

PGO has made redactions to redact personal health information and redact the names of third parties who were not involved in the hearing

**DISCIPLINE COMMITTEE OF THE
ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO**

IN THE MATTER OF a hearing
pursuant to sections 24-26 of the *Professional Geoscientists Act*, and
sections 7- 19 of Ontario Regulation 258/02

BETWEEN:

ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO

- and -

**FRANCINE LONG
(re: C-140)**

DECISION AND REASONS

A panel of the Discipline Committee of the Association of Professional Geoscientists of Ontario (the “Panel”) held a hearing on June 17, July 15 and July 31, 2025. The hearing proceeded by videoconference. Erica Richler represented the Association of Professional Geoscientists of Ontario (the “PGO”). Francine Long (the “Registrant”) represented herself. Lonny Rosen acted as independent legal counsel (“ILC”) to the Panel.

OVERVIEW

PGO alleges that the Registrant engaged in unprofessional conduct in email communications and online posts following the breakdown of her relationship with her client, CBLT Inc. (“CBLT”), and its Chief Executive Officer, Peter Clausi. PGO does not contend that there was any concern with the work performed by the Registrant, but alleges that after the Registrant requested payment for her work for CBLT, and the Mr. Clausi requested a written report from the Registrant and then revisions to same, the Registrant used rude, threatening and inappropriate language in numerous communications, and then made threats and allegations toward CBLT and Mr. Clausi in online posts.

The Registrant contended that she performed all work requested of her to the appropriate standard, and that after requesting payment for her work, she was subjected to malicious and defamatory statements by Mr. Clausi deigned to discredit, humiliate and silence her. Though she acknowledged her emails were sent in frustration, and included inappropriate language and tone, she attributed her response to the personal attacks to which she was subjected, and her

diagnosis of being [REDACTED] resulting in poor communication and misinterpreting tone.

After considering the evidence before us, we find the PGO has proved all the misconduct alleged, on a balance of probabilities, based on clear, convincing and cogent evidence. There was no doubt that the Registrant sent all the email messages PGO alleged she sent, and made all the online posts at issue in the hearing, and we found that these communications were unprofessional. While the Registrant may have been justified in feeling frustrated and personally attacked, we did not find that there was any justification for the Registrant having sent unprofessional email communications or having made online posts that were unprofessional.

ALLEGATIONS

The Notice of Hearing, dated February 12, 2024, was filed as Exhibit 1 and set out the following:

1. At all material times, Francine Long (the “Registrant”) was a member of the Association of Professional Geoscientists of Ontario.
2. At all material times, CBLT Inc. (“CBLT”) was a public company whose shares traded on the TSX Venture Exchange.
3. In or around the summer of 2022, CBLT engaged the Registrant to provide geologic services, in particular, to conduct site visits to one of its properties known as Big Duck Lake in Hemlo West, Ontario.
4. In or around September 2022, the Registrant conducted the site visits. Following the site visits, CBLT requested a written report from the Registrant. The Registrant requested payment from CBLT for her services.
5. From in or around October 2022 to in or around December 2022, it is alleged that the Registrant engaged in unprofessional communications toward her client, CBLT, and/or toward CBLT’s CEO, including, among other things,
 - a. sending numerous email and text communications that contained profanities and other unprofessional language; and/or
 - b. sending email and text communications that contained personal or unprofessional comments about the Registrant’s associate.
6. It is further alleged that the Registrant made unprofessional comments about CBLT and/or about CBLT’s CEO on one or more online forums, including threatening to

publicly post the report she had prepared for CBLT if CBLT did not pay her invoices; publicly posting excerpts of the draft report online; and/or suggesting that the CEO of CBLT was involved in another mining company that she alleged used the samples the Registrant had collected from Big Duck Lake in disclosure for another project.

Professional Misconduct Alleged

7. It is alleged that the conduct described above constitutes professional misconduct pursuant to subsection 24(2) of the *Professional Geoscientists Act* and as defined in subsection 12(2) of O Reg 60/01: Code of Ethics of Professional Geoscientists [has not engaged in the practice of professional geoscience in accordance with the law or honesty and integrity], more particularly, it is alleged that by engaging in the conduct described above, the Registrant breached one or more of the following sections of O. Reg 60/01: Code of Ethics of Professional Geoscientists:
 - a. Section 5(1)(a) [act in good faith, fairness and loyalty to associates, employers, clients, subordinates, employees and other professionals];
 - b. Section 5(3)(a) [act towards other professionals with courtesy and good faith]; and/or
 - c. Section 5(3)(d) [not maliciously injure the reputation or business of another professional].

8. It is further alleged that the conduct described above constitutes professional misconduct pursuant to subsection 24(2) of the *Professional Geoscientists Act* and as defined in paragraph 9 of subsection 16(2) of O Reg 258/02 made under the *Professional Geoscientists Act* [engaging in conduct or an act relevant to the practice of professional geoscience that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional].

THE REGISTRANT'S PLEA

The Registrant denied all the allegations of professional misconduct in the Notice of Hearing.

EVIDENCE

The Panel heard oral testimony from Mr. Clausi, on behalf of PGO, and from the Registrant, on her own behalf, and received in evidence copies of numerous emails and WhatsApp messages

exchanged between Mr. Clausi, the Registrant and other individuals. We also reviewed copies of posts made by the Registrant and Mr. Clausi to various online message boards.

The evidence of Mr. Clausi and the Registrant with respect to the communications and posts at issue was almost entirely consistent, and was consistent with the documentary evidence. The disagreements between the Registrant and Mr. Clausi were generally related to their views of the Registrant's work product and their interpretation of each other's statements and positions, in addition to issues not before the Panel (such as relating to work not performed by the Registrant or a press release by another company with which Mr. Clausi was involved, as will be discussed below). As such, the key facts were not in dispute.

CBLT's Engagement of the Registrant

The Registrant was, at the time of the hearing, a member of PGO in the non-practising class, having been registered since 2012. She had 17 years of experience in mining. She started a consulting business in 2019 and had worked with over 120 clients before being engaged by CBLT.

CBLT was a public company, with the mission to advance the extraction of critical minerals in Canada. Mr. Clausi, a practising lawyer, was CEO and a director of CBLT. CBLT owned a property at Big Duck Lake in Hemlo West, Ontario, which had a high-grade copper and zinc resource, and a historical gold resource.

Mr. Clausi testified that he was introduced to the Registrant either by [REDACTED], with whom Mr. Clausi had worked previously, or another individual. The Registrant recalled that they had previously served on a company board together. The Registrant presented to Mr. Clausi as someone interested in Hemlo area (where Big Duck Lake was located) and who was curious about exploring the thesis that there was a zinc belt in Big Duck Lake. Big Duck Lake was in the exploration phase of its development.

