

**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 Snow, 2024
ONCSWSSW 12

Date: 20240830

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

PETER SNOW

PANEL:	Rita Silverthorn	Chair, Professional Member
	Chisanga Chekwe	Public Member
	Amanda Bettencourt	Professional Member

Appearances: Debra McKenna, counsel for the College
Lisa Hamilton, counsel for the Registrant
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: July 23, 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 July 23, 2024. The Panel announced its decision on the misconduct allegations, penalty and costs orally on the record at the hearing. These are our reasons for decision.

Publication ban and sealing order

[2] The College sought two protective orders at the outset of the hearing, one banning publication of the identity of the Client in this matter and of any information that would identify the Client, and one sealing the Exhibit Brief entered into evidence as exhibit 3. The College’s request for both orders was made pursuant to s. 28(7) of the *Social Work and Social Service Work Act*, 1998, SO 1998, c 31 (the “**Act**”), and was based on the fact that the allegations and evidence

in this case involve sensitive personal information about Client, including matters involving sexual abuse by the Registrant of the Client and the Client's clinical records. 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 orders are in the public interest as they reassure clients that if they come forward with concerns of sexual misconduct by members of the College, their identity and sensitive information can be protected at a hearing.

[3] The Registrant consented to the orders sought, agreeing that the protection is necessary in this case.

[4] The Panel granted both orders as requested. The orders are appropriate to maintain the privacy of the Client. Any public interest in the identity of the Client is minimal, at best, and is easily outweighed by the desirability of protecting the Client's privacy. The sealing order in respect of the Exhibit Brief ensures that although the Panel has access to the information for the purposes of its deliberations and decision in this case, the Client's sensitive information contained therein will not be made public.

[5] Accordingly, Exhibit 3 was marked as an exhibit under seal and a ban was ordered on publication of the identity of the Client in this matter and of any information that would identify the Client.

The allegations

[6] In the Notice of Hearing dated April 17, 2023, the Registrant, Peter Snow, is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act, 1998*, SO 1998, c 31 (the "**Act**") in that he 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**").

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

1. At all times material to these allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers ("**College**") and practicing at the [employment] ("**Centre**") in Hamilton, Ontario. The Centre is a division within [redacted], which provides mental health services for young people aged 17 to 25.
2. You resigned your registration with the College on or about February 15, 2023.
3. In or about May 2016, you were engaged to provide social work services to [C1] (the "**Client**"). [C1] was a vulnerable client who sought assistance at the Centre to deal with post-traumatic stress disorder (arising from sexual trauma) and other mental health concerns.

4. During the period from approximately 2016 to 2019, you provided social work services to the Client, including counselling.
5. In providing services to the Client, you failed to appropriately document and/or keep records of your sessions with the Client, including misrepresenting in your records the nature and/or purpose of your meetings and/or discussions with the Client.
6. In addition, during your sessions with the Client, you failed to provide appropriate counselling. In particular, you asked questions that were not clinically appropriate and/or manipulated the counselling sessions with the Client in order to have the Client discuss topics of a sexual nature, including asking the Client about sexual fantasies and/or sexual preferences.
7. During the professional relationship with the Client and/or following termination of the professional relationship with the Client, you engaged in numerous boundary crossing behaviours, including:
 - a. forming a personal relationship with the Client;
 - b. making the comments to the Client using words to the effect that she was attractive;
 - c. having telephone calls with the Client;
 - d. attending the Client's home;
 - e. meeting with and/or communicating with the Client outside of counselling sessions;
 - f. connecting with the Client on social media, including on Reddit;
 - g. sharing details about your personal life with the Client;
 - h. communicating with the Client via text or other electronic means, including exchanging romantic and/or sexually-explicit messages with the Client; and/or
 - i. exchanging sexually-explicit photos and videos with the Client;
8. During the professional relationship with the Client and/or immediately upon terminating the professional relationship with the Client, you engaged in a sexual relationship with the Client, including:
 - a. sexual intercourse or another form of physical sexual relations with the Client;
 - b. touching, of a sexual nature, with the Client; and/or
 - c. engaging in behaviour and/or making remarks of a sexual nature to the Client that were not clinically appropriate to the service provided.

