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 Attique, 2026 ONCSWSSW 12

Date: 20261026

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

MOHSAN ATTIQUE

PANEL:	Chisanga Chekwe	Chair, Public Member
	Geneviève Côté	Professional Member

Appearances: Amy Block and Mallory Cramp-Waldinsperger, counsel for the College
Mitchell Worsoff, counsel for the Registrant (Joshua Bernstein, agent for Mr. Worsoff, on September 17, 2026)
Ted Marrocco, Independent Legal Counsel to the Panel

Heard: May 21, 2026 and September 17, 2026

DECISION AND REASONS FOR DECISION

[1] The matter proceeded before a panel of the Discipline Committee (the "**Panel**") of the Ontario College of Social Workers and Social Service Workers (the "**College**") by videoconference over two hearing days, May 21, 2026 and September 17, 2026. On September 17, 2026, the Panel delivered its decision orally on the findings of misconduct, as well as on penalty and costs, with written reasons to follow. What follows are the Panel's written reasons for decision.

Procedural history

[2] The hearing began on May 21, 2026 before a panel of three members. The Registrant did not attend but was represented by counsel, and the College did not object to the hearing proceeding in his absence.

[3] On the May 21, 2026 hearing date, the parties advised that the matter would be proceeding on an uncontested basis and that the hearing that day would be limited to preliminary issues, including the Registrant's plea. The following five (5) exhibits were filed on consent:

> Exhibit 1 – Amended Notice of Hearing dated September 2, 2025, as amended by Order of the Pre-Hearing Chair dated March 18, 2026;
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> Exhibit 2 – Affidavit of Service of Taylor Wray dated September 2, 2025, confirming that the Notice of Hearing was served on the Registrant by providing it to his counsel;
>
> Exhibit 3 – Order of the Pre-Hearing Chair, Rita Silverthorn, dated March 18, 2026, amending the Notice of Hearing on consent;
>
> Exhibit 4 – Undertaking, Agreement & Acknowledgement of the Registrant dated September 11, 2025 (the "**Interim Undertaking**"); and
>
> Exhibit 5 – Written plea inquiry signed by the Registrant on May 15, 2026.

[4] The College advised that the Registrant had entered into the Interim Undertaking in lieu of an interim order. The Registrant had thereby agreed not to practise social work or social service work, and not to use any protected title, pending the completion of this proceeding. The Registrant's plea was entered and recorded. The Panel made no findings on May 21, 2026, and adjourned the hearing to September 17, 2026 at the parties' request.

[5] One of the original Panel members was unable to continue with the hearing on September 17, 2026 due to a family emergency and took no part in the remainder of the hearing or in the Panel's deliberations or decision.

[6] Section 16.2 of the *Social Work and Social Service Work Act, 1998*, SO 1998, c 31 (the "**Act**") permits the remaining members of a committee to continue a hearing and render a decision where a member becomes incapacitated after the hearing has commenced. Both parties consented on the record to the hearing proceeding before the two remaining members, with Mr. Chekwe serving as Chair, and confirmed the exhibits filed on May 21, 2026 as noted above.

[7] On September 17, 2026, the Registrant again did not appear. Joshua Bernstein attended as agent for the Registrant's counsel, Mr. Worsoff. Mr. Bernstein confirmed on the record that he had explicit instructions from both the Registrant and Mr. Worsoff to proceed with the hearing. Counsel for the College consented to proceeding.

Publication ban

[8] At the request of the College, and with the consent of the Registrant, the Panel made an order prohibiting the publication of any information that could identify the client who obtained services from the Registrant. That client is referred to in the materials and in these reasons as "Client A".

[9] The Panel made the order under clause 28(7)(b) of the Act, consistent with the approach of the Discipline Committee in *Ontario College of Social Workers and Social Service Workers v Young*, 2026 ONCSWSSW 5. This case involves the sexual abuse of a client. The Panel was satisfied that personal matters about Client A may be disclosed at the hearing of such a nature that avoiding public disclosure about those facts outweighed the desirability of adhering to the principle

that hearings be open to the public. Put simply: the public does not need to know Client A's identity to understand the Registrant's misconduct or the Panel's resulting decision.

The allegations

[10] In the Notice of Hearing dated September 2, 2025, as amended by Order of the Pre-Hearing Chair dated March 18, 2026 (the "**Notice of Hearing**"), Mohsan Attique (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. 128 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. 128 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**").

