 reported the relationship to the Registrant's employer. Following the termination of the relationship, C1 experienced heightened mental health symptoms, requiring support from a medical professional, and felt unable to continue attending the AA group where the Registrant was also a member.

[23] The Registrant failed to report the acts of professional misconduct (which progressed to sexual abuse of a client) to his employer or the College. Only after C1 reported the relationship to a health care provider and to the Registrant's employer, did he admit to the conduct, although he initially denied the allegations. The report led to the termination of his employment and the employer's mandatory report to the College. These actions also constitute professional misconduct as alleged in allegation (a) by violating Section 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretations 1.5, 1.6 and 1.7).

[24] The Panel found that the Registrant's conduct, involving boundary violations, conflict of interest and sexual abuse of a vulnerable client, was egregious in nature. This conduct fell far below the standards of the profession, undermines public confidence in the profession, and demonstrates moral failing. For these reasons, the Panel had no hesitation in concluding that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

### **Penalty submissions**

[25] 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 by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to revoke the Registrant's certificate of registration.

3. The period of time during which the Registrant may not apply to the College for a new certificate of registration shall be fixed at five (5) years from the date of the Discipline Committee's Order.
4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College. The College is permitted to share any of the information that it publishes or that it is entitled to publish about these matters with a body that governs a profession inside or outside Ontario, as deemed appropriate by the College.
5. The Registrant shall pay costs to the College in the amount of five thousand dollars (\$5,000) within six (6) months of the Discipline Committee's Order.

### **Penalty decision**

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

1. 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.
2. The Registrar shall be directed to revoke the Registrant's certificate of registration.
3. The period of time during which the Registrant may not apply to the College for a new certificate of registration shall be fixed at five (5) years from the date of the Discipline Committee's Order.
4. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College. The College is permitted to share any of the information that it publishes or that it is entitled to publish about these matters with a body that governs a profession inside or outside Ontario, as deemed appropriate by the College.
5. The Registrant shall pay costs to the College in the amount of five thousand dollars (\$5,000) within six (6) months of the Discipline Committee's Order.

### **Reasons for penalty decision**

[27] 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 or would bring the administration of justice into disrepute. The Panel has no such concerns in this matter.

[28] In accepting the Joint Submission, the Panel took into account all the relevant principles of penalty as well as the aggravating and mitigating factors presented in this case.

[29] Aggravating factors included the fact that the Registrant pursued an intimate relationship with a client whom he knew to be vulnerable; he deflected the client's concerns regarding boundaries prior to the relationship becoming physical and sexual in nature; he terminated the intimate relationship with C1 only after his spouse became aware of the affair; and when confronted with the misconduct by his employer, the Registrant initially denied the allegations.

[30] Mitigating factors include that the Registrant has no prior discipline history with the College; he accepted responsibility for the misconduct to both his employer and to the College; and he was cooperative with the investigation and hearing process, accepting full responsibility for the misconduct and entering into an Agreed Statement of Facts and Joint Submission, thus sparing the client from having to testify at a hearing.

[31] The penalty of revocation is reserved for the most serious acts of misconduct, including sexual abuse of a client, and the Panel finds this to be an appropriate penalty in this matter. The five-year prohibition before the Registrant can apply for registration with the College in the future meets the principal of public protection and is consistent with other findings of this College and other professional regulators where there has been a finding of sexual abuse of a client. These terms of the penalty order serve the objectives of general and specific deterrence, help maintain public confidence in the College, and protect the public.

[32] The reprimand, which was delivered at the conclusion of the hearing, allowed the Panel to express to the Registrant our disapproval of the gravity of the misconduct; the impact on a vulnerable client; and the negative reflection of his conduct on the profession as a whole. The reprimand helps achieve the objective of specific deterrence.

[33] With respect to cost, the amount set out in the Joint Submission of \$5,000 to be paid by the Registrant ensures that the membership at large does not bear the full financial burden of the investigation and hearing required to bring this matter to resolution and meets the principals of both general and specific deterrence.

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

Date: November 25, 2024

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

Chisanga Chekwe, Chair  
Charlene Crews  
Sana Imran