[8] The College alleges 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 Sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 and 8.8) by failing to ensure that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations with the client; by engaging in touching, of a sexual nature, of the client, and by engaging in behavior or remarks of a sexual nature towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by developing sexual feelings towards the client that could, in your judgment, put the client at risk, and failing to seek consultation/supervision or develop an appropriate plan; by failing to state clearly to the client that behaviour of a sexual nature is inappropriate by virtue of the professional relationship; and by engaging in sexual relations with the client during and after the period in which you provided counselling services to the client;
- 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, 2.2.3. and 2.2.8) by failing to establish and maintain clear and appropriate boundaries in your professional relationships for the protection of the client; by failing to engage in the process of self-review and evaluation of your practice and seek consultation when appropriate; 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 at risk; by using information obtained in the course of a professional relationship, and using your professional position of authority, to coerce, improperly influence, harass, abuse or exploit the client; by having sexual relations with the client; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession;
- c. In that you violated Sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principles II and III of the Handbook (commented on in Interpretations 2.1.4) by providing a service that you knew or ought reasonably to have known were not likely to benefit the client; (c) In that you violated Sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principles II and III of the Handbook (commented on in Interpretations 2.1.4) by providing a service that you knew or ought reasonably to have known were not likely to benefit the client;
- d. In that you violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.7) by failing to assume full responsibility for demonstrating that the client had not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the client;
- e. In that you violated Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1, 1.5 and 1.6) by failing to participate together with the client to set and evaluate goals; by failing to maintain awareness of your own values, attitudes and needs and how these impact on your professional relationship with the client; and by failing to distinguish your needs and interests from those of the client to ensure that the client's needs and interests remain paramount;

- f. In that you violated Sections 2.2 and 2.21 of the Professional Misconduct Regulation and Principle IV (commented on in Interpretations 4.1.2) by failing to ensure that records are current, accurate, contain relevant information about the client; making a statement in the record you knew and/or ought to have known was false, misleading, inaccurate or otherwise improper; 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

[9] The Registrant admitted to the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry at the hearing. Based on the Registrant's responses, 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 along with the Exhibit Brief filed under seal, which contains the exhibits referred to in the Agreed Statement of Facts. The relevant parts of the Agreed Statement of Facts read as follows:

A. Background

1. At all times material to the allegations in the Notice of Hearing dated April 17, 2023 (which is appended as **Exhibit "A"**), the Registrant was a registered social worker with the College.
2. The Registrant resigned his registration with the College on or about February 15, 2023.
3. During the period from 2016 to 2020, the Registrant was employed and practiced as a social worker at the [employment] ("**Centre**") in Hamilton, Ontario.
4. The Centre is a division within [redacted], which provides mental health services for young people aged 17 to 25.
5. In or about May 2016, the Registrant was engaged to provide social work services to [C1] ("**Client**") at the Centre to deal with emotion regulation and suicidality, and other mental health concerns.
6. During the period from approximately 2016 to 2018, the Registrant provided social work services to the Client, including counselling. Attached as **Exhibit "B"** to the ASF are the Registrant's records relating to the Client.
7. During counselling, the Client discussed a number of personal challenges with the Registrant. The topics included difficulties with self-esteem, problems with relationships, fear of sexual intimacy, addiction, depression, and thoughts of suicide. In particular, the Client shared with the Registrant trauma related to past sexual assault, including coping with feelings of guilt, shame, and being called a "slut".