Mr. Clausi viewed the Big Duck Lake project as relatively small in scale, and engaged the Registrant to do site visits and undertake all the initial work required to move the project forward, including planning, organizing, logistics, field help, bagging samples in traditional manner, getting samples to a laboratory, and writing and filing reports. No written agreement was prepared.

Work Performed by the Registrant for CBLT

The Registrant and Mr. Clausi communicated about the site visits through WhatsApp messages between May 20 and June 5, 2022. The Registrant indicated that they would obtain samples from prospective zinc deposits at the site and have the samples assayed. The Registrant attended at Big Duck Lake in September, 2022, along with Mr. [REDACTED], a field assistant and prospector, and [REDACTED] her driver and field assistant. The team made two field visits. The first was from September 5 – 8, 2022. The second was documented in the Registrant's invoice

as being from September 12 – 17, but this was later corrected by the Registrant to be September 19 – 24. The purpose of the site visits was to take pictures, take samples and have the samples assayed. During eight days of field work, they collected 24 bedrock samples from three locations. At the conclusion field work, the Registrant dropped off the 24 samples to Actlabs laboratory in Timmins, Ontario for analysis. The Registrant and Mr. Clausi were again in contact via WhatsApp during this period.

First Issue between the Registrant and Mr. Clausi: Engagement of Mr. [REDACTED] for Staking

CBLT also had a property on Lake Superior. In or around September 2022, Mr. Clausi asked Mr. [REDACTED] to stake the property. Mr. Clausi testified that Mr. [REDACTED] had contacted Mr. Clausi regarding this property, and that is why he asked Mr. [REDACTED] to stake the property. On September 30, 2022, the Registrant learned that Mr. Clausi had asked Mr. [REDACTED] to do staking of the property without advising or engaging her, and she became very upset. WhatsApp messages from the Registrant expressed her view that going directly to Mr. [REDACTED] was “disgusting behaviour” on Mr. Clausi’s part and led to physical and emotional abuse by Mr. [REDACTED] towards the Registrant. She commented that she was getting away from Mr. [REDACTED], as he had “a grade 7 education and a 14-year-old brain and he does drugs and gets very fucked up.” Her messages included numerous expletive-laden exclamations:

- “He just tells me out of blue, just stakes XX for Peter. Then you now put him above me. Fuck all of this. This is disgusting.”
- “What the fuck do I need to do, to tell all of you, this is not the right way to do things.”
- “This is awful .. how the fuck and I suppose to get ahead when all.you guys undermine my company.” [sic]
- “Fuck all of you.”
- “Fuck you all.”
- “How the fuck am I suppose to run my small comalmy when people all.of you dont respect me . You guys are awful people. Wow .wow wow.” [sic]
- “You think thst wouldn't be appropriate after tow years I have been putting all.of this together . This is fucked up. This is more than fucked up. You are awful people.” [sic]
- “This was awful and made me feel so ugly towards all of you . You agree 3 weeks ago to go through me for work. How the fuck am I suppose to run a business when for 2 years I been through hell trying to control thi gs and manage and I get people adding to the fucking problems over and over again. Peter giving him 10k and losing it all is perfect example. This is making me ill...all of you.” [sic]
- “One text . Hey Francine can you.contact [REDACTED] to get him to stake for us. No you couldn't find time in your fuckin schedule to do that. No that's the the truth, you couldn't give me respect I deserved That's what ugly people do in this Industry. Some of you are awful beings.” [sic]
- Its abusive because you give [REDACTED] power that you don't fuckin realize, because you don't understand how simple people.like him operate. Two years been abused by him

because of all of him. And now you just made another day of his ugly messages and attitude toward me. This is awful awful after what I did and proved . This is disgusting behavior.” [sic]

In WhatsApp messages to the Registrant, Mr. Clausi expressed confusion, stating that staking was “mundane” and not the high value work the Registrant was doing. In response, the Registrant sent many messages to Mr. Clausi, including those set out above, which he described as getting off point, expressing anger at the mining industry, a dispute she was having with Mr. [REDACTED], and abuse she has experienced from the industry for several years. Mr. Clausi testified that he did not respond to most of these messages, as he was focused on getting a report from the Registrant, and did not think responding would assist.

The Registrant testified that she felt that she and Mr. [REDACTED] had together recommended that the other property be staked, and that if it was related to the Big Duck Lake project, which she was leading, she should have been included in any request for staking. She only later understood that Mr. Clausi was proposing to engage Mr. [REDACTED] with respect to a different claim.

The Registrant’s Communications with Mr. Clausi

The Registrant emailed Mr. Clausi on October 4, 2022, enclosing invoices totalling \$9,865 without HST for work done at Big Duck Lake (including five days in the field, one day writing up, and dropping off samples) and seeking payment for expenses relating to same. Mr. Clausi viewed the expenses as the same as expenses submitted by Mr. [REDACTED], for which he had sent payment to Mr. [REDACTED] the previous week. Mr. Clausi’s position was that once the report was completed, he would pay the invoice after reconciling expenses. The Registrant indicated that the report would cost an additional \$2,000. Mr. Clausi stated that he had never engaged a geologist without receiving a report, and was owed that report. He also noted that the Registrant emailed him regarding her relationship with Mr. [REDACTED]. Mr. Clausi did not want to get caught up in the drama and did not respond, other than to say that the Registrant’s invoice would be paid upon receipt of her report. The Registrant responded that no report had been promised to Mr. Clausi and that Mr. [REDACTED] appeared to be providing Mr. Clausi with invoices for work she had done. Mr. Clausi viewed the Registrant as insisting on her invoice being paid before writing her report, which was not acceptable to him. He emailed the Registrant to state that he expected a single invoice from the Registrant and Mr. [REDACTED] and a report, and that the invoice would be paid thereafter.

The Registrant sent numerous emails to Mr. Clausi on October 4, 2022 relating to her invoice and request for payment. Included among these was a threat:

“If I am not paid that by Friday I'm going to report all of this to Canada securities. And beyond . This is fucking ridiculous...”

When asked about these email messages, the Registrant reiterated that she had not been paid for her work and that Mr. Clausi gave various reasons for non-payment, including that he was flying, that he was renovating his kitchen and that his grandchildren were visiting.

The Registrant continued to email Mr. Clausi on October 5, 2022. She requested that he remove Mr. [REDACTED] from an email chain regarding the laboratory that would assay the samples. She also complained about her lack of family support and shared that she was experiencing [REDACTED].

On October 5, 2022, Mr. Clausi emailed Robert Dampier at Actlabs to advise that CBLT's relationship with the Registrant has been terminated and to remove her from all future emails on any project. Mr. Clausi testified that he didn't want to have anything further to do with the Registrant due to this conflict. The Registrant responded with an angry email asking again for payment and accusing Mr. Clausi of seeking reports for free.