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

I. The following are particulars of the said allegations:

1. You are a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "College"), having obtained a certificate of registration on January 4, 2019.

2. During the relevant period, you were employed by Family & Children Services of Guelph and Wellington and Cedarway Therapy. You also maintained a private counselling practice operating under the name Holistic Mental Health.

3. Client A was referred to you through a mutual contact in the community. Client A is a single mother with four children.

4. Client A sought your services to obtain counselling, including in respect to managing parenting issues. She had experienced previous trauma, including in a prior marriage, and you were aware of this.

5. You commenced providing counselling services to Client A in or around May 16, 2024. You proceeded to provide further counselling services in approximately four subsequent counselling sessions.

6. In providing services to Client A, you failed to appropriately document your sessions, including:

   (a) failing to maintain any clinical notes in respect of certain counselling sessions;

   (b) failing to include all required information in the clinical record including, but not limited to, assessment, diagnosis, treatment plans and goals, and electronic communications; and,

   (c) failing to maintain an electronic system that complies with the standards, including one that permits a paper printout of the record.

7. During counselling sessions, you engaged in boundary violations, including by initiating and/or accepting an intimate and romantic relationship with Client A. You failed to ensure boundaries were maintained with Client A and engaged in personal and intimate discussions with her, exploiting information provided to you in counselling.

8. In or around counselling sessions, you discussed marriage with Client A. You were married to someone else at the time and you suggested Client A be your second wife.

9. On June 21, 2024, you were married to Client A in a religious ceremony witnessed by others. Thereafter, you commenced sexual relations, including engaging in sexual intercourse with Client A. On occasions, you slept at Client A's house.

10. Sometime after your marriage ceremony you abruptly terminated or sought to terminate your relationship with Client A, leaving Client A in a state of distress. You engaged in unprofessional conduct and conduct that fails to meet the standards of the profession, including:

    (a) threatening Client A, including by suggesting her life would become more difficult if she reports you.

    (b) calling Client A names and engaging in verbal and emotional abuse.

11. After the breakdown of your relationship, Client A attempted suicide.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Act*:

    (a) In that you violated sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle I of the Handbook 3rd ed. (commented on in Interpretations 1.7 and/or 1.8) by:

        (i) failing to be aware of and reflecting upon your values, attitudes, assumptions and biases and how these impact your professional relationships with clients;

        (ii) failing to distinguish your needs and interests from those of your clients to ensure that the client's needs and interests remained paramount.

    (b) In that you violated sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook 3rd ed. (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.9, 8.10 and/or 8.11 by:

        (i) failing to ensure that sexual misconduct does not occur;

        (ii) engaging in sexual intercourse and/or other forms of physical sexual relations with a client;

        (iii) engaging in touching of a sexual nature with a client;

(iv) engaging in behaviour or remarks of a sexual nature towards the client;

(v) engaging in sexual intercourse, physical sexual relations and/or touching of a sexual nature with the client or former client to whom you provided counseling services;

(vi) failing to seek consultation/supervision and developing an appropriate plan when you developed sexual, romantic or otherwise unprofessional feelings toward a client that could put the client at risk;

and/or,

(vii) failing to respond appropriately to a client's sexual overtures including by stating the conduct is appropriate, not discouraging the behavior and reciprocating the behavior.

(viii) failing to respond appropriately to a client's sexual overtures by terminating the relationship and taking steps to assist the client in seeking alternative arrangements;

(ix) engaging in a non- professional relationship, including a sexual relationship, with a client's relative when there is a risk of exploitation or potential harm to the client, or when such activities compromise the appropriate professional boundaries between the College registrant and the client;

(c) In that you violated sections 2.2, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook 3rd ed. (commented on in Interpretations 2.2, 2.2.1 ,2.2.2, 2.2.3, 2.2.4, 2.2.6 and/or 2.2.12) by:

(i) failing to recognize that you were in a position of power and responsibility to the client and responsible for ensuring that the client was protected from the abuse of such power during and after the provision of professional services;

(ii) failing to establish and maintain clear and appropriate boundaries for the protection of the client; 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 with clients that could impair your professional judgment or increase risk of exploitation or harm to clients;

(iii) engaging in a dual relationship;

(iv) engaging in sexual relations with a client and/or providing social work services to an individual with whom they are having sexual relations;

(v) using information obtained during a professional relationship, and using your professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client; and/or

(vi) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social service work.