8. In providing counselling services to the Client, the Registrant admits that he failed to keep accurate records with respect to the Client, and that he misrepresented in his records the nature of the meetings and discussions he had with the Client.
9. If the Registrant were to testify it would be his evidence that, during the period from May 2016 to December 2018, the Registrant believed he was providing the Client with appropriate, evidence-based therapy. However, through introspection and the insight gained through this discipline process, the Registrant acknowledges that, at times, he provided therapy to the Client that was outside the scope of his role at the Centre, and he asked questions that were not clinically appropriate, including discussing topics of a sexual nature and asking questions about the Client's sexual fantasies and preferences.
10. The Registrant also admits that, during his professional relationship with the Client, he engaged in boundary-crossing behaviors, including communicating with the Client, via text, outside of counselling sessions about matters personal in nature and breached professional boundaries, and attending at the Client's home in December 2018.
11. While the Client continued to receive services from other treatment providers at the Centre until October 2019, the Registrant terminated his professional relationship with the Client in December 2018 and pursued a personal, sexual relationship with the Client, including:
 - (i) The Registrant made comments to the former Client using words to the effect that the Client is attractive;
 - (ii) The Registrant engaged in telephone calls with the former Client;
 - (iii) The Registrant communicated with the former Client on social media, including on Reddit;
 - (iv) The Registrant shared details about his personal life with the former Client;
 - (v) The Registrant exchanged romantic and sexually explicit messages with the former Client;
 - (vi) The Registrant exchanged sexually explicit photos and videos with the former Client;
 - (vii) The Registrant engaged in sexual intercourse with the former Client;
 - (viii) The Registrant engaged in touching, of a sexual nature, with the former Client; and,
 - (ix) The Registrant engaged in behaviour and made remarks of a sexual nature to the Client which were not clinically appropriate to the services provided to the Client.
12. During the time material to the allegations in **Exhibit "A"**, the Registrant's username on the platform Reddit was "[username]". The Client's usernames on the platform Reddit were "[username]" and "[username]".

13. In communicating with his former Client, via text and in messages over social media, the Registrant acknowledges that he made comments to the former Client that, in all of the circumstances (including, but not limited to, the Client's past sexual trauma), were exploitive, degrading, and constituted sexual abuse. Among others, the comments included the following:
 - (i) "I want to be in your mouth"; (**Exhibit Brief, p. 344**)
 - (ii) "I expect you to serve me"; (**Exhibit Brief, p. 344**)
 - (iii) "We should've been fucking for years"; (**Exhibit Brief, p. 346**)
 - (iv) "You can rant to me as long as after I get head"; (**Exhibit Brief, p. 351**)
 - (v) "You need to come suck my dick"; (**Exhibit Brief, p. 386**)
 - (vi) "Your holes belong to me"; (**Exhibit Brief, p. 418**)
 - (vii) "I want you to show yourself off on cam for me?"; (**Exhibit Brief, p. 419**)
 - (viii) "I want to see your holes stuffed like the fuck toy you are"; (**Exhibit Brief, p. 420**)
 - (ix) "Good girl so hot so young so obedient"; (**Exhibit Brief, p. 420**)
 - (x) "Cum for me you perfect little whore"; (**Exhibit Brief, p. 448**)
 - (xi) "Send the photos"; (**Exhibit Brief, p. 457**)
 - (xii) "If you could cam with me I could show you my cock" (**Exhibit Brief, p. 488**)
 - (xiii) "Still waiting on those pictures, and a time we can cam so I can show you my cock :P"; (**Exhibit Brief, p. 513**)
14. The Registrant also admits and understands that such comments would be harmful to the Client healing from past trauma, and were verbally, psychologically and/or emotionally abusive.
15. The Registrant admits the true and authenticity of the following documents:
 - (i) Reddit Screenshots between [username] and [username] – **Exhibit "C"** to the ASF;
 - (ii) Reddit Log for [username] and [username] – **Exhibit "D"** to the ASF;
 - (iii) Reddit Screenshots between [username] and [username] – **Exhibit "E"** to the ASF;
 - (iv) Reddit Log for [username] and [username] – **Exhibit "F"** to the ASF;

- (v) Video 1: Reddit Screen Recording for “[username]” – **Exhibit “G”** to the ASF;
 - (vi) Video 2: Reddit Screen Recording for “[username]” – **Exhibit “H”** to the ASF; and
 - (vii) Video 3: Reddit Screen Recording for “[username]” – **Exhibit “I”** to the ASF.
16. The Registrant admits that the following standards of the College were standards of practice of the profession during the time material to the allegations in the Notice of Hearing dated April 17, 2023:
- (i) Standard of Practice – Principle I: Relationship with Client
 - (ii) Standard of Practice – Principle II: Competency and Integrity
 - (iii) Standard of Practice – Principle III: Responsibility to Clients
 - (iv) Standard of Practice – Principle IV: Social Work and Social Service Work Record
 - (v) Standard of Practice – Principle VIII: Sexual Misconduct
17. Based on these facts, the Registrant admits that he engaged in and is guilty of professional misconduct, as described in paragraphs 1 to 9 above, and within the meaning of section 26(2)(a) and (c) of the *Act*, in that:
- (a) The Registrant engaged in professional misconduct by violating sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 and 8.8) by failing to ensure that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations with the Client; by engaging in touching, of a sexual nature, of the Client, and by engaging in behavior or remarks of a sexual nature towards the Client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by developing sexual feelings towards the Client that could, in the Registrant’s judgment, put the Client at risk, and failing to seek consultation/supervision or develop an appropriate plan; by failing to state clearly to the Client that behaviour of a sexual nature is inappropriate by virtue of the professional relationship; and by engaging in sexual relations with the Client after the period in which the Registrant provided counselling services to the Client;
 - (b) The Registrant engaged in professional misconduct by violating 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, 2.2.3. and 2.2.8) by failing to establish and maintain clear and appropriate boundaries in the Registrant’s professional relationship for the protection of the Client; by failing to engage in the process of self-review and evaluation of the Registrant’s practice and seek consultation when appropriate; by engaging