Also on October 5, 2022, Mr. Clausi received an email from Mr. [REDACTED] providing, via a file sharing platform, a PowerPoint presentation that Mr. Clausi characterized as an early stage report from what the Registrant and Mr. [REDACTED] had done at Big Duck Lake (the "October 5 PPT"). Mr. Clausi understood this was a report the Registrant and Mr. [REDACTED] had prepared together.

The Registrant sent Mr. Clausi a lengthy email on October 8, 2022 in which she apologized for "snap[ping]" and proposed that Mr. Clausi pay her invoice and she would provide her report the following week. She emailed Mr. Clausi again on October 11, 2022, enclosing newer maps of Big Duck Lake, with labels. Mr. Clausi responded requesting a phone call and expressing confusion as to what the Registrant was sending and how that fit in to their work program and what would happen next.

The Registrant sent Mr. Clausi several emails on October 14 and October 17, 2022. She enclosed the first version of her report on October 14, 2022, and the second version on October 17, 2022 (the "October 17 Report"), as well as invoices and proposed that she and Mr. [REDACTED] invoice CBLT separately for their expenses. Mr. Clausi reviewed the report and responded by email, requesting that the Registrant add a table of contents and remove certain text.

The Registrant resubmitted her October 4 invoice to Mr. Clausi on October 13, 2022 and again on October 19, 2022. In the final version, she added clarification that her fee for five days in the field and one day write up, plus dropping off samples was \$7,400.00, her expenses for the trip totalled \$2,465.00 and report writing was \$3,000.00, for a total of \$12,865.00. As she was to pay Mr. [REDACTED] \$2,000.00 for his services and Mr. Clausi was to pay that directly, the revised invoice was for \$10,865.00. The Registrant felt her invoice was perfectly clear.

Mr. Clausi emailed the Registrant again on October 22, 2022. He indicated that the first draft of the final version of the report still needed work, noting in his testimony that it was nothing like any report he had received from a geologist or engineer. Mr. Clausi asked when he would

receive the final report, indicating that the Registrant would be paid at that time. Specifically, Mr. Clausi was requesting that the information included in the Registrant's emails and messages be added to the report, suggesting that the report provided was not a cogent report that they could use to report on Big Duck Lake work and use for future planning on the property. The Registrant responded that she would add more detail when she was paid for the work completed.

The email exchange between the Registrant and Mr. Clausi continued on October 23 and 24, 2022, with the Registrant sending angry requests to be paid, and Mr. Clausi reiterating that he did not find the report as provided to be consistent with what he received from other professionals. Mr. Clausi suggested that the October 17 Report did not have clear and concise recommendations or correct grammar. The Registrant asserted that she provided 27 recommendations and that the content, rather than the grammar, was what was important.

The Registrant proposed then that Mr. Clausi pay half of the invoice so that the Registrant could pay Mr. [REDACTED]. Mr. Clausi said he would have to discuss the invoice with [REDACTED], CBLT's chief financial officer. On October 26, 2022, Mr. Clausi identified inconsistencies in the Registrant's invoice and sought explanations for these. Mr. Clausi testified that he did not understand the Registrant's explanations, and found her emails difficult to parse out.

On October 26, 2022, the Registrant emailed Mr. Clausi with a link to version three of the report dated October 27, 2022 (the "October 27 Report"). She followed that up with an email to Mr. Clausi noting that she had not been paid or thanked for her report, which Mr. Clausi found unfair because previous versions of the report were not comprehensible.

Not having been paid or responded to, the Registrant emailed Mr. Clausi again on November 15, 2022, with the subject line "ghosted" and stated "[p]lease just pay me my full amount. This is disgusting." Mr. Clausi replied that he was out of town for a few days, there were no signed cheques at his office, and he would take care of it when he returned.

On November 24, 2022, Mr. Clausi emailed both Mr. [REDACTED] and the Registrant regarding Mr. [REDACTED]'s invoice and to confirm he had Mr. [REDACTED]'s banking information. Mr. Clausi noted that he was doing kitchen renovations and had been out of the office four days each week. The Registrant responded that Mr. Clausi had had the banking information of both Mr. [REDACTED] and herself for months. She added that it was a mistake to trust CBLT and pay out of pocket for analysis of samples collected. She commented that the mining industry had become disgusting and again noted that she had not been paid or thanked for her work.

The Registrant emailed Mr. Clausi again on November 26, 2022, noting that she had still not been paid for her report. She threatened to post on social media "how small [an] invoice this was for the work produced" and the "list of excuses" Mr. Clausi had provided. The Registrant threatened "I can start posting this report day by day on social media and get some opinions on my writing. or better make entire thing available to interested people." Mr. Clausi testified that the Registrant fancied herself a mining influencer, and had previously wanted to

put pictures of Big Duck Lake on social media. Mr. Clausi testified that he had asked her not to do so.

When asked about this message, the Registrant testified that she was getting frustrated, but also stated her belief that, if CBLT did not pay for her report then it was hers, and she could post it for her own use.

Finally, on November 28, 2022, Mr. Clausi emailed the Registrant to advise that he had paid a deposit of \$5,000 toward her account. The Registrant responded immediately to advise that there was a balance owing of \$5,865, which Mr. Clausi acknowledged was never paid. He testified that that working through the Registrant's invoices was not easy and CBLT never knew what the amount owing was, though he acknowledged some amount was still owing.

The Registrant's Posts to Online Message Boards

The social media platform CEO.ca was described by Mr. Clausi as the most popular platform in Canada for investors and management of companies. On or about November 25, 2022, the Registrant posted the following to CEO.ca:

@mining4life Since CBLT wont pay for the field work/report at Big Duck this fall are any shareholders interested in seeing the 225 page report. pages of pictures of the samples and tonnes of written content. Even comes with 30 recommendations. This was Good work done, beyond what was expected. I Recommended they test for full.spectrum of assays, got them well set up with lab. Now the small team have been all waiting 2 months for a very reasonable invoice. I Have tonnes of video and photo content available.

The reference to @mining4life was the Registrant's user name, confirming she posted this message. The Registrant then posted a series of photos including samples from Big Duck Lake and of the property itself.

Mr. Clausi responded that same day:

@pclausi We'll respond to Ms. Long here once and only once. The report she delivered to us was the worst report I've ever seen. It was unreadable. We kept sending it back to go through several iterations to get it close to being usable. At the same time Ms. Long and her partner both delivered separate confusing invoices that had to be edited and re- sent. It was very hard to understand what they were billing for. Then the two of them subsequently separately sent invoices for the same work and expenses, meaning we had to sort out that mess for them as well. All of that incompetence (we're not alleging fraud) has consumed a substantial amount of time. Also, to make things even worse, her partner wanted to stake additional claims for us, which caused her to inexplicably descend into a week-long tantrum of bizarre emails, WhatsApp messages, insults and

allegations. She is impossible to work with and we will not be seeking her services again. We wish her well.