(d) In that you violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook 3rd ed. (commented on in Interpretation 3.13) by:

(i) 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 former client and establishing a personal relationship with a former client that creates a conflict of interest;

(e) In that you violated section 2.28 of the Professional Misconduct Regulation;

(f) In that you violated section 2.2 and Principle IV of the Handbook 3rd ed., and 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

[12] On consent of the parties, the Panel received a written plea inquiry signed by the Registrant on May 15, 2026 (Exhibit 5) in place of an oral plea inquiry. Mr. Worsoff advised the Panel that the Registrant admitted the allegations and took responsibility for the conduct alleged. He confirmed in response to a question from the Panel that he was duly instructed to enter that admission on the Registrant's behalf. With no objection from the College, and having reviewed the written plea inquiry and the Registrant's acknowledgements in the Agreed Statement of Facts, the Panel was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

The evidence

[13] The evidence was tendered by way of an Agreed Statement of Facts dated May 15, 2026 (Exhibit 6), which provided as follows.

A. Background and Overview

1. Mohsan Attique (the "**Registrant**") obtained a Master's Degree in Social Work from the University of Windsor in 2018. He first registered with the Ontario College of Social Workers and Social Service Workers (the "**College**") as a Social Work registrant on January 4, 2019.

2. During the material time, the Registrant was employed at Family & Children Services of Guelph and Wellington ("**FCSGW**") and Cedarway Therapy ("**Cedarway**") in Oakville, Ontario. He also maintained a private counselling practice, Holistic Mental Health.

3. As set out below, the Registrant's employment with FCSGW and Cedarway was terminated.

B. Services Provided by the Registrant to Client A

4. In or around May 2024, Client A was referred to the Registrant for counselling by a religious leader in their community. Client A became the Registrant's client at that time.

5. Client A was a single mother of four children who had experienced previous trauma, including in a prior marriage.

6. In her initial discussions with the Registrant, Client A indicated that she was seeking counselling, including in respect of managing parenting issues. The Registrant confirmed that he could provide these services and agreed to come to her house to provide counselling.

7. The counselling relationship commenced in approximately May 2024.

8. The Registrant provided Client A with approximately 5 counselling sessions between May and July 2024. The counselling sessions primarily took place in person at Client A's home, with one or two sessions taking place over the phone.

9. In the course of the counselling sessions, Client A disclosed information to the Registrant relating to her childhood trauma, experiences with sexual abuse, and trauma from a previous marriage. Client A also discussed her challenges in prior relationships with the Registrant.

C. Boundary Violations and Conduct of a Sexual Nature

10. During their counselling sessions, Client A described her history of relationship struggles and trauma. During or around these sessions, discussions occurred between the Registrant and Client A regarding personal matters including relationships, family circumstances and shared beliefs. The Registrant was married (religiously) to another person at the material time.

11. The Registrant failed to establish and maintain clear and appropriate boundaries in his professional relationship with Client A. During or around their counselling sessions, the Registrant engaged in personal and intimate

discussions with Client A, including discussions of a sexual nature. This includes:

(a) The Registrant and Client A discussed the possibility of a religious marriage. Sexual relations outside a religious marriage were not permitted within their shared religious beliefs. The Registrant and Client A discussed marriage and that the two engage in an intimate and romantic relationship following the marriage ceremony; and

(b) The Registrant and Client A discussed their future family arrangement including that the Registrant would become part of the Client A's family, acting in the role of a father figure for her children.

12. In his interactions with Client A, the Registrant failed to be aware of his values, attitudes and needs and how those impacted on his professional relationship with Client A. The Registrant failed to distinguish his needs and interests from those of Client A and to ensure that, within the professional relationship, Client A's needs and interests remained paramount.

D. Marriage and Intimate Sexual Relationship

13. Client A and the Registrant decided to be married religiously and to engage in a sexual relationship.

14. The counselling sessions ended after the marriage proposal. At no time did the Registrant discuss terminating the professional relationship with Client A or indicate that they would not be engaging in further sessions. The Registrant did not provide Client A referrals for another counsellor.

15. The Registrant and Client A participated in a religious marriage ceremony on June 21, 2024. The ceremony was attended by members of the Registrant's family, and friends of the Registrant and Client A.