in professional relationships that constitute a conflict of interest or in situations in which the Registrant ought reasonably to have known that the Client would be at risk; by using information obtained in the course of a professional relationship, and using your professional position of authority, to coerce, improperly influence, harass, abuse or exploit the Client; by having sexual relations with the Client; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession;.

- (c) The Registrant engaged in professional misconduct by violating sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principles II of the Handbook (commented on in Interpretations 2.1.4) by providing a service that the Registrant knew or ought reasonably to have known were not likely to benefit the Client;
- (d) The Registrant engaged in professional misconduct by violating sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.7) by failing to assume full responsibility for demonstrating that the Client had not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the Client;
- (e) The Registrant engaged in professional misconduct by violating sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1, 1.5 and 1.6) by failing to participate together with the Client to set and evaluate goals; by failing to maintain awareness of the Registrant's own values, attitudes and needs and how these impact on the Registrant's professional relationship with the Client; and by failing to distinguish the Registrant's needs and interests from those of the Client to ensure that the Client's needs and interests remained paramount;.
- (f) The Registrant engaged in professional misconduct by violating sections 2.2 and 2.21 of the Professional Misconduct Regulation and Principle IV (commented on in Interpretations 4.1.2) by failing to ensure that records are current, accurate, contain relevant information about the Client; making a statement in the record the Registrant knew and/or ought to have known was false, misleading, inaccurate or otherwise improper; and
- (g) The Registrant engaged in professional misconduct by violating 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 found that the Registrant committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to allegation (g), the Panel found that the Registrant's

conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

[12] The Panel announced its findings orally on the record at the hearing.

Reasons for decision

[13] In this discipline proceeding, the College bears the onus of proving the allegations against the Registrant on a balance of probabilities, using clear, cogent and convincing evidence.

[14] The Panel accepted the Registrant's admissions of professional misconduct and was satisfied that the Agreed Statement of Facts proved on a balance of probabilities each of the allegations against the Registrant.

[15] With respect to allegation (a), the Panel found that the Registrant engaged in professional misconduct by violating sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 and 8.8) by failing to ensure that sexual misconduct did not occur with his Client; by engaging in sexual intercourse and other forms of physical sexual relations with the Client, as well as touching of a sexual nature and behaviour or remarks of a sexual nature towards the Client; by developing sexual feelings towards the Client that could, in the Registrant's judgment, put the Client at risk, and failing to seek consultation/supervision or develop an appropriate plan; by failing to state clearly to the Client that behaviour of a sexual nature is inappropriate by virtue of the professional relationship; and by engaging in sexual relations with the Client after the period in which the Registrant provided counselling services to the Client.

[16] In finding that this allegation was proven, the Panel relied in particular on the following facts in the Agreed Statement of Facts:

- The Registrant engaged in remarks of a sexual nature towards the Client by asking about the Client's sexual preferences and fantasies even though they had no relevance to the Registrant's clinical scope of practice or the reason for which the Client was seeking services from the Registrant.
- The Registrant also engaged in communication with the Client via text message that had no clinical relevance and took place outside of the counselling relationship. These messages included sexually explicit photos and videos.
- After the professional relationship between the Registrant and the Client ended in December 2018, the Registrant pursued a personal, sexual relationship with the Client that included engaging in sexual intercourse, other forms of sexual relations, sexual touching and remarks of a sexual nature.