Over the next two weeks, the Registrant made a number of posts to the platform, including one in which she promised to post her report including tests for the full spectrum of elements. Her posts included excerpts / images from her reports, links to posts on Twitter and TikTok and one in which she linked to the We Transfer platform from which users could download her report to CBLT. She prefaced this post with comments encouraging readers to compare her report with Mr. Clausi's comments, noting that he referred to it as "the most useless / garbage report" Mr. Clausi had ever read, and stating "you have to go to link and download – but trust me – it's worth the read".

When asked about these posts, the Registrant again raised the question of whether, without Mr. Clausi having paid for the report, it was his or her report. However, the Registrant indicated that she doesn't think the link worked and does not remember posting the report. Rather, the Registrant stated that she was posting that she had the ability to post the report, and this was a tactic to say in her defence it was a real report. The Registrant testified that she was frustrated about being defamed and not being paid.

The Registrant noted that Mr. Clausi had also offered to make her report available to anyone interested in seeing it. On November 30, 2022, Mr. Clausi posted to CEO.ca commentary about the Registrant's posts, her invoice and her "incompetence". He added

"She went after me on Twitter this past weekend, but was quickly shut down for her unprofessionalism, so she has decided to come here. Sorry you have to put up with her rantings. Please let me know if you want to see the first version of her report so you can see the horrific document we tried to work with..."

We note that Mr. Clausi was not asked about this post, as it was produced by the Registrant only at the conclusion of her evidence.

The Registrant also commented on another discussion forum on the CEO.ca platform, relating to Silver Bullet Mining Inc. ("SBMI"), another company with which Mr. Clausi was connected. SBMI was a public company, for which Mr. Clausi was a director and officer. The Registrant had seen a press release with the results she expected to see for CBLT (which had not issued a press release by then, despite that two months had passed since the Registrant's samples were assayed). The SBMI press release indicated that platinum and palladium samples were found in a silver vein in a mine owned by SBMI in Arizona. This release was taken down moments after it was issued. On November 27, 2022, the Registrant posted on CEO.ca what Mr. Clausi characterized as her most concerning post: she queried why the 24 samples analyzed for SBMI coincided with the 24 samples she had taken from Big Duck Lake:

“Now the samples we took were indeed from CBLT. directly after we returned the CBLT website was shut down. Since Peter Clausi is using this sight, silver bullet and CBLT must be working hand in hand so does it really matter...”

When asked about this post, the Registrant noted that SBMI had put out a press release indicating that platinum and palladium samples had been found, and then removed that press release. The Registrant had been hoping to see a press release from CBLT and had earlier suggested to Mr. Clausi that the samples taken from Big Duck Lake be tested for platinum and palladium. She stated her belief that Mr. Clausi was using samples taken from Big Duck Lake to suggest platinum and palladium were found in the silver mine in Arizona, but she did not raise this concern with Mr. Clausi as she was focused on being paid for her work. She indicated that the purpose of her post was to get shareholders to push management to address where the samples were and why the Registrant was not being paid. She also indicated that she was more concerned about the press release, and excited by the possibility of the samples from the Big Duck Lake property being assayed and proven to contain minerals.

A similar post was made on Twitter. Mr. Clausi asked the Registrant to take this down. Mr. Clausi testified that in fact, a bulk sample of 30 to 80 tons had been taken from the SBMI mine (in contrast to the individual samples taken by the Registrant from Big Duck Lake), and Mr. Clausi interpreted the Registrant’s post as suggesting that samples taken from the site in Ontario were submitted for analysis as coming from a site in Arizona, meaning that platinum and palladium samples were found not in Arizona but in Big Duck Lake. Mr. Clausi noted that this suggested that SBMI was engaged in fraud, and would have violated securities laws. He knew that this allegation was not possibly true, but it was upsetting to the team in Arizona, and Mr. Clausi stated that he could not stand for that. Mr. Clausi therefore responded to the Registrant’s posts by stating that he lodged a formal complaint against the Registrant with PGO and could not comment on her behaviour until the investigation has run its course.

Regarding the Registrant’s posting on social media, Mr. Clausi testified that he told the Registrant that he was aware of her desire to be a mining influencer but not to post on social media about CBLT, as that was not her role. Mr. Clausi suggested that this was likely stated in a phone call, as there was no written communication to this effect. The Registrant testified that Mr. Clausi “liked” many of her posts and that of the 77 posts she made on social media, Mr. Clausi only ever asked her to remove the last one.

Events following the Above Communications

On or around December 1, 2022, a woman named [REDACTED] contacted the Registrant via WhatsApp and advised that she could assist her in getting paid. Ms. [REDACTED] asked the Registrant to take down her Twitter post, which the Registrant agreed to do.

Mr. Clausi proceeded to file a complaint to PGO, stating that he found the Registrant’s emails to be harassing and insulting. He complained about false allegations made by the Registrant that he or his companies engaged in fraud or securities disclosure violations. Mr. Clausi provided

PGO with the October 17 Report, as well as with the Registrant's communications to him via email and WhatsApp, and her online posts.

The Registrant asserted in her evidence that Mr. Clausi provided false information to PGO with respect to the October 5 PPT (that it was the Registrant's first report when in fact it was provided by Mr. [REDACTED] without her involvement) and with respect to the laboratory that assayed the samples she collected. Mr. Clausi testified that he understood this to be Mr. [REDACTED] and the Registrant's joint work product. The Registrant testified that in fact, she had nothing to do with the generation or submission of this document, and characterized Mr. Clausi's submission of this document to PGO as part of his complaint about her as misleading, given that he had received and acknowledged receipt of the October 17 Report and the October 27 Report.

The Registrant acknowledged that her communications with Mr. Clausi were not always professional, but felt that Mr. Clausi, through his malicious behaviour, had provoked her and caused her stress. She agreed that she used profanity, but denied that this was directed at her client, adding that tone can be misconstrued. The Registrant stated that her comments about Mr. [REDACTED] were for the purpose of warning Mr. Clausi that, although he was good in the field, he had issues and Mr. Clausi should be careful about getting close to him.

As part of their investigation of the complaint, a panel of the Complaints Committee of PGO provided both the Registrant and Mr. Clausi with a series of questions to answer regarding CBLT's engagement of the Registrant, the work completed by the Registrant for CBLT, and the Registrant's fees. PGO also inquired into the assay results. The Registrant participated in this investigation, and had hoped that PGO would recognize the "malicious red flags" and that Mr. Clausi's behaviour was not normal.