16. The Registrant began a sexual relationship with Client A after the religious ceremony, visiting Client A's home weekly after the marriage ceremony. On occasion, the Registrant slept at Client A's home, during which time the two engaged in intimate sexual relations, including sexual intercourse.

17. The Registrant acknowledges that:

(a) his conduct during and following the period of counselling resulted in a conflict of interest and dual relationship with Client A and a situation where he ought to have known Client A would be at risk;

(b) he placed his needs and interests ahead of those of Client A;

(c) he failed to seek consultation/supervision and develop an appropriate plan for services for Client A when he developed sexual, romantic or otherwise unprofessional feelings toward Client A that would put Client A at risk;

(d) he used information obtained from Client A during his professional relationship with her in their personal relationship and used his professional position of authority improperly, contrary to section 2.6 of the O. Reg. 384/00: Professional Misconduct (the "**Professional Misconduct Regulation**")

18. The Registrant engaged in touching of a sexual nature, physical sexual relations and behaviour and remarks of a sexual nature with Client A, contrary to section 2.5 of the Professional Misconduct including by:

(a) proposing marriage, proposing an intimate sexual relationship and engaging in a marriage ceremony with Client A;

(b) engaging in physical sexual touching and sexual relations, including sexual intercourse, with Client A.

E. Abrupt Termination of Personal and Intimate Relationship

19. In or around July 2024, the Registrant abruptly terminated his relationship with Client A, stating he lost interest in her. This caused Client A distress. Client A attempted suicide.

20. In his conduct at this time, the relationship between the Registrant and Client A became acrimonious. The Registrant engaged in conduct contrary to section 2.5 of the Professional Misconduct Regulation and disgraceful, dishonourable and unprofessional conduct, including by:

(a) advising Client A that if she tried to "ruin his life", or words to that effect, he would tell others she initiated their marriage;

(b) calling Client A disparaging names and stating that she should take medication for her mental health;

(c) advising Client A that if she reported him, she would "struggle more".

21. In engaging in a personal and intimate relationship and in his conduct terminating it, the Registrant failed to distinguish his needs and interests from those of Client A, to the detriment of Client A. The Registrant placed himself in a position of conflict of interest with Client A in a situation in which he ought to have know his client would be at risk of harm.

F. Records

22. The Registrant failed to maintain records of all appointments with Client A in accordance with the standards of practice of the profession, including in that:

(a) the Registrant failed to make and/or maintain progress notes for each counselling session with Client A;

(b) the records the Registrant did retain failed to document the dates of the session, the treatment plans and goals, and Client A's assessment or diagnosis;

(c) the Registrant failed to retain records of electronic communications with Client A.

(d) the Registrant failed to maintain an electronic records system that complies with the College's standards of practice, in that it preserves the original content of the recorded information when changed or updated and provides a paper printout of the record.

23. The Registrant acknowledges that his conduct described in paragraphs 10-22 above reflects negatively on the profession of social work, and constitutes disgraceful, dishonourable, and unprofessional conduct.

G. Termination of Employment

24. In or around September 2024, Client A disclosed her sexual relationship with the Registrant to FCSGW. The Registrant acknowledged to FCSGW that he had a sexual relationship with Client A.

25. The Registrant's relationship with Client A also came to the attention of Cedarway. On September 20, 2024, the Registrant was terminated from Cedarway.

26. The Registrant was terminated from his employment with FCSGW in or around January 2025.

H. Interim Undertaking

27. On September 11, 2025, after allegations of professional misconduct were referred to the Discipline Committee, the Registrant entered into an Undertaking, Agreement & Acknowledgement with the College (the "**Interim Undertaking**") in lieu of the Executive Committee imposing an interim order. Under the terms of the Undertaking, the Registrant has agreed to refrain from engaging in the practice of social work or social service work, or holding himself out to the public as a member of the College and/or as qualified to practice as a social worker or social service worker, pending the completion of the discipline proceeding.

I. Scope of Admissions in this Case

28. The Registrant makes no admissions that the sexual conduct and/or sexual relations that occurred with Client A, as described herein, were non-consensual. For further clarity, any admissions in this Agreed Statement of Facts are made for the purposes of the College's regulatory proceeding and are not admissions of criminal wrongdoing, non-consensual conduct or sexual assault. The Registrant acknowledges and understands that for the purposes of the professional misconduct alleged in the Notice of Hearing, whether Client A consented to sexual conduct and/or sexual relations is immaterial.

