

**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 Mashinter,
2026 ONCSWSSW 3

Decision date: 20260310

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

BREANNA MASHINTER

PANEL:	Kimberley Westfall-Connor	Chair, Community Member (non-Council)
	Suzanne Oliver	Professional Member
	Carina Chan	Public Member

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

Heard: In writing

DECISION AND REASONS FOR DECISION

[1] The College brought a motion to stay allegations of professional misconduct set out in a Notice of Hearing dated June 23, 2025, which the Ontario College of Social Workers and Social Service Workers (the “**College**”) issued against Breanna Mashinter (the “**Former Registrant**” or “**Ms. Mashinter**”). The motion was heard in writing with the parties’ consent.

[2] The Former Registrant entered into an Undertaking and Acknowledgement with the College on November 28, 2025, pursuant to which she agreed, among other things, to permanently resign from and never re-apply to the College

[3] In light of the Former Registrant's Undertaking, the College brought this motion to stay the allegations of professional misconduct. The College submits that the public will be protected without the need for a hearing on the allegations, and that it is in the public interest to stay those allegations rather than proceeding to a discipline hearing. The Former Registrant consents to the stay order sought by the College.

Background

[4] The Former Registrant first registered with the College on November 29, 2012. The Former Registrant did not renew her registration with the College, and her certificate of registration was cancelled effective September 26, 2023.

[5] On February 9, 2022, the College received a report from an insurer indicating that claims for social work services had been submitted by family members of the Former Registrant for services provided by the Former Registrant. The College issued an Appointment of Investigator on June 9, 2022. The primary witnesses in the investigation were the Former Registrant's family members. Neither witness was cooperative with the College's investigation; neither attended interviews when summonsed. One of the family members asserted that the investigation exacerbated her post-traumatic stress disorder symptoms and she was unable to participate in an interview.

[6] On February 7, 2024, the College sent correspondence to the Former Registrant offering her the opportunity to enter into an undertaking to resign her certificate of registration and never re-apply to the College to resolve the allegations. The Executive Committee determined that if the Former Registrant agreed to and signed the proposed undertaking, it would view the agreement as "strong evidence that no further formal action would be necessary."

[7] The Former Registrant did not sign the undertaking that was offered by the Executive Committee. Allegations against the Former Registrant were subsequently referred to the Discipline Committee and the Notice of Hearing was issued on June 23, 2025.

[8] Following receipt of the Notice of Hearing, the Former Registrant notified the College that she wished to sign the Undertaking previously offered by the Executive Committee. On November 28, 2025, the Former Registrant entered into an Undertaking and Acknowledgement with the College. The preamble to the Undertaking states that in exchange for the Undertaking, the College is prepared to resolve the allegations in the public interest without requiring the Discipline Committee to make a determination regarding the allegations, by seeking a stay of proceedings.

[9] In the Undertaking, the Former Registrant agreed to permanently refrain from: (a) applying or re-applying to the College to be registered or in any way seeking the reinstatement of her certificate of registration; (b) engaging in the practice of social work or social service work in any capacity; (c) using the restricted titles set out in ss. 46 and/or 47 of the *Social Work and Social Service Work Act, 1998*, SO 1998, c. 31 (the "**Act**"), or any variation, abbreviation or equivalent; and (d) holding herself out to the public as a member of the College or as qualified to practise as a social worker or social service worker.

[10] The Undertaking further provides that the public register will contain a notation setting out the fact of the Undertaking, and the Former Registrant's name will appear on the College's public webpage titled "Unregulated Practitioners."

College's submissions

[11] The College submits that the Discipline Committee has jurisdiction to order a stay in this case pursuant to s. 4.1 of the *Statutory Powers Procedure Act*, RSO 1990, c. S.22, since the parties consent to disposing of the discipline proceeding by way of a permanent stay and no other Act or regulation prohibits disposing of the proceeding without hearing.

[12] The College submits that the stay is appropriate and in the public interest. The public will be protected by the terms of the Undertaking, which provides several protections to the public that are consistent with the College's mandate. These protections include, among other things: (a) the Former Registrant has undertaken to permanently refrain from applying or re-applying to the College or in any way seeking the reinstatement of her certificate of registration; (b) the Former Registrant has undertaken to permanently refrain from engaging in the practice of social work or social service work, using the restricted titles, or holding herself out to the public as a member of the College; (c) a notation will be made on the College's public register stating that allegations of professional misconduct were referred to the Discipline Committee regarding the Former Registrant and that she entered into the Undertaking; and (d) the Former Registrant's name will appear on the College's webpage titled "Unregulated Practitioners."

[13] The College further submits that should the Former Registrant fail to comply with the Undertaking, the College would be entitled to seek to reinstitute the prosecution or take other legal action as needed.

[14] The Undertaking provides the result always intended by the Executive Committee, and the alternative of prosecuting the allegations against the Former Registrant is no longer necessary, nor in the public interest. The Former Registrant's agreement to never re-apply to the College or practise social work or social service work ensures no similar allegations may arise in the future.

