

THE MATTER OF THE *HEALTH PROFESSIONS ACT*,
R.S.A. 2000, c.H-7;

AND IN THE MATTER OF A HEARING INTO THE
CONDUCT OF NATHAN REEVES, A MEMBER OF THE
ALBERTA COLLEGE OF SOCIAL WORKERS;

AND IN THE MATTER OF A PROFESSIONAL CONDUCT
HEARING REGARDING THE CONDUCT OF NATHAN
REEVES UNDERTAKEN VIRTUALLY;

AND INTO THE MATTER OF AN EMPLOYER
NOTIFICATION PURSUANT TO SECTION 57 OF THE
HEALTH PROFESSIONS ACT OF THE TERMINATION OF
NATHAN REEVES' EMPLOYMENT AND A HEARING INTO
YOUR CONDUCT PURSUANT TO SECTION 77(a) OF THE
HEALTH PROFESSIONS ACT

DECISION OF THE HEARING TRIBUNAL

I. INTRODUCTION

1. A hearing was held virtually on August 23, 2023 concerning allegations of unprofessional conduct against Nathan Reeves (the "**Member**"), a regulated member of the Alberta College of Social Workers ("**ACSW**"). The hearing occurred by consent via a virtual WebEx platform through the Edmonton office of Parlee McLaws.
2. This decision sets out the findings, reasons and penalty orders of the Hearing Tribunal concerning the hearing.
3. The Hearing Tribunal was assisted by Blair E. Maxston, K.C. as independent legal counsel in the drafting of this decision.

II. THE HEARING GENERALLY

4. The August 23, 2023 hearing was held pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the "**Act**").
5. The members of the Hearing Tribunal were:

Stanley Haroun – Chair - RSW
Barbara Rocchio – Public Member
Barbara Artzen – RSW
Doug Dawson – Public Member

Also present at the hearing were Karen Smith, K.C. (legal counsel for the ACSW Complaints Director) and Sheryl Pearson (ACSW Complaints Director). Tracy Kaiser was also present to facilitate the virtual meeting.

6. The hearing was a public hearing pursuant to s. 78 of the Act.
7. The allegations were set out in an Amended Notice of Hearing dated May 14, 2023¹, (the “**Notice of Hearing**”). The allegations are as follows:

Criminal Charges

1. That you were convicted of the following three offenses under the *Criminal Code*.

“1. Communicating by means of telephone with a person he believed to be under 16 years for the purpose of facilitating the commission of an offense under s. 151, 152, 160(3), 173(2), 271, 272, 273 or 280 with respect to that person. This offense is commonly referred to as “luring”. It is an offense contrary to s. 172.1(1)(b) of the Criminal Code;

2. Inciting, inviting or counselling a person under 16 years to touch his body with her body for a sexual purpose. This offense is commonly referred to as “invitation to sexual touching”. It is an offense contrary to s. 152 of the Criminal Code;

3. Touching a person under 16 years for a sexual purpose. This offense is commonly referred to as “sexual interference”. It is an offense contrary to s. 151 of the Criminal Code.”

Such conduct contravenes ss. F.3, F.4, G.1(a)(b) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Professionalism

2. That notwithstanding being reprimanded regarding inappropriate personal contact with a former client of Alberta Children’s Services, you continued to maintain that contact and saved images of the former client, as an adult woman, on your Government of Alberta computer.

Such conduct contravenes ss. 4.5(d)(e), G.1(b), G.3(a) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

8. Pursuant to s.70(1) of the Act, the Member provided a written admission of unprofessional conduct to the Hearing Tribunal dated May 24, 2023 stating that the Member admitted that the following single allegation constituted unprofessional conduct:

¹ The Amended Notice of Hearing was dated “May 14, 2020” but the Hearing Tribunal has acted on the basis that this was a typographical error and should have read “May 14, 2023”.

1. That you were convicted of the following three offenses under the *Criminal Code*.

"1. Communicating by means of telephone with a person he believed to be under 16 years for the purpose of facilitating the commission of an offense under s. 151, 152, 160(3), 173(2), 271, 272, 273 or 280 with respect to that person. This offense is commonly referred to as "luring". It is an offense contrary to s. 172.1(1)(b) of the Criminal Code;

2. Inciting, inviting or counselling a person under 16 years to touch his body with her body for a sexual purpose. This offense is commonly referred to as "invitation to sexual touching". It is an offense contrary to s. 152 of the Criminal Code;

3. Touching a person under 16 years for a sexual purpose. This offense is commonly referred to as "sexual interference". It is an offense contrary to s. 151 of the Criminal Code."

Such conduct contravenes ss. F.3, F.4, G.1(a)(b) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

(the "Allegation")

9. On that basis, the Hearing Tribunal concluded that the original second allegation had been withdrawn and did not consider it.
10. The following documents were entered as Exhibits at the Hearing with the consent of both parties:

Exhibit 1: Amended Notice of Hearing.

Exhibit 2: Amended Notice to Attend.

Exhibit 3: Admission of Unprofessional Conduct (the "**Admission**").

Exhibit 4: Consent Order (the "**Consent Order**").

The Hearing Tribunal also received the Affidavit of Service email, the first page of the Investigation Report generated in this matter and a Court of Queen's Bench decision and a Court of Appeal decision relating to the Member.

11. Since the hearing proceeded as a consent hearing, the Hearing Tribunal heard from no witnesses at the hearing. The Member did not attend the hearing but the Hearing Tribunal was satisfied that the Member had sufficient notice of the Allegation and of the hearing. As a result and pursuant to s.79(b) of the Act, the Hearing Tribunal proceeded with the hearing in the absence of the Member.