J. Admissions of Professional Misconduct

29. The Registrant agrees that the standards of the profession are set out in the Code of Ethics and Standards of Practice Handbook 3rd Edition (the "**Handbook**").

30. 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 **Sections 2.2 and 2.10** of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.7 and/or 1.8) by:

        (i) Failing to be aware of and reflecting upon his values, attitudes, assumptions and biases and how these impact his professional relationships with clients;

        (ii) Failing to distinguish his needs and interests from those of his clients to ensure that the client's needs and interests remained paramount;

    (b) Violated **Section 2.2, and 2.5** of the Professional Misconduct Regulation and Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.5, and 8.9) by:

        (i) failing to ensure that sexual misconduct does not occur;

        (ii) engaging in sexual intercourse and/or other forms of physical sexual relations with a client;

        (iii) engaging in touching of a sexual nature with a client;

        (iv) engaging in behaviour or remarks of a sexual nature towards the client;

        (v) failing to seek consultation/supervision and developing an appropriate plan when he developed sexual, romantic or otherwise unprofessional feelings toward a client that could put the client at risk; and,

        (vi) engaging in sexual intercourse, physical sexual relations and/or touching of a sexual nature with the client or former client to whom he provided counselling.

    (c) 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, 2.2.4, 2.2.6 and/or 2.2.12) by:

        (i) failing to recognize that he was in a position of power and responsibility to the client and responsible for ensuring that the client was protected from the abuse of such power during and after the provision of professional services;

(ii) failing to establish and maintain clear and appropriate boundaries for the protection of the client; engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which he ought reasonably to have known that the client 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 with clients that could impair his professional judgment or increase risk of exploitation or harm to clients;

(iii) engaging in a dual relationship;

(iv) engaging in sexual relations with a client;

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

(vi) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work.

(d) Section **2.2 and 2.10** of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.13) by:

(i) 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 former client and establishing a personal relationship with a former client that creates a conflict of interest.

(e) 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

(f) Violated **Sections 2.2 and 2.36** of the Professional Misconduct Regulation and Principle IV of the Handbook 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.

I. Acknowledgements

31. Having had the opportunity to obtain independent legal advice, the Registrant has reviewed and understands the Notice of Hearing dated September 2, 2025, as amended (the "**Notice of Hearing**") and this Agreed Statement of Facts. The Registrant further acknowledges that he is entering

into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress.

32. This Agreed Statement of Facts constitutes a statement of facts agreed upon by the parties within the meaning of rule 13.02 of the Rules of Procedure of the Discipline Committee of the College.

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

34. The Registrant voluntarily admits the truth of the facts as recounted in this Agreed Statement of Facts.

35. The Registrant understands the nature of the allegations that have been made against him and that by voluntarily admitting these facts, he waives his right to require the College to otherwise prove these facts. The College and the Registrant agree that because of the admissions in this Agreed Statement of Facts, neither the College nor the Registrant need to prove the facts recounted in this Agreed Statement of Facts through a full hearing with witness' testimony and other evidence.

36. The College and the Registrant understand that, at a hearing into this matter, they may adduce additional evidence pertaining to some or all of the allegations contained in the Notice of Hearing that is consistent with the facts agreed to in this Agreed Statement of Facts. The College and the Registrant understand that, at a hearing into this matter, they are prohibited from adducing additional evidence that is inconsistent with the facts agreed to in this Agreed Statement of Facts.

37. The Registrant understands that the Panel of the Discipline Committee can accept that the facts herein constitute professional misconduct and, in particular, can accept his admissions as constituting professional misconduct.

38. The Registrant understands that if the Panel makes a finding or findings of professional misconduct against him, then the Panel's decision and its reasons, and/or a summary of its reasons including the facts contained herein and the Registrant's name, as well as any reprimand ordered under section 26 of the Act, will be published in the College's official Registrant publication, in the College's register, on the College's website, and/or on CanLII (the website operated by the Canadian Legal Information Institute).

39. The Registrant understands that the Panel of the Discipline Committee can make orders as a result of a finding of professional misconduct, as described in the Notice of Hearing, and then would consider the appropriate penalty under section 26 of the Act. The Registrant understands that the Panel of the Discipline Committee might not accept a submission as to penalty or costs, even where jointly proposed by the parties.