[15] The College notes that the witnesses in this case, the Former Registrant's family members, were not cooperative during the investigation and did not comply with their summons to attend College interviews. While it remains open to the College to issue summonses and seek steps to enforce them, the College submits that it is satisfied the public interest may be adequately met by the Undertaking.

[16] The College relied on precedents from the Discipline Committee of this College and other professional regulatory colleges granting orders to stay the prosecution of allegations in various circumstances. For instance, in *Ontario (College of Chiropodists of Ontario) v Keogh*, 2021 ONCOCO 12, the Discipline Committee granted a motion to stay the allegations against the registrant on the basis of the registrant's resignation from, and undertaking to never re-apply to, the College. The panel found the proposed disposition was consistent with the public interest. In *Ontario College of Social Workers and Social Service Workers v Freeland* (June 27, 2016), this Discipline Committee granted a motion to stay the allegations against a former registrant in light

of the fact that she had entered into an agreement, undertaking and acknowledgement with the College whereby she resigned and irrevocably surrendered her certificate of registration.

Panel's Decision on the Motion

[17] The Panel has carefully considered the College's motion, the Undertaking signed by the Former Registrant on November 28, 2025, the consent of the parties, and the written submissions of the College. For the reasons that follow, the Panel is satisfied that it is appropriate and in the public interest to grant the motion and stay the allegations of professional misconduct contained in the Notice of Hearing.

[18] The Panel grants the College's motion and orders that the allegations of professional misconduct against Ms. Mashinter contained in the Notice of Hearing dated June 23, 2025 are hereby stayed.

Reasons for Decision

[19] The Panel is satisfied that it has jurisdiction to dispose of this matter without a hearing. Section 4.1 of the *Statutory Powers Procedure Act* provides that if the parties consent, a proceeding may be disposed of by a decision of the tribunal given without a hearing. Nothing in the Act or the regulations under that Act, provides that a proceeding cannot be disposed of without a hearing or by means of a stay of proceedings. Both the College and the Former Registrant have consented to the stay.

[20] The Panel is satisfied that the public interest is best served by staying the allegations against the Former Registrant in light of the Undertaking she has signed. The Undertaking provides the result always intended by the Executive Committee and achieves a stronger outcome than may have been obtained at a discipline hearing. In particular, the Former Registrant's agreement to never re-apply to the College represents a greater consequence than could be imposed by the Discipline Committee at a full hearing, since even if her registration were revoked following a hearing, she would be entitled to re-apply in the future. The permanence of the Undertaking provides certainty, which is in the public interest. Given that the Former Registrant has now provided the Undertaking, the alternative of prosecuting the allegations is no longer necessary, nor in the public interest.

[21] The Panel is further satisfied that the public will be adequately protected by the terms of the Undertaking. The Former Registrant has undertaken to permanently refrain from applying or re-applying to the College, engaging in the practice of social work or social service work, using the restricted titles set out in the Act, and holding herself out to the public as a member of the College or as qualified to practise as a social worker or social service worker. These undertakings ensure that no similar allegations will arise in the future.

[22] The Panel also notes the transparency measures contained in the Undertaking. A notation will be recorded on the College's public register setting out the fact of the Undertaking and its terms, and the Former Registrant's name will appear on the College's public webpage titled "Unregulated Practitioners." The publication of that information serves as protection for the public and as a general deterrent for other College registrants.

[23] The Panel further observes that the Undertaking contains important safeguards in the event of non-compliance. As set out in paragraph 3 of the Undertaking, should the Former Registrant breach or fail to comply with any of its terms, the College will be entitled to take any legal action against her that it deems appropriate. Moreover, the stay of the hearing related to the allegations will not finally conclude this matter; in the event of a breach, the College may, in its sole discretion, prosecute the allegations, resulting in a lift of the stay. The information relating to this matter would also continue to be available to any College Committee that may be dealing with issues or allegations concerning the Former Registrant in the future. These provisions ensure that the College maintains its jurisdiction over this matter and can act to protect the public should the need arise.

[24] The Panel additionally takes into account the practical circumstances of this case. The primary witnesses in the investigation, the Former Registrant's family members, were not cooperative during the investigation and did not comply with their summonses to attend College interviews. One witness expressed concerns regarding the impact of the investigation on her mental health. While it remains open to the College to issue summonses and seek steps to enforce them, the Panel accepts that the Undertaking will adequately meet the public interest. Staying the allegations in these circumstances avoids the expenditure of significant resources that would otherwise be required to compel the attendance of reluctant witnesses, while still achieving the outcome that serves the public interest.

[25] Finally, the Panel notes that this disposition is consistent with precedent from this College and other professional regulatory colleges, including the *Freeland* and *Keogh* cases relied on by the College.

[26] The Panel is satisfied that disposing of this matter by way of a stay, on consent, is consistent with the College's public protection mandate.

I, Kimberley Westfall-Connor, sign this Decision as Chairperson of the panel and on behalf of the panel members listed below.

Date: March 10, 2026

Signed: _____

Kimberley Westfall-Connor, Chair
Suzanne Oliver
Carina Chan