[17] With respect to allegation (b), the Panel found that the Registrant 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, 2.2.3. and 2.2.8) by failing to establish and maintain clear and appropriate boundaries in the Registrant's professional relationship for the protection of the Client; by failing to engage in the process of self-review and evaluation of the Registrant's practice

and seek consultation when appropriate; by engaging in a professional relationship that constitutes a conflict of interest or in situations in which the Registrant ought reasonably to have known that the Client would be at risk; by 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 the Client; by having sexual relations with the Client; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession.

[18] In finding the College proved this allegation, the Panel relied in particular on the following:

- The Registrant failed to maintain clear and appropriate boundaries in the professional relationship including when he sent text messages to the Client outside of the counselling relationship and outside of the counselling sessions, attending the Client's home, and engaging in this conduct when he knew or ought to have known that it would put the Client at risk.
- In addition, the Registrant also provided services to the Client whilst being in a conflict of interest based on the above mentioned behaviour.
- After the professional relationship ended, the Registrant had sexual relations with the Client. The Registrant used information gained during the professional relationship to influence, coerce, exploit, harass, or abuse the Client by having sexual relations while being aware of the Client's vulnerability due to a past sexual assault. Subsequently, the Registrant used his professional position of authority to coerce, improperly influence, harass, and abuse or exploit the Client. Specifically, through the professional relationship, the Registrant was privy to sensitive, personal and confidential information about the Client's history of sexual assault. He exploited this information to influence the Client into crossing boundaries and engaging in a personal and sexual relationship with the Registrant. This is, by definition, abuse of the Client.

[19] Regarding allegation (c), the Panel found that the Registrant engaged in professional misconduct by violating sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.4) by providing a service that the Registrant knew or ought reasonably to have known was not likely to benefit the Client.

[20] The Panel relied on the following facts in particular and find this allegation was proven:

- In or about May 2016, the Registrant was engaged to provide social work services to the client at the Centre [redacted] to deal with emotion regulation and suicidality, and other mental health concerns.
- During counselling sessions with the Client, the Registrant engaged in conversations which touched upon the client's sexual fantasies after a disclosure of sexual abuse. The Registrant was engaged with by the client for the provision of mental health and addiction intervention.

[21] For allegation (d), the Panel found that the Registrant engaged in professional misconduct by violating 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 the Client had not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurred with the Client.

[22] There is no dispute that the Registrant engaged in a personal relationship with the Client. No evidence was tendered by which the Registrant could demonstrate that he did not exploit, coerce, or manipulate his Client.

[23] With respect to allegation (e), the Registrant engaged in professional misconduct by violating sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1, 1.5 and 1.6) by failing to participate together with the Client to set and evaluate goals; by failing to maintain awareness of the Registrant's own values, attitudes and needs and how these impact on the Registrant's professional relationship with the Client; and by failing to distinguish the Registrant's needs and interests from those of the Client to ensure that the Client's needs and interests remained paramount.

[24] In making a finding on this allegation, the Panel relied on the following evidence in particular:

- The Registrant failed to recognize that the Client was seeking clinical intervention from him for emotion regulation, mental health, and addiction and that it was inappropriate to be talking about the Client's sexual preferences and fantasies among other sexual topics.
- The Registrant put his own needs above the client's when he engaged in a personal relationship with them for his own sexual gratification.
- The combination of the Registrant's actions displays that the client's needs were not held paramount.

[25] As for allegation (f), the Registrant engaged in professional misconduct by violating sections 2.2 and 2.21 of the Professional Misconduct Regulation and Principle IV (commented on in Interpretations 4.1.2) by failing to ensure that his records are current, accurate, and contain relevant information about the Client; and making a statement in the record that the Registrant knew and/or ought to have known was false, misleading, inaccurate or otherwise improper.

[26] More specifically, the Registrant failed to maintain documents accurate to the counselling relationship with the Client and did not document what took place between him and the Client outside of the interactions at the Clinic.

[27] Lastly, with respect to allegation (g), the Panel found that the Registrant engaged in professional misconduct pursuant to section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

[28] The misconduct in this case was clearly relevant to the practice of the profession. The Registrant was in a professional relationship with the Client and was providing professional services to her when the misconduct began.