The Registrant also testified that she had [REDACTED] when swimming in a pool in Kirkland Lake and almost drowned, before being saved by a lifeguard. This was reported in the Kirkland Lake Northern News. The Registrant attributed this to the stress of not being paid by Mr. Clausi, as well as abusive texts from Mr. [REDACTED]. However, the article the Registrant produced as evidence of this was dated October 4, 2022 and indicated that the event occurred on September 14, 2022. Medical records from Kirkland Lake hospital confirmed the Registrant was treated on that date. The Registrant stated that this was when she first returned from her first field visit, and was being pressured by Mr. [REDACTED] for payment. The Registrant first suggested that the article was in error, as she was at Big Duck Lake on September 14, 2022, but later acknowledged that the dates in her report were incorrect and that she was in Kirkland Lake that day and in Big Duck Lake again beginning September 19, 2022. She suggested that [REDACTED] can interfere with memory regarding dates.

SUBMISSIONS OF THE PARTIES

Submissions of the PGO

PGO counsel submitted on behalf of PGO that, although the issues of the quality of the Registrant's work or reports and the actions of Mr. Clausi were the subject of much of the evidence, those issues were not before the Panel. The only issues we had to consider were whether the Registrant's communications with Mr. Clausi and her online posts were unprofessional and whether these violated the Code of Ethics for Professional Geoscientists (the "Code of Ethics"). PGO submitted that these amounted to professional misconduct as alleged in the Notice of Hearing.

The facts are largely not in dispute: the Registrant agreed that she made the posts and sent the communications in question. There were a few areas of dispute that the Panel should resolve by undertaking credibility assessments of the two witnesses:

- Mr. Clausi asserted that the Registrant's invoices were confusing, while the Registrant maintained that they were clear, though she acknowledged that there were errors
- Mr. Clausi stated that he believed the October 5 PPT was a report prepared by the Registrant and Mr. [REDACTED] together. The Registrant characterized this as a false report.
- Mr. Clausi stated that he asked the Registrant not to post on social media without his consent. The Registrant denied that he did so.
- The Registrant asserted that SBMI engaged in wrongdoing with respect to a press release. Mr. Clausi denied any wrongdoing on the part of either CBLT or SBMI.

With respect to the Registrant's posts to CEO.ca, she was alleging fraud on the part of Mr. Clausi relating to a press release that was not in evidence.

Applying the credibility factors, the Panel should find Mr. Clausi to be a credible witness, as his oral evidence was consistent with the documentary evidence and no inconsistencies in his evidence were identified. No bias or interest on the part of Mr. Clausi was identified, and there was no evidence in support of the Registrant's assertion that he engaged in a calculated, orchestrated, malicious defamation attack that was intended to humiliate, discredit and/or silence her. The evidence of both witnesses was largely consistent factually; it was in their characterization of posts and communications that their evidence differed.

PGO submitted that there were concerns with the Registrant's credibility. She had an interest in the outcome of the case, as would any geoscientist facing allegations of professional misconduct, but the Registrant asserted that she had been the subject of wrongdoing by Mr. Clausi and the PGO, and maintained this throughout her evidence and submissions. The Registrant asserted throughout her evidence that there was no basis for Mr. Clausi's claim that her invoices were confusing, but acknowledged that her invoice contained incorrect and inaccurate information regarding the date of field visits. Specifically, the Registrant included September 14, 2022 as a date of her field visit, even in invoices that she had reissued and

corrected, but later acknowledged that she was in Kirkland Lake on this date as this was when she had [REDACTED] while swimming. She also confirmed that the dates of her samples in her report were “messed up” and that wrong field visit dates were included in her report. PGO asserted that this proved that the Registrant’s memory was not reliable, and supported Mr. Clausi’s position, that the invoices were indeed confusing. The Registrant asserted that Mr. Clausi reposted her content on social media, but the posts she provided in evidence did not support this position. The Registrant admitted that she swore in her communications, but suggested that this was only a few times and not at her client, while the email communications in evidence established that she swore many times, and at her client. Accordingly, where disputes exist between the evidence of the Registrant and Mr. Clausi, the evidence of Mr. Clausi should be preferred.

PGO submitted, therefore, that each of the allegations of misconduct had been proven by PGO. The Registrant’s communications with Mr. Clausi and her posts on social media contravened the Code of Ethics and amounted to conduct that members of the profession would reasonably regard as disgraceful, dishonourable and unprofessional. If the Registrant had concerns with not being paid by CBLT, she had courses of action available to her; her tactic of going online, and threatening her client on a social media forum was not appropriate. Similarly, if she had concerns about press releases that were being issued by her client and by a company affiliated with her client, or about how her client was using the samples that she had gathered, she could have raised it with her client or even gone to a securities regulator, but going on an online forum and threatening her client or positing confidential data was not appropriate. These constitute violations of the Code of Ethics and are therefore acts of professional misconduct.

PGO submits that the Registrant’s conduct in sending unprofessional communications, posting unprofessional comments online amounts to failing to act with integrity, in breach of the Code of Ethics.

PGO submitted that there was no evidence of any connection between the Registrant’s health issue ([REDACTED] and having had [REDACTED]) and her conduct. The health conditions do not excuse or provide an explanation for the misconduct alleged.

Finally, PGO submitted that although the Registrant has a Charter right to freedom of expression, which was engaged because the allegations relate to the Registrant’s communications, making findings that the Registrant engaged in professional misconduct relating to her communications would be proportionate to the statutory objectives that PGO has as a regulator of professional geoscientists. The Panel is required to balance the Registrant’s Charter rights and values, on one hand with PGO’s statutory objectives under the *Professional Geoscientists Act*, on the other hand. PGO submitted that the Registrant’s communications included comments that were threatening, insulting and harassing. Further, the Registrant was not expressing herself on a political view or a matter of religion; she was expressing her views about her client, and speaking directly about her client. Such comments would lead the public to lose trust and confidence in professional geoscientists.

PGO acknowledged that the Registrant's conduct was not the most serious conduct that comes before the Discipline Committee, but submitted that it does warrant a finding of professional misconduct, to signal to the public and the profession that professional geoscientists are held accountable for unprofessional communications that are relevant to the practice.

Submissions of the Registrant

The Registrant submitted that this matter relates to a complaint resulting from a few frustrated emails she sent to Mr. Clausi when he failed to compensate her for four days of field work, and a Twitter post, which she posted after Mr. Clausi defamed her on public forums over a 221-page report for which she was not compensated. She asserted that Mr. Clausi went to great lengths to defame and humiliate her and silence her voice as a practising geologist. After presenting a detailed timeline of events, the Registrant submitted that she was the victim in this situation. She was disturbed that Mr. Clausi had the audacity to comment on her [REDACTED] health and had personal animosity towards her. The Registrant noted that she had filed a complaint against Mr. Clausi with the Law Society of Ontario.

