

**DISCIPLINE COMMITTEE OF THE COLLEGE OF REGISTERED
PSYCHOTHERAPISTS AND REGISTERED MENTAL HEALTH THERAPISTS OF
ONTARIO**

Citation: *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Riddell*, 2024 ONCRPO 4

Date: April 29, 2024

File No.: 24-002-RP

BETWEEN:

College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

College

- and -

Gordon Riddell

Registrant

FINDING AND PENALTY REASONS

Heard: March 26, 2024, by videoconference

Panel:

Sophie Martel (Chair)

Kali Hewitt-Blackie (registered psychotherapist)

Avni Jain (registered psychotherapist)

David Keast (public)

Henry Pateman (public)

Appearances:

Ahmad Mozaffari, for the College

Salematou Camara, for the registrant

Introduction

[1] Gordon Riddell, the registrant, is the co-founder and president of Transformational Arts College of Spiritual and Holistic Training (TAC), which provided a psychotherapy education program.

[2] The registrant admits that he engaged in professional misconduct in breaching compliance orders issued to TAC by the Superintendent of Private Career Colleges regarding TAC's provision and advertising of unapproved vocational programs. The registrant made or permitted to be made false and/or misleading statements regarding the status of TAC's program with the Ministry of College and Universities (Ministry) and with the College of Registered Psychotherapists of Ontario (College). He also permitted TAC to continue to advertise and/or deliver a diploma program contrary to the issued compliance order.

[3] Relying on an agreed statement of facts and book of documents, we concluded that the registrant engaged in professional misconduct as set out in the notice of hearing.

[4] The parties made a joint submission on penalty and costs, which we accepted. We ordered the suspension of the registrant's certificate of registration commencing on July 1, 2024, for three months, two months of which may be remitted if the registrant completes two courses. Furthermore, we ordered a reprimand, which we delivered at the hearing. Finally, we ordered costs of \$6,055.

[5] These are our reasons.

Agreed Facts

[6] On June 27, 2019, the Superintendent of Private Career Colleges issued a compliance order to TAC pursuant to section 46(1) of the *Private Career Colleges Act, 2005*, SO 2005, c. 28, Sched. L. The compliance order required TAC to:

- a. Stop offering or providing unapproved vocational programs contrary to subsection 8(1) of the *Private Career Colleges Act*; and
- b. Stop advertising the provision of unapproved vocational programs contrary to subsection 11(2) of the *Private Career Colleges Act*.

[7] The registrant breached the compliance order. Between June 2019 and December 2021, the registrant made or permitted to be made false or misleading statements regarding the status of TAC's program with the Ministry and the College. Furthermore, between June 2019 and February 2021, the registrant permitted TAC to continue to advertise and/or deliver a diploma program.

[8] The Ministry issued two notices of contravention to TAC. The first notice of contravention of June 27, 2019, informed TAC that it had contravened the provisions of the *Private Career Colleges Act* against providing vocational programs and in respect of the advertising and soliciting restrictions. The second notice of contravention of September 30, 2020, informed TAC that it had contravened the prohibition against providing vocational programs and that it had failed to comply with an order of the Superintendent. TAC was required to pay fines in respect of these contraventions.

[9] The College also wrote to TAC regarding its inaccurate and misleading representations on its website. On December 6, 2021, the College requested that TAC remove from its website references that its program was currently in the College's recognition process when no such application for recognition had been submitted. The College further noted that this was not the first time that it had written to TAC about inaccurate and misleading representations of TAC's status with the College.

Findings

[10] As the co-founder and president of TAC, the registrant was responsible for TAC's compliance with the provisions of relevant legislation, for its compliance with any governmental orders and for the accuracy of its statements regarding the status of its programs with the Ministry and the College. There is no admission that the registrant deliberately intended to mislead the public and the registrant referred to extenuating circumstances relating to the COVID-19 pandemic and the complex Ministry recognition process. Nevertheless, the registrant, in his position as the directing mind of TAC, is responsible for the conduct at issue.

[11] The Professional Misconduct Regulation, O. Reg. 317/12 made under the Psychotherapy Act, 2007, SO 2007, c. 10, Sched. R, includes the following among the listed acts of professional misconduct:

- Paragraph 52 - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances,

would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

- Paragraph 53 – Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a member of the profession.