[14] Mr. Bernstein confirmed on behalf of the Registrant at the September 17 hearing appearance that the facts and admissions in the Agreed Statement of Facts are agreed to and acknowledged.

Decision of the panel

[15] Having considered the admissions of the Registrant, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel found that the Registrant committed the acts of professional misconduct alleged in the Notice of Hearing, to the extent admitted at paragraph 30 of the Agreed Statement of Facts. The Panel found that the Registrant engaged in professional misconduct under sections 26(2)(a) and (c) of the Act, in that he contravened sections 2.2, 2.5, 2.6, 2.10, 2.28 and 2.36 of the Professional Misconduct Regulation and Principles I, II, III, IV and VIII of the Handbook. The Panel found that the Registrant sexually abused Client A within the meaning of subsection 43(4) of the Act. With respect to the allegation under section 2.36 of the Professional Misconduct Regulation, the Panel found that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Reasons for decision

[16] The College bears the onus of proving the allegations on a balance of probabilities based on clear, convincing and cogent evidence.

[17] Under rule 13.02 of the Discipline Committee's Rules of Procedure, a panel may receive a statement of facts agreed upon by the parties as evidence of those facts. The Agreed Statement of Facts was the only evidence before the Panel. The Registrant's admissions of professional misconduct are not themselves evidence. The Panel therefore considered whether the agreed facts provide a sufficient evidentiary foundation for each finding sought. The Panel was satisfied that they do.

[18] **Failing to meet the standards of the profession and conflict of interest (sections 2.2 and 2.10).** All parties agreed that the standards of the profession are set out in the Code of Ethics and the Handbook. The Registrant counselled Client A, a single mother with a history of trauma, over approximately five sessions. In those sessions she disclosed her childhood trauma, her experiences of sexual abuse and the trauma of a prior marriage. During or around the same sessions, the Registrant engaged in personal and intimate discussions with her, including about a religious marriage, a sexual relationship to follow, and his future role as a father figure to her children. He did not terminate the professional relationship, did not refer her to another counsellor and did not seek consultation or supervision when he developed romantic and sexual feelings toward her. This conduct placed his needs ahead of hers, created a dual relationship and a conflict of interest, and exposed her to risk. This falls below the standards in Principles I, II and III of the Handbook, including Interpretation 3.13, which places full responsibility on the social worker to demonstrate that a former client with whom a personal relationship occurs has not been exploited, coerced or manipulated.

[19] **Sexual abuse (section 2.5).** Subsection 43(4) of the Act defines sexual abuse of a client to include sexual intercourse or another form of physical sexual relations between the member and the client, touching of a sexual nature of the client by the member, and behaviour or remarks of a sexual nature by the member towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided. The Registrant proposed marriage and an intimate sexual relationship to Client A and then engaged in sexual touching and sexual intercourse with Client A. His conduct meets each branch of the definition. As the Registrant acknowledged at paragraph 28 of the Agreed Statement of Facts, whether Client A consented is immaterial to the misconduct alleged. The Panel finds that the conduct contravened Principle VIII of the Handbook.

[20] **Using information obtained in the professional relationship and his position of authority (section 2.6).** The Registrant admitted that he used information obtained from Client A during the professional relationship in their personal relationship and used his professional position of authority improperly. Client A had disclosed deeply personal information about her trauma and relationships in counselling.

[21] **Records (section 2.2 and Principle IV).** The Registrant did not make or keep progress notes for each session. The records he did keep did not document session dates, treatment plans and goals, or any assessment or diagnosis. He did not retain his electronic communications with Client A, and his electronic records system did not meet the College's standards. This conduct fails to meet the standards in Principle IV of the Handbook.

[22] **Contravening the Act, regulations or by-laws (section 2.28).** The Code of Ethics and the Handbook are schedules to By-law No. 128. Having found that the Registrant breached the standards in the Handbook, the Panel also found that he contravened the College's by-laws.

[23] **Disgraceful, dishonourable and unprofessional conduct (section 2.36).** The question under section 2.36 is how members of the profession would reasonably regard the Registrant's admitted conduct. In *Ontario College of Social Workers and Social Service Workers v Ackermann* (March 5, 2003), the Discipline Committee described disgraceful conduct as conduct that shames the member and, by extension, the profession, and casts serious doubt on the member's moral fitness and inherent ability to discharge the higher obligations the public expects professionals to meet. Dishonourable conduct is similar but need not be as severe. Both involve an element of moral failing.