The Registrant submitted that this was an isolated event, and that the narrative crafted by Mr. Clausi is contradicted by the evidence before the Panel. She reviewed Mr. Clausi's original complaint and noted all the allegations with which she disagreed:

- that Mr. Clausi "had to remind her that the purpose of the site visits was not to create content for her to use to promote herself online" when in fact, Mr. Clausi never said any such thing to her;
- that "Her voluminous emails and WhatsApp messages repeat the swearing, insults, attacks and meandering comments" when, while there were some swear words – maybe four or five – that is not how her emails read;
- that she "eventually agreed to write a report if she wanted to get paid" when in fact, she was happy to write a report but wanted first to be paid for her field work; and
- that the first version of the report delivered to CBLT was so poor and incomplete as to be unusable, when she had nothing to do with the provision of the October 5 PPT and her first report contained all her recommendations.

The Registrant stated that the outcomes Mr. Clausi sought from making a complaint about her were disturbing: he sought to have the Registrant apologize, seek professional medical treatment, and be suspended.

The Registrant then submitted that the complaint was fabricated, and a well thought out narrative by Mr. Clausi, and that there was no misconduct. PGO's evidence was "limited to a few frustrated emails and a small handful of posts on the online public forum". The Registrant reiterated that Mr. Clausi submitted the October 5 PPT as a falsified report in her name.

The Registrant argued that her questions about SBMI were raised after not being paid for two months, and gave rise to Mr. Clausi's deliberate attack on her character and attempts to silence her. The Registrant's theory was that Mr. Clausi withheld her compensation to provoke her further, which he could then use to justify filing a complaint and effectively silencing her voice, because he knew she had "whistle-blowing type evidence" concerning SBMI projects.

The Registrant then reviewed Mr. Clausi's responses to PGO regarding their questions about her engagement and the work she performed. She reiterated that Mr. Clausi characterized her report as the worst he had ever seen, and submitted that this was unprofessional and belittling. She also commented on the troubling tone and language Mr. Clausi used in the complaint, in responses to questions from PGO and in online discussion boards.

The Registrant submitted that her 77 posts about CBLT demonstrated the content she was creating on her own time, and that Mr. Clausi "liked" her Twitter and LinkedIn posts.

With respect to her communications with Mr. Clausi, the Registrant testified that she had not been compensated for four days of field work for CBLT and was frustrated by this. She also testified that her [REDACTED] affects her communications. The Registrant characterized herself as a "whistleblower" regarding the SBMI press release, which had been removed. She felt that she might have sworn in four emails at most and Mr. Clausi made a huge deal of that, attacking her personally and defaming her.

Finally, the Registrant asked the Panel how we would feel if we collected 24 "exciting and remarkable massive sulphide samples" through difficult field work that was self-funded, "to never see them mentioned in a press release", to do this work without compensation, to be told that we would not be paid for the work until a report was completed, and then to be told that a 220-page report was "the worst", unreadable and useless? Would we not feel frustrated? The Registrant noted that her field hand was paid immediately and in full and she was not.

The Registrant acknowledged that her language was not appropriate, and said this was partly due to reacting too quickly to emails and posts, which can be common for individuals [REDACTED]. She stated that she takes full responsibility for the language she used, and noted that she has refrained from participating in online public forums since this event.

The Registrant asserted that, should she be found guilty of misconduct, this would send a strong message to every geologist that they are discouraged from asking questions or speaking up, and they are expected to remain silent and refrain from voicing concerns when they witness something unjust or unethical.

LEGAL FRAMEWORK

Burden of Proof

The burden of proof is on the PGO to prove the allegations of misconduct. The standard of proof is the civil standard. This means the PGO must prove the allegations on a balance of probabilities based on clear, convincing, and cogent evidence.

Credibility

Credibility refers to a witness' sincerity and willingness to tell what they believe to be the truth and the ability of the witness to accurately observe, recall and recount the events in question.

While there is no exhaustive list for assessing credibility, the following factors can be considered:

- a. the witness' opportunity to observe events;
- b. the witness' interest in the outcome;
- c. any bias on the part of the witness;
- d. whether the witness' evidence accords with common sense/the probability or improbability of the witness' story;
- e. whether the witness' evidence was consistent with other evidence;
- f. whether the witness' evidence was internally consistent; and
- g. the appearance and demeanour of the witness.

Applying these factors to Mr. Clausi, we found him to be entirely credible. Mr. Clausi's oral evidence was completely consistent with the documents put to him, and was also largely consistent with the evidence of the Registrant. The bulk of Mr. Clausi's evidence, as it related to the allegations before us, was focused on identifying the communications he received from the Registrant via email and WhatsApp as well as the Registrant's postings on social media. This evidence was in no way contradicted. Mr. Clausi's evidence regarding how he perceived the Registrant's communications to him (as harassing and insulting) was plausible, and accorded with common sense. We found that Mr. Clausi had an interest in the outcome of this case: he complained to PGO about the Registrant's conduct, including her online posts about the two companies with which he was involved, which may have caused harm to him and the companies. However, we did not find that this interest was sufficient to give rise to bias or to impact on Mr. Clausi's credibility. While Mr. Clausi could perhaps have responded to the Registrant's requests for payment differently (i.e., paid a portion and/or put specific points of confusion to her instead of refusing to pay on the basis that the invoice was confusing), we did not find this to have impacted on his credibility. We had no significant concerns regarding the credibility or reliability of this witness.

Applying the credibility factors set out above to the Registrant, on the other hand, caused us to have concerns regarding the credibility and reliability of her evidence. The Registrant acknowledged including incorrect dates in her reports, but only after it was pointed out to her that she was in Kirkland Lake on one of the days she reported as being in the field. The Registrant suggested that her [REDACTED] had impacted her ability to recall this information, which caused us to have concerns about her ability to recall and recount information generally. She also confused timelines on other occasions.

There were several inconsistencies between the Registrant's oral evidence and the documentary evidence. She asserted that she had permission from Mr. Clausi to post online about CBLT, based on his reposting of her content, but the document she relied on in support of this assertion was in fact her repost of a post by Mr. Clausi. The Registrant alleged not only wrongdoing, but malice on the part of Mr. Clausi based on his misrepresenting the name of the lab to which she submitted samples, when the Registrant also got the name of the lab wrong in correspondence to PGO. The Registrant asserted that she had not seen the report that Mr. Clausi had submitted to PGO until November 2024, but later agreed that she had access to the document in August 2023.

One aspect of the Registrant's evidence we found completely implausible: based on the fact that she submitted 24 samples from Big Duck Lake for analysis and no press release was issued, she asserted that SBMI's reference in a press release to 24 samples was fraudulent, using samples from Big Duck Lake to claim platinum and palladium were found at the mine in Arizona. This assertion did not accord with common sense.

With respect to the Registrant's contention that Mr. Clausi submitted misleading information to PGO, this related to the October 5 PPT (which Mr. Clausi asserted was the first draft of the Registrant's report, when in fact it was provided by Mr. [REDACTED] without the Registrant's knowledge) and the name of the lab in Timmins that assayed the samples collected by the Registrant. We do not find that these were misleading statements. Mr. Clausi reasonably understood the October 5 PPT to be a first report from the Registrant, since he understood the Registrant and Mr. [REDACTED] to be working together, and we take nothing from an error regarding the laboratory name when the Registrant also misstated the name of the laboratory in one of her statements.