[12] The privilege of being a registrant of a health College is built on a foundation of understanding, respecting and adhering to the rules established by the government and the College. As a professional, it is important that registrants comply with orders and rules relevant to their work. It is unprofessional for a registrant to breach such orders and rules. It is also unprofessional to make or permit to be made false and misleading statements regarding the status of a psychotherapy education program with the College and to have to be reminded more than once by the College to remove such misleading information. There is a potential impact to past and potential future students regarding misleading information.

[13] Paragraph 53 typically refers to conduct occurring outside the practice of psychotherapy. Contravening governmental orders impacts the public perception of registrants and the psychotherapy profession. It is important that the public have confidence that registrants will follow relevant governmental legislation and orders and not be permitted to make false or misleading statements in respect of a psychotherapy education program.

[14] We therefore find that in breaching the governmental compliance order and in making or permitting to be made false or misleading statements regarding the status of TAC's program with the Ministry and with the College, the registrant engaged in disgraceful, dishonourable or unprofessional conduct as well as conduct unbecoming a member of the profession.

Penalty and Costs

[15] The parties jointly proposed a reprimand, a suspension of three months, two months of which may be remitted (not required to be served) if the registrant takes the stipulated courses, and costs of \$6,055. The registrant must do the following within three months of the order to have his suspension remitted:

- a. complete the College's Jurisprudence e-Learning Module; and
- b. obtain an unconditional pass of the PROBE ethics course.

[16] To depart from a joint submission would require a finding that the proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest, *R. v. Anthony-Cook*, 2016 SCC 43. A disciplinary body that rejects a joint submission on penalty must show why the proposed penalty is so unhinged from the circumstances of the case that it must be rejected: *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303.

[17] We are satisfied that the proposed penalty is not contrary to the public interest and achieves the relevant penalty goals of the protection of the public, general and specific deterrence as well as rehabilitation.

[18] The courses address rehabilitation and protection of the public with respect to the registrant's future practice of the profession. The possible remittance of the suspension also recognizes the registrant's cooperation with the College and his admission that his conduct was unprofessional. The reprimand and the suspension send the message to the registrant and to the profession that this type of misconduct will not be tolerated.

[19] The parties rely on the case of *ONCRPO v. Went*, 2023 ONCRPO 1, which, addressed a similar issue together with multiple other allegations of misconduct that were client-based. In *Went*, the registrant was also the founder and owner of a centre created to provide a professional psychotherapy training program. It was alleged and found that he provided false, misleading, or inadequate information to applicants and students of the centre regarding the status of the centre's program with the Ministry and the College. The panel accepted the joint submission on penalty, which included a suspension of five months, three months of which could be remitted upon completion of remediation courses. While the suspension was lengthier than in the present case, the registrant in *Went* was also found to have engaged in misconduct relating to treating a client who was also his student at the centre. Such misconduct raised issues of conflict of interest, dual or multiple relationships and undue influence or abuse. These issues are not present in the case before us. As such, a shorter suspension is proportionate to the facts of *Went*.

[20] We also saw no reason to reject the joint costs submission of \$6,055, which is the tariff rate to conduct a day of hearing. The installment nature of the costs order reflects the registrant's challenging financial circumstances.

Order

[21] We ordered:

1. The Registrant is required to appear before a panel of the Discipline Committee to be reprimanded following the hearing.
2. The Registrar is directed to suspend the Registrant's certificate of registration for a period of three months commencing on July 1, 2024, two months of which may be remitted if items 3(a) and 3(b) below are completed within three months of the Discipline Committee's Order (the "Order").
3. The Registrar is directed to immediately impose the following terms, conditions, and limitations on the Registrant's certificate of registration, all of which shall be fulfilled at the expense of the Registrant and to the satisfaction of the Registrar:
 - a. The Registrant shall successfully complete the College's Jurisprudence e-Learning Module within six months of the Order;
 - b. The Registrant shall obtain an unconditional pass of the PROBE ethics course within six months of the date of the Order;
 - c. The Registrant will not teach a psychotherapy course while the Registrant's certificate of registration is suspended.
4. The Registrant is required to pay the College costs in the amount of \$6,055, which can be paid in twelve monthly installments, with the first payment beginning 30 days from the date of the Order.