[24] The Registrant used a counselling relationship with a vulnerable client to pursue a marriage and a sexual relationship with her. He ended the relationship abruptly, stating that he had lost interest, and Client A attempted suicide. He then called Client A disparaging names, told Client A she should take medication for their mental health, threatened to tell others Client A had initiated the marriage if Client A tried to "ruin his life", and told Client A that if Client A reported him Client A would "struggle more". That last statement was an attempt to discourage Client A from reporting his conduct.

[25] This conduct involves a clear moral failing and would reasonably be regarded by members as disgraceful, dishonourable and unprofessional. The boundary violations and abusive interactions committed by the Registrant represent an absolute breach of professional standards and are, on their own, unbefitting of a member of this profession. When considered together with the Registrant's record-keeping failures, the gravity of the unprofessional conduct is further compounded. The Panel notes the Registrant acknowledges as much at paragraph 23 of the Agreed Statement of Facts.

[26] The Panel's findings are consistent with prior decisions of this Discipline Committee involving boundary violations and sexual relationships with clients. These decisions were raised by College counsel and include *Ontario College of Social Workers and Social Service Workers v Young*, 2026 ONCSWSSW 5, and *Ontario College of Social Workers and Social Service Workers v Beloshesky*, 2020 ONCSWSSW 9.

Penalty submissions

[27] The parties presented the Panel with an Amended Joint Submission on Penalty dated September 9, 2026 (the "**Joint Submission**") (Exhibit 7), asking this Panel to 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 Registrar 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, together with a link to decision in the College's official publication and on the College's website and/or on CanLII (the website operated by the Canadian Legal Information Institute), 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.

5. The Registrant shall pay costs to the College in the amount of $5,000, as follows:

    a. $2,000 payable the on September 17, 2026, the day of the hearing;

    b. the remaining $3000 payable in four equal installments of $750, due on the following dates:

        i. December 1, 2026 (75 days after the hearing);

        ii. March 1, 2027 (164 days after the hearing);

        iii. June 1, 2027 (256 days after the hearing); and,

        iv. September 1, 2027 (348 days after the hearing).

    c. Should the Registrant fail to pay the amounts required by the time specified in paragraph 5(a) and (b) above, the full amount of costs outstanding becomes due and payable.

[28] College counsel submitted that public protection is the paramount consideration in fixing a penalty, and that the penalty must also achieve specific and general deterrence. College counsel submitted that the proposed penalty meets these objectives as follows:

(a) **Revocation and a five-year period before reapplication.** The Registrant's conduct put a client at risk and impugned the integrity of the profession as a whole. Revocation and a five-year period during which the Registrant may not apply for a new certificate

make clear that the College will not accept this type of conduct, and address the public's trust in the profession. The five-year period is consistent with previous decisions of the Discipline Committee.

(b) **Reprimand.** A reprimand serves as a specific deterrent and is remedial. It holds the Registrant to account and demonstrates that the profession does not tolerate this conduct.

(c) **Publication.** Publication with the Registrant's name is consistent with the College's approach to protecting the public and maintaining public confidence in the integrity of the process. The conduct must be sanctioned, and sanctioned transparently.

(d) **Costs.** The Panel has jurisdiction to fix costs under paragraph 4 of subsection 26(5) of the Act. The membership as a whole should not bear the entire cost of holding registrants accountable. Costs of $5,000 are consistent with other resolved cases involving sexual abuse. College counsel confirmed in reply that the costs are not a fine. The Joint Submission does not seek a fine.

[29] College counsel submitted that the misconduct in this case is of the most serious kind and demands a serious sanction. College counsel identified as aggravating factors the religious marriage and the Registrant's sudden withdrawal from the relationship, his name-calling of Client A, and his violation of the client relationship. College counsel identified as mitigating factors that the Registrant cooperated and engaged in the process through counsel, entered into the Interim Undertaking, agreed to the Agreed Statement of Facts and the Joint Submission, and spared Client A from having to testify. His acceptance of revocation suggests that he accepts responsibility for his conduct.