For these reasons, we found the Registrant to be less credible than Mr. Clausi, and where their versions of events differed, we accepted that of Mr. Clausi.

REASONS FOR DECISION

Findings of Fact

Based on the evidence of the PGO and the Registrant, and on the credibility assessments outlined above, the Panel finds that there was clear, cogent and convincing evidence to make the following findings of fact:

The Registrant was a member of PGO in the practising class. She was engaged by CBLT, a public company, to do site visits at Big Duck Lake in September 2022 for the purpose of taking pictures, collecting samples, and then having these samples assayed.

The Registrant attended at Big Duck Lake with Mr. [REDACTED] and Mr. [REDACTED] took pictures and samples and brought the samples to a laboratory.

Shortly thereafter, Mr. Clausi engaged Mr. [REDACTED] to do staking. This upset the Registrant and led her to send numerous WhatsApp messages to Mr. Clausi about how awful he was. The Registrant swore at Mr. Clausi in these messages. She also made disparaging statements about Mr. [REDACTED] in these messages.

The relationship between Mr. Clausi and the Registrant continued to deteriorate. Through a series of emails beginning on October 4, 2022, Mr. Clausi requested a report from the Registrant, and the Registrant requested payment for her work. Mr. Clausi's position, that the Registrant owed him a report before payment would be made, led the Registrant to send numerous text messages and emails, which Mr. Clausi found insulting and harassing. These communications contained numerous profanities, directed at her client, as well as unprofessional language. The Registrant's emails and text messages also contained personal and unprofessional comments about the Registrant's associate, Mr. [REDACTED].

The Registrant ultimately sent Mr. Clausi a report, the final version of which was sent on October 27, 2022. The Registrant continued to request payment from Mr. Clausi thereafter. She then sent email messages to Mr. Clausi in which she threatened to post her report online if Mr. Clausi did not pay her.

The Registrant then went on social media, including Twitter, TikTok, and CEO.ca, and posted about CBLT and again threatened to post her report online if CBLT did not pay her invoice. She included links to her report as well as photos of her report. It is unclear if the posted links actually went to her report.

The Registrant then posted that it appeared that SBMI had used the result of samples the Registrant collected from Big Duck Lake for CBLT in a press release for SBMI, thereby alleging fraud on the part of SBMI. The Registrant also suggested that Mr. Clausi was involved in these activities. We were not provided with the press release or any evidence to support this allegation, and made no finding in that regard, other than that the Registrant had made the posts in question.

The Registrant claimed a number of health-related concerns. These included having [REDACTED], being [REDACTED], and having [REDACTED] as a result of the stress of not being paid. The Registrant provided no evidence related to having [REDACTED] or being [REDACTED]. Regardless, having [REDACTED] and being [REDACTED] does not excuse unprofessional behaviour. The Registrant did provide a medical report showing medical treatment after having

██████████ while swimming on September 14, 2022. This predated the second site visit, the withholding of payment, and the unprofessional communications. As such, we do not find any causal relationship between the interactions between the Registrant and Mr. Clausi, and the ██████████.

The evidence presented shows that any public posts on CEO.ca by Mr. Clausi critical of the Registrant followed multiple unprofessional public posts on CEO.ca by the Registrant. As such, we find that the Registrant's claim that Mr. Clausi created a calculated narrative to disparage her was not consistent with the evidence presented.

Regarding the Registrant's posting on social media, we found no evidence to support the Registrant's claim that Mr. Clausi "liked" many of her posts (as these were not in evidence). Nor did we find as a fact that Mr. Clausi told the Registrant that he was aware of her desire to be a mining influencer but not to post on social media about CBLT.

To make the foregoing findings of fact, we did not have to decide the factual issues identified by PGO counsel on which the Registrant and Mr. Clausi disagreed. We were not required to determine whether or not the Registrant's invoice was clear, whether the SBMI press release was accurate, whether Mr. Clausi's assessment of the Registrant's reports were fair, whether Mr. Clausi expressly asked the Registrant not to post about CBLT on social media, or whether Mr. Clausi was misleading in his statements to PGO in connection with their investigation of the complaint. We found that the allegations were proven by PGO based on the documents (copies of the communications in question) and the uncontradicted evidence of both the Registrant and Mr. Clausi regarding what the Registrant sent and posted. Though the Registrant and Mr. Clausi characterized the communications differently, for the reasons outlined below, we were satisfied that the communications constituted unprofessional conduct and contraventions of the Code of Ethics on the part of the Registrant.

Specific Allegations of Misconduct

With respect to the allegations in the Notice of Hearing, we find that by engaging in the conduct described above, the Registrant breached the following sections of O. Reg 60/01: Code of Ethics of Professional Geoscientists:

- a. Section 5(1)(a) [act in good faith, fairness and loyalty to associates, employers, clients, subordinates, employees and other professionals];
- b. Section 5(3)(a) [act towards other professionals with courtesy and good faith];
and
- c. Section 5(3)(d) [not maliciously injure the reputation or business of another professional].

We also find that the conduct described above constitutes professional misconduct pursuant to

subsection 24(2) of the *Professional Geoscientists Act* and as defined in paragraph 9 of subsection 16(2) of O Reg 258/02 made under the *Professional Geoscientists Act* [engaging in conduct or an act relevant to the practice of professional geoscience that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional].

Our reasons for these findings are set out below.

Section 12(2) of the Code of Ethics provides that it is professional misconduct to violate the Code of Ethics “if the breach results in a finding that the member has not engaged in a practice of professional geoscience in accordance with the law or honesty and integrity.”

We find that PGO proved that the Registrant, sent unprofessional, threatening, harassing and profanity-laden texts and emails to Mr. Clausi (telling him he was awful and disgusting, saying “fuck” on multiple occasions, including saying “Fuck you” and “fuck you all”, which was clearly swearing at her client). These are outlined in the Evidence section, above. The Registrant also stated in these emails that her field assistant had a 14-year-old brain and was too busy doing drugs. These statements were in breach of her ethical obligations to act in good faith, fairness and loyalty to associates, clients and other professionals, contrary to section 5(1)(a) of the Code of Ethics. The Registrant also breached section 5(3)(a) of the Code of Ethics, as she failed to act towards other professionals with courtesy and good faith. This includes Mr. [REDACTED], a prospector and field hand, and Mr. Clausi, a lawyer and the Registrant’s client.

PGO also proved that the Registrant breached the above sections of the Code of Ethics when she threatened Mr. Clausi, in email and text messages and in posts on social media, that she would post her report if he did not pay her invoice. Mr. Clausi had complained that this invoice was confusing, and the Registrant later acknowledged contained inaccurate information regarding dates. Regardless, the Registrant made this threat with a view to getting her invoice paid. There is no circumstance in which a professional geoscientist would be entitled to post a report prepared for a client online, or to threaten to do so, and seeking payment for an invoice provides no such justification.