[29] A thread of deliberate disregard for the Client's needs and well-being as well as for the Code of Ethics and Standards of Practice of the Registrant's profession is woven throughout the Registrant's conduct.

[30] The Registrant displayed moral failing, and his conduct brought discredit to himself and to the professional as a whole.

[31] The callous and serious nature of his misconduct holds significant weight in the Panel's decision that his conduct would be reasonably regarded by members of the profession as disgraceful, dishonourable, and unprofessional.

Penalty submissions

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

1. The Registrant is to be reprimanded by the Discipline Committee, via electronic hearing, and the fact and nature of the reprimand shall be recorded on the College's register for an unlimited period of time.
2. The Registrar is directed to revoke the Registrant's certificate of registration.
3. The period of time during which the Registrant may not re-apply to the College for a new certificate of registration or seek reinstatement shall be fixed at five (5) years from the date of the Discipline Committee's order.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the Registrant's name, online and/or in print, including, but not limited to, publications of the College, on the College's website, and on the College's public register, as well as on CanLII. 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 \$5,000.00, which amount will be paid within seven (7) days of the Discipline Committee's order:

Penalty decision

[33] Having considered the findings of professional misconduct, the evidence, and the submissions of the parties, the Panel accepted the Joint Submission and made an order as follows.

1. The Registrant is to be reprimanded by the Discipline Committee, via electronic hearing, and the fact and nature of the reprimand shall be recorded on the College's register for an unlimited period of time.
2. The Registrar is directed to revoke the Registrant's certificate of registration.
3. The period of time during which the Registrant may not re-apply to the College for a new certificate of registration or seek reinstatement shall be fixed at five (5) years from the date of the Discipline Committee's order.

4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the Registrant's name, online and/or in print, including, but not limited to, publications of the College, on the College's website, and on the College's public register, as well as on CanLII. 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 \$5,000.00, which amount will be paid within seven (7) days of the Discipline Committee's order.

[34] The Panel's order was announced orally on the record at the hearing. At the conclusion of the hearing, after confirming that the Registrant waived his right of appeal, the Panel delivered the reprimand required by paragraph 1 of the Panel's order.

Reasons for penalty decision

[35] A discipline 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. These objectives are met through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate and possible, rehabilitation and remediation of the Registrant's practice.

[36] In considering the penalty in this case, the Panel observed the principle that it is obligated to accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[37] The Panel found that the Joint Submission on penalty appropriately takes into account the protection of the public, the individual circumstances of the Registrant, the serious and insensitive nature of the misconduct as well as specific and general deterrence and rehabilitation.

[38] The aspects of this penalty that achieve specific deterrence are: the reprimand that the Registrant received orally at the hearing, which will be recorded on the College's register for an unlimited period of time, revocation of the Registrant's certificate of registration, fixing a period of five years before the Registrant may be eligible to reapply for registration, and publication of the decision. The aspects of the penalty that achieve general deterrence are the same. These measures also act as general deterrents. The consequences of the Registrant's misconduct serves as a message to Registrants that this conduct is unacceptable and will not be tolerated and that the College is prepared to hold its Registrant's accountable for professional misconduct.

[39] The five-year period before the Registrant can apply for a new certificate of registration also provides for the potential of rehabilitation and remediation. The Registrant's certificate of registration is revoked and there is no guarantee that any future application he choosing to bring for a new certificate of registration will be successful; however, should he choose to make such an application, he will have the opportunity to demonstrate that he has used the intervening period to engage in further self-reflection and professional development.

[40] Aggravating factors in this case are the serious nature of the professional misconduct, which was of a sexual nature and posed significant risk to the Client. Given his professional position, the Registrant know or ought to have known of that risk.

[41] The mitigating factors in this case are that the Registrant cooperated throughout the investigation and hearing process and entered into an Agreed Statement of Facts with the College, which avoided a contested hearing that undoubtedly would have had additional costs and would have potentially retraumatized the Client.

[42] The Panel accepted that the proposed penalty is in the public interest and meets the College's mandate of public protection.

[43] With respect to costs, the Panel accepted that the agreed-upon amount of \$5,000 was reasonable in the circumstances of this case and as falls in line with other one-day uncontested hearings at this College.

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

Date: August 23, 2024

Signed: _____

Rita Silverthorn, Chair
Chisanga Chekwe
Amanda Bettencourt