

**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

**PANEL:** Kristine Parsons, RECE, Chairperson  
Jacqueline Leach, RECE  
Barney Savage

**BETWEEN:** )  
)  
COLLEGE OF EARLY ) Vered Beylin  
CHILDHOOD EDUCATORS ) Counsel for the College of Early Childhood  
) Educators  
)  
- and - )  
)  
CANDACE AMBER RENAUD ) Mindy Caterina  
REGISTRATION # 09585 ) Counsel for Candace Amber Renaud  
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)  
) Lonny Rosen,  
) Rosen Sunshine LLP  
) Independent Legal Counsel  
)  
) Heard: June 24, 2020

## **AMENDED DECISION AND REASONS**

This matter was heard by a panel of the Discipline Committee (the “Panel”) of the College of Early Childhood Educators (the “College”) on June 24, 2020. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007*, the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College’s Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

At the outset, the Panel ordered that no person shall make any audio or video recording of these proceedings by any means, with the exception of oral evidence that is recorded at the direction of the Panel.

## **THE ALLEGATIONS**

The allegations against the Member were contained in the Notice of Hearing dated April 16, 2020, (Exhibit 1) which provided as follows:

- a) At all material times, Candace Amber Renaud (the “Member”) was a member of the College of Early Childhood Educators. The Member was employed as a Supervisor at the Kirkland Lake Daycare Centre, located in Kirkland Lake, Ontario (the “Centre”). The Centre was owned and operated by the municipality of Kirkland Lake.
- b) Between January 2011 and August 2016 the Member acted in an unauthorized manner that was inconsistent with the policies and procedures of the Centre, resulting in a financial loss of approximately \$66,535.48 to the Centre:
  - a. The Member did not pay for child care services the Centre provided to her children, in the amount of approximately \$22,715.
  - b. The Member allowed C.A. (RECE) not to pay for child care services the Centre provided to C.A.’s children, in the amount of approximately \$43,820.48.
- c) The Member’s actions were revealed as a result of a municipal audit.

### **Allegations of Professional Misconduct**

- d) By engaging in the conduct set out in paragraph 2 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8 (the "Act"), in that:
- a. she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08 (the "Regulation"), subsection 2(8), in that:
    - i. she failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2 of the Standards of Practice (the "Standards"); and/or
    - ii. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards;
  - b. she acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to the Regulation, subsection 2(10); and
- e) She conducted herself in a manner that is unbecoming a member, contrary to the Regulation, subsection 2(22).

### **EVIDENCE**

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts, and entered into evidence an Agreed Statement of Facts (Exhibit 3(a)), which provided as follows:

- a) At all material times, the Member was a member of the College of Early Childhood Educators. The Member was employed as a Supervisor at the Centre. The Centre was owned and operated by the municipality of Kirkland Lake.
- b) Between January 2011 and August 2016 the Member acted in an unauthorized manner that was inconsistent with the policies and procedures of the Centre, resulting in a financial loss of approximately \$66,535.48 to the Centre:
  - a. The Member did not pay for child care services the Centre provided to her children, in the amount of approximately \$22,715.
  - b. The Member allowed C.A. (RECE) not to pay for child care services the Centre provided to C.A.'s children, in the amount of approximately \$43,820.48.
- c) The Member's actions were revealed as a result of a municipal audit.

**Allegations of Professional Misconduct**

- d) By engaging in the conduct set out in paragraph 2 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Act, in that:
  - a. she failed to maintain the standards of the profession, contrary to the Regulation, subsection 2(8), in that:
    - i. she failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2 of the Standards; and/or
    - ii. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards;
  - b. she acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to the Regulation, subsection 2(10); and

- e) She conducted herself in a manner that is unbecoming a member, contrary to the Regulation, subsection 2(22).

### **THE MEMBER'S PLEA**

The Member admitted to the allegations in the Agreed Statement of Facts and pleaded guilty to the allegations of professional misconduct outlined in the Notice of Hearing.

The Panel received a written plea inquiry (Exhibit 4(a)) which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

### **SUBMISSIONS OF THE PARTIES ON LIABILITY**

The College presented the Agreed Statement of Facts, and asked the Panel to find the member guilty of professional misconduct. It was the College's submission that the allegations contained in the Notice of Hearing are fully supported by the evidence contained in the Agreed Statement of Facts.

The College submitted that the Member paid no childcare fees for her own children from 2011 to 2016, and she told a colleague that she was also not responsible for paying child care fees. This was a violation of the explicit policy of the municipality that employees were expected to pay for child care at the market rate. The parties agree that the total loss of child care fee revenue to the Centre was \$66,535.48 as a result of the Member's conduct, in terms of lost fees from the Member and her colleague. The College submitted that the action of the Member constituted a serious breach of trust, and a persistent disregard for her professional obligations. The conduct was unbecoming a member of the profession, and the Member conducted herself in a manner that was disgraceful, dishonourable, and unprofessional.

The Member made no submissions, and referred the panel to the Agreed Statement of Facts which constituted the evidence upon which the finding of misconduct could be based.