[30] College counsel referred the Panel to *Young* and *Beloshesky* as comparable decisions. College counsel also referred the Panel to the high threshold for departing from a joint submission, as set out in *R v Anthony-Cook*, 2016 SCC 43, and applied in the professional discipline context by the Divisional Court in *Bradley v Ontario College of Teachers*, 2021 ONSC 2303.

[31] Counsel for the Registrant adopted the College's submissions. The parties also agreed that the reprimand may be delivered to the Registrant in writing.

Penalty decision

[32] 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. The Panel's order was made orally on the record at the hearing.

1. The Registrant is required to be reprimanded by the Panel, and the fact and nature of the reprimand shall be recorded on the College's Register.

2. The Registrar is directed to revoke the Registrant's certificate of registration.

3. The period during which the Registrant may not apply to the Registrar for a new certificate of registration is fixed at five years from the date of this Order.

4. The Panel's finding and Order (or a summary of it) shall be published, with identifying information concerning the Registrant, together with a link to the decision, in the College's official publication, on the College's website and/or on CanLII, 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.

5. The Registrant shall pay costs to the College in the amount of $5,000, as follows:

   (a) $2,000 on September 17, 2026; and

   (b) the remaining $3,000 in four equal instalments of $750 due on December 1, 2026, March 1, 2027, June 1, 2027 and September 1, 2027.

   If the Registrant fails to pay any amount by the date specified, the full amount of costs then outstanding becomes due and payable.

[33] On the agreement of the parties, the reprimand will be delivered to the Registrant in writing and a copy is also enclosed with these reasons.

Reasons for penalty decision

[34] A 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 an order 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.

[35] In *Anthony-Cook*, the Supreme Court of Canada held that a joint submission should be accepted unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest (at para 32). Rejection is reserved for a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, to believe that the proper functioning of the justice system had broken down (at para 34). The Divisional Court has applied this test to joint submissions in professional discipline proceedings.

[36] The Panel has jurisdiction to make each element of the proposed order. Paragraph 1 of subsection 26(4) of the Act permits the Panel to direct the Registrar to revoke a certificate of registration. Subsection 26(7) permits the Panel, in making an order revoking a certificate, to fix a period during which the member may not apply for reinstatement under section 29. Paragraphs 1, 3 and 4 of subsection 26(5) permit the Panel to order a reprimand and record it on the register, to direct publication of the finding and order with the member's name, and to fix costs.

[37] The Registrant sexually abused a client who came to him for help with trauma, including trauma from a prior marriage and past sexual abuse. He used what she told him in counselling, and the authority of his position, to draw her into a marriage and a sexual relationship. He then ended the relationship abruptly, disparaged her and discouraged her from reporting him. The misconduct is at the most serious end of the spectrum. Revocation, together with a five-year period before the Registrant may apply for a new certificate, protects the public, denounces the conduct and sends a clear message to the profession that the sexual abuse of clients will not be tolerated.

[38] The reprimand denounces the misconduct and holds the Registrant to account. It expresses the Panel's and the profession's condemnation of what occurred here. Publication of the finding and Order, together with the reprimand along with the Registrant's name, serves the purpose of general deterrence and maintains public confidence in the College's ability to regulate the profession transparently. The Panel would ordinarily expect a Registrant to attend in person to be reprimanded. In this case, the consent of all parties to proceed in writing was acceptable to the Panel but in other cases it may not be. Reprimands delivered in writing are the exception to the rule and should not become the expected standard. The publication of this information of course shall not extend to any information that may identify Client A, which remains subject to the publication ban notwithstanding the above.

[39] The Panel considered the aggravating and mitigating factors identified by the College. The mitigating factors do not diminish the seriousness of the misconduct. They do support the Registrant's acceptance of responsibility. The Panel acknowledges that he entered into the Interim Undertaking, agreed to the facts and to the penalty, and spared Client A from testifying.

[40] Costs are also appropriate in this case. Costs are not punitive but ensure that the membership as a whole does not bear the full cost of the investigation and hearing into the Registrant's misconduct. The parties agreed to costs of $5,000, payable in instalments. The Panel accepted the College's submission that this amount is consistent with other resolved cases involving sexual abuse.

[41] The Joint Submission is consistent with the prior decisions of the Discipline Committee to which the Panel was referred. It is not contrary to the public interest and would not bring the administration of justice into disrepute. The Panel therefore accepted it.

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

Date: October 26, 2026

Signed: _____

Chisanga Chekwe, Chair
Geneviève Côté