III. THE HEARING AND THE CONSENT ORDER

12. The Consent Order contained agreed upon “Agreed Statement of Facts”, “Agreed Findings”, “Acknowledgment of Responsibility” and “No Right to Appeal” sections.
13. The Consent Order also contained a “Orders as to Sanctions” section.

A. Agreed Statement of Facts

14. The facts in this matter are not in dispute and are described in the Agreed Statement of Facts as follows:

“1. Nathan Reeves has been a Registered Social Worker with the Alberta College of Social Workers (“ACSW”) since 1999.

2. Mr. Reeves was employed with the Ministry of Children’s Services, Edmonton Region.

3. On or about September 14, 2017, Mr. Reeves was charged with 8 offences under the Criminal Code.

4. On May 2, 2018, Mr. Reeves’ employment with the Ministry of Children’s Services was terminated.

5. The Ministry of Children’s Services advised the ACSW of the termination of Mr. Reeves’ employment by way of letter dated June 19, 2018.

6. On January 30th, 2020, Mr. Reeves was convicted of 3 offences under the Criminal Code.

7. Mr. Reeve’s appeal from the convictions was dismissed.”

B. Acknowledgment of Responsibility and Unprofessional Conduct

15. It was acknowledged by the Member and the ACSW Complaints Director that the Member’s conduct as described in the Agreed Statement of Facts constitutes unprofessional conduct.

C. No Right to Appeal

16. The ACSW and the Member agreed that there shall be no appeal from the Consent Order notwithstanding s. 87 of the Act.

IV. REASONS FOR DECISION: THE ALLEGATION

17. The ACSW is a self-governing professional body established under the Act and is responsible for regulation of the Social Work profession in the public interest. This includes ensuring that all ACSW regulated members practice their profession in a manner that protects the public from unsafe, incompetent or unethical acts.

18. The Hearing Tribunal sees protection of the public as the primary consideration in this matter.
19. After carefully considering all of the information and evidence presented during the Hearing, the Hearing Tribunal accepts the admission of unprofessional conduct by the Member.
20. The factual basis for the admitted Allegation of unprofessional conduct was proven as result of uncontradicted evidence presented to the Hearing Tribunal. Bearing in mind Admission of Unprofessional Conduct signed by the Member, the Hearing Tribunal also concluded that the proven actions of the Member constituted unprofessional conduct as they were a clear breach of the Member's broader ethical obligations as a professional and harmed the integrity of the profession of Social Work.
21. The Member's conduct occurred outside of his professional practice, however, and consistent with established case law, there was a compelling nexus between the Member's actions --- which resulted in *Criminal Code* convictions --- and the profession of Social Work to significantly negatively impact the profession, the integrity of the profession and the public interest.
22. The Member's conduct was egregious and criminal. It represented a serious departure from the expected moral and ethical obligations of a member of a healthcare profession even though it occurred "off duty".
23. Based on all of the evidence, the Hearing Tribunal finds the Allegation factually proven and that the Allegation clearly constitutes unprofessional conduct.

V. REASONS FOR DECISION: SANCTIONS

A. The Joint Sanctions Proposal

24. As part of the Consent Order, the parties also jointly presented an Orders as to Sanctions (the "Sanction Orders") recommendation as follows:
 1. Mr. Reeves' permit to practice is hereby cancelled permanently.
 2. Mr. Reeves shall pay costs in the amount of \$1,000.00.

Note: This penalty had a "strikethrough" line in the version of the Consent Order signed by the Member. However, due to his non-participation in the hearing, it was unclear whether the Member was actually formally objecting to this penalty.

3. There shall be publication of this Order on a "with names" basis.
25. After considering submissions from the parties, the Hearing Tribunal confirmed that it was accepting the Sanction Orders for the reasons described below.

B. The Sanction Orders and the Public Interest Test

26. The Hearing Tribunal acknowledges the efforts of the parties in preparing the Consent Order and the Sanction Orders. The Hearing Tribunal is also aware of the well-established legal principles indicating that deference should be shown to joint submissions on penalties as they promote certainty for both the member and the regulatory body, reduce the time and cost associated with contested hearings and are the result of careful negotiation.
27. Although the Hearing Tribunal retains ultimate discretion in terms of making penalty orders, it is aware of the legal principles which establish that a decision-maker (such as this Hearing Tribunal) should not depart from a joint submission on sanction unless the joint submission is unfit, unreasonable or contrary to the public interest.
28. For the reasons discussed during the hearing and as set out in this decision, the Hearing Tribunal found that the public interest test for accepting the Sanction Orders was met. This includes the \$1,000.00 costs order despite the lack of clarity concerning the Member's position in that regard. Nonetheless, the Hearing Tribunal formally adopted the costs order.
29. Cancellation of the Member's practice permit and publication of his name reflect the very troubling actions of the Member --- including highly inappropriate actions with minors and *Criminal Code* sexual offences.
30. The proposed penalty orders must and do convey to the Member, the profession and the public that this conduct will not be tolerated by the ACSW having regard to its public protection mandate.
31. Ultimately, the Hearing Tribunal concluded that the proposed sanctions are reasonable and appropriate and reflect the extremely egregious nature of the Member's conduct as well as his acceptance of responsibility for those actions.
32. In summary, the Hearing Tribunal makes the following orders in accordance with s. 82 of the Act:
 1. Mr. Reeves' permit to practice is hereby cancelled permanently.
 2. Mr. Reeves shall pay costs in the amount of \$1,000.00.
 3. There shall be publication of this Order on a "with names" basis.



Stanley Haroun, MSW, RSW
 Chair on behalf of the Hearing Tribunal
 Date this 8th day of November, 2023