## **FINDINGS AND REASONS FOR DECISION**

Having accepted as proven all of the facts set out in the Agreed Statement of Facts, and having regard to the Member's admission, the Panel found the Member guilty of professional misconduct as alleged in the Agreed Statement of Facts and the Notice of Hearing.

The Panel was advised to consider whether the evidence presented by the parties, namely the Agreed Statement of Facts, supports the allegations contained in the Notice of Hearing. It is the Panel's conclusion that the evidence supports the allegations. The Member failed to pay for child care services that the Centre provided to her two children, and advised a colleague that she did not have to pay for the services the Centre provided to her children, despite having received a memorandum from the municipality and having attending a meeting at which it was made clear that all of the Centre's employees were required to pay for all child care services they receive. The Member's conduct in this regard was only identified as a result of an audit. In this regard, the Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that she failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2 of the Standards of Practice, and conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards of Practice.

Further, the Panel found that by withholding fees for the child care services she received from the Centre, ostensibly because the Member considered not paying for her children's child care as compensation for the significant overtime she was required to work but was not paid for by the Centre, the Member conducted herself dishonestly. While the Member did not consider her actions fraudulent at the time, the Panel found that by this conduct, the Member acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10). The Panel further found that the Member conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

The Panel was advised by independent legal counsel that it may reject the joint recommendation of the parties on liability only if accepting such a recommendation would bring

the administration of justice into disrepute. It is the Panel's conclusion that the recommendation of the parties on liability is reasonable, and does not meet the threshold for rejection.

## **POSITION OF THE PARTIES ON PENALTY**

Counsel for the College and Counsel for the Member made a joint submission as to an appropriate penalty and costs order. The parties submitted that the Panel make an order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of 7 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

### **Mentorship**

- a. Prior to the Member commencing or resuming employment as a RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act ("Employment"), the Member, at her own expense, will arrange for a mentoring relationship with a Mentor, who:
  - i. is an RECE in good standing with the College,
  - ii. is employed in a supervisory position,
  - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,

- iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
- vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, the Member can commence or resume Employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming Employment as an RECE, the Member will ensure that the Director is notified of the name, address, and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
  - i. the Panel's Order,
  - ii. the Agreed Statement of Facts,
  - iii. the Joint Submission on Penalty and Costs, and
  - iv. a copy of the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
  - i. review of the College's Code of Ethics and Standards of Practice,



- ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
  - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
  - iv. strategies for preventing the misconduct from recurring, and
  - v. the Member's daily practice and any issues that arise, to ensure that he is meeting the Standards (without disclosing personal or identifying information about any of the children under the Member's care, or clients of his employer(s)).
- e. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
  - i. the dates the Member attended the sessions with the Mentor,
  - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
  - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
  - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- g. The College may require proof of compliance with any of the terms in this Order at any time.
- h. The Member is prohibited from handling money or fees on behalf of her employer for a period of one year following her return to practice as an RECE; and
- i. The Member is prohibited from using her employer's corporate credit card for a period of one year following her return to practice as an RECE.

4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, to be paid within 18 months of the Order.

### **Submissions of the College on Penalty and Costs**

The College submitted that cases of financial misconduct by RECEs are rare, and that this is only the third such case prosecuted by the College. This means that the College is still building the penalty range for such offences. Nonetheless, the general principles of sentencing apply:

- Public confidence - the penalty needs to send a general message to the profession and the public that such conduct is unacceptable and will not be tolerated.
- General deterrence –The penalty needs to deter other ECEs from engaging in this kind of misconduct.
- Specific deterrence – The penalty should send a message specifically to this Member that there are significant consequences to such behaviour, to deter her from engaging in similar conduct in the future.
- Rehabilitation – The penalty should support the Member in gaining insight about the misconduct and support her in returning to the profession and conducting herself professionally and appropriately when she does return to practice.

The Panel was also asked to consider that the penalty should generally be within the range established for previous cases with comparable facts, and that it should account for aggravating and mitigating factors.

The College identified seven aggravating factors for the Panel to consider:

- The Member was in a leadership role as a supervisor, and was therefore expected to act as a role model.
- The Member's actions constituted a serious breach of trust.
- The misconduct that occurred was part of a pattern of behavior that continued for over five years.

- The Centre suffered a total loss of \$66,535.48. Of this loss, approximately one-third was attributable to the member's own children; the remaining two-thirds were attributable to a colleague who had been advised that such behaviour is permissible.
- The majority of the loss directly attributable to the Member has not been recovered, due to the Member's bankruptcy.
- The Member did not cease the conduct voluntarily and it did not come to light until an audit revealed her actions.
- The behaviour at issue was inherently dishonest. The explanation that waiving the childcare fees constituted compensation for unpaid overtime was not supported.

The College submitted that the Panel should consider three mitigating factors:

- The Member cooperated with the investigation, and admitted wrongdoing.
- The Member pleaded guilty, and agreed to proceed by way of agreement on facts and penalty. This saved considerable time and resources.
- The Member was registered with the College for 10 years and had no prior history of misconduct. (Although it was noted that for approximately half of this time the Member was engaging in financial misconduct.)