We find that the Registrant’s posts on CEO.ca regarding SBMI having purportedly used the samples she collected from Big Duck Lake to fraudulently claim that platinum and palladium was found in SBMI’s mine in Arizona, and tying Mr. Clausi to this conduct, without any basis other than pure speculation on her part, contravened section 5(3)(d) of the Code of Ethics, which required registrants to not maliciously injure the reputation or business of another professional.

Each of these breaches of the Code of Ethics established that the Registrant has not engaged in a practice of professional geoscience in accordance with the law or honesty and integrity. As such, they constitute professional misconduct pursuant to section 12(2) of the regulation.

Finally, we found that PGO established that all of the Registrant's communications by email and text and postings on social media were for the purpose of expressing anger at her client (relating to her not being engaged to do staking work, not being paid for her work, or for suggesting that her report was unacceptable) or for the purpose of getting paid. As such, the above conduct was relevant to the practice of professional geoscience. We found that PGO established that, having regard to all the circumstances, such conduct would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional.

We find that the Registrant's threats to post her report on social media, her posting of excerpts of these reports and her posting of a link to the report (regardless of whether the link worked) was also conduct relating to the profession that members would reasonably regard as disgraceful, dishonourable or unprofessional.

In making these findings, we considered the communications themselves (admitted into evidence), Mr. Clausi's evidence about the harm he perceived or was concerned about from these communications, and the Registrant's evidence regarding these communications, including her acknowledgment that the language was not professional and her purported justification that she had been treated unfairly by Mr. Clausi, Mr. [REDACTED], and the industry generally. The Registrant may have had reason to be frustrated, but as a professional geoscientist, it was not acceptable for her to send unprofessional communications that included profanities, attacks on her colleague Mr. [REDACTED] and threats to post a client's report. Nor did she have the right to post about her client CBLT without its express consent, or to disparage that company or another company with unfounded allegations. Members of the profession would reasonably regard all the foregoing conduct to be unprofessional, disgraceful or dishonourable.

We did not place any weight on the Registrant's evidence regarding the SBMI press release and her concerns regarding same, the inclusion by Mr. Clausi of what she characterized as personal or defamatory information in his complaint to PGO, or the matters investigated by the Complaints Committee of PGO. This was in part because the Registrant's position was not put to Mr. Clausi, contrary to the Rule in *Browne v Dunn*, but mainly because it was not relevant to our consideration of the allegations against the Registrant. The factual allegations were that the Registrant sent the emails and posted the messages at issue, and that these communications contained inappropriate language and confidential information. These were not disputed. The Registrant's position regarding these communications seemed mainly to be that she was frustrated by Mr. Clausi's criticisms of her reports and failure to pay her, and was therefore justified in making the statements she made. While the Registrant's state of mind and whether or not she had been mistreated may be relevant considerations when determining the appropriate penalty, we did not find these to be relevant considerations at the finding phase of the hearing.

Finally, we considered whether finding that the Registrant engaged in professional misconduct through her inappropriate communications with her client and her unprofessional posting on social media platforms would be contraventions of her Charter right to Freedom of Expression.

We recognized that the Registrant, like all people, has the right to express herself freely and that finding her to have engaged in misconduct through her communications and social media postings would constitute a limit on that right. We therefore assessed whether the limitation of the Registrant's right to freedom of expression would be proportionate to the statutory objectives of PGO. Under the *Professional Geoscientists Act*, PGO has a duty to serve and protect the public interest. The objects of PGO include establishing, maintaining, and developing standards of professional ethics among its members and certificate holders. Another public interest is to maintain trust and integrity in the profession by sanctioning registrants who make unprofessional comments towards clients in communications or in online posts.

PGO has created the Code of Ethics, enshrined in Ontario Regulation 60/01 made under the *Professional Geoscientists Act*, to guide registrants by identifying professional and ethical conduct. The Misconduct Regulation sets out acts of professional misconduct for registrants, and section 12(2) of the Code of Ethics specifies that breaches of the Code of Ethics constitute professional misconduct when the breach results in a finding that the member has not engaged in the practice of professional geoscience in accordance with the law or honesty and integrity.

We found that the comments made by the Registrant were harmful to the statutory objectives listed above. Further, the comments made by the Registrant in this case were with a view to expressing her anger at her client, and getting paid what she believed was owing to her. These comments were directly related to her geoscience practice and to her own objectives, rather than any public interest. Such comments would lead the public to lose trust and confidence in professional geoscientists, and in PGO, if such comments did not result in findings of professional misconduct.

Finding the Registrant to have engaged in professional misconduct with respect to her email, text and social media communications proportionately balances the Registrant's right to freedom of expression with the statutory objectives of PGO. Where a professional geoscientist's communications include harassing, threatening and rude comments to a client, the right to send or post these is appropriately limited by the fact that if PGO proves that these breach the Code of Ethics or professional misconduct, the Registrant will be found to have engaged in professional misconduct. We accept PGO's submission that finding the Registrant to have engaged in professional misconduct through her communications with Mr. Clausi and posts to social media signals that professional geoscientists are held accountable for unprofessional communications that are relevant to the practice. And it does so without impairing the Registrant's right to freedom of expression more than necessary. The Registrant, and all members of the profession, can express themselves, including through communications with clients and posting on social media, but when that expression is harmful to clients and causes a lack of trust in the profession, they will face consequences for such expression.

Regarding the Registrant's submission that a finding of misconduct would send a message to the profession that they cannot raise concerns and must remain silent and refrain from voicing concerns when they witness something unjust or unethical, this is not our intention or our view.

We hope that the profession will take from our decision that there are professional ways to raise concerns, but these do not include sending harassing, profanity-ridden or threatening communications or posting client information on public social media forums. The Registrant was extremely frustrated, and may well have had the right to feel this way, but the manner in which she communicated with her client and on social media was not professional or acceptable. Where a registrant believes they have been mistreated or that a client is engaging in inappropriate conduct, there are appropriate ways to raise concerns that do not involve public communications via social media. Examples could include lodging a complaint directly with the involved company, commencing a civil action, or using the complaints process of the appropriate regulator, whether a professional regulatory body such as PGO or the Law Society of Ontario, or a securities regulator such as the Ontario Securities Commission. Professionalism must be maintained, even in the face of perceived unfairness.

For these reasons, we find the PGO has proved the misconduct. The Panel requests that a penalty hearing be scheduled at the first available opportunity.

Dated in the City of Toronto on February 10, 2026.

DISCIPLINE PANEL

Paul Connor, Chair
Rich Schmidt
Mike Jones

Signed:  Signed by:
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Paul Connor, Chair