College Counsel submitted that there were two additional factors, which were neither aggravating nor mitigating, which the Panel was to consider:

- The penalty sought by the College might have been greater had attendance records been falsified or had there been other attempts to conceal the misconduct. There were no such allegations in this case.
- There was another RECE involved in the financial misconduct, so the total loss in fee revenue is only partially attributable to the Member. The other RECE apparently relied on advice from the Member that the Director of the Centre approved the waiver of such fees, which was not the case.

The College submitted that it was within the discretion of the Panel to reject the joint recommendation on penalty only where the recommended penalty is sufficiently outrageous that it would cause the public to lose confidence in the College. The College submitted that the

recommended penalty in this case is within the range of penalties determined by other Panels. These two cases are:

- *College of Early Childhood Educators v. Christina Sbardella*, 2019 ONCECE 3
- *College of Early Childhood Educators v. Shawna (Ferguson) Swain*, 2017 ONCECE 2

The *Sbardella* case is comparable because it involved financial misconduct on the part of a member who was in a position of leadership within the organization. The *Swain* case also involved an RECE who engaged in financial misconduct. The amount of money in question in the *Swain* case was similar to that in the case of the Member, although there was more flagrant misrepresentation involved in the misconduct in *Swain*.

### **Submissions of the Member on Penalty and Costs**

Counsel for the Member directed the Panel to information regarding the Member's difficult life circumstances.

Counsel emphasized that the Member has no previous record of misconduct with her employer or the College. She cooperated with the College in negotiating the Agreed Statement of Facts and the Joint Submission on Penalty and Costs. The Member admitted to her wrongdoing, and was on a course of financial restitution until the Member's financial circumstances led her to declare personal bankruptcy. The Member asked the Panel to consider that there was no contrived deceit in this case, such as falsified attendance records. She submitted that the seven-month suspension is sufficient to act as a general deterrent to others in the profession.

The Panel was urged by the Member to accept the joint recommendation on penalty and costs, arguing that this penalty does not bring the administration of justice into disrepute.

## **PENALTY DECISION**

The Panel accepted the Joint Submission on Penalty and made the following order as to penalty:

1. The Member is required to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 7 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

### **Mentorship**

- a. Prior to the Member commencing or resuming employment as a RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act ("Employment"), the Member, at her own expense, will arrange for a mentoring relationship with a Mentor, who:
  - i. is an RECE in good standing with the College,
  - ii. is employed in a supervisory position,
  - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
  - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,

- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
- vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, the Member can commence or resume Employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming Employment as an RECE, the Member will ensure that the Director is notified of the name, address, and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
  - i. the Panel's Order,
  - ii. the Agreed Statement of Facts,
  - iii. the Joint Submission on Penalty and Costs, and
  - iv. a copy of the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
  - i. review of the College's Code of Ethics and Standards of Practice,
  - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,

- iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
  - iv. strategies for preventing the misconduct from recurring, and
  - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the Standards (without disclosing personal or identifying information about any of the children under the Member's care, or clients of his employer(s)).
- e. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
- i. the dates the Member attended the sessions with the Mentor,
  - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
  - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
  - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- g. The College may require proof of compliance with any of the terms in this Order at any time.
- h. The Member is prohibited from handling money or fees on behalf of her employer for a period of one year following her return to practice as an RECE; and
- i. The Member is prohibited from using her employer's corporate credit card for a period of one year following her return to practice as an RECE.

## **REASONS FOR PENALTY**

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate registered early childhood educators. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise not in the public interest. It is the Panel's conclusion that the recommended penalty is consistent with the public interest and does not bring the administration of justice into disrepute.

The requirement for general deterrence is satisfied by a seven-month suspension of the Member's certificate of registration. This sends a signal to the profession and the general public that financial misconduct by an RECE is unacceptable, and will have significant consequences.

The Panel believes that the requirement for specific deterrence is satisfied by the Member's suspension, as well as by the reprimand and the other terms, conditions and limitations placed on the Member's registration as a result of her misconduct.

Remediation and rehabilitation of the Member is also supported by the penalty. Mentorship will provide the Member with the opportunity to gain greater insight into her actions, and the fiduciary and ethical responsibilities of a professional in a leadership role. The Panel is satisfied that the financial restrictions placed on the Member will support her in avoiding misconduct upon her return to practice.

The penalty should be proportionate to the misconduct based on previous decisions, but considering the specific facts of the case at hand. In this particular case the number of cases that might guide the Panel is quite limited, given the fact that this is only the third case involving financial misconduct considered by this College's Discipline Committee. Nonetheless, there are facts in the other two cases – the amount of money involved and the degree of deceit deployed – which provide the Panel with sufficient comfort that the penalty proposed by the parties and



imposed by the Panel in this case is generally consistent with the range of penalties ordered in similar cases.

**ORDER AS TO COSTS**

Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000, which is to be paid within 18 months of the date of the Order.

**I, Kristine Parsons, sign this amended decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.**



\_\_\_\_\_  
Kristine Parsons, RECE, Chairperson

\_\_\_\_\_  
July 15, 2020  
Date