



**CSIC** | Canadian Society of  
Immigration Consultants  
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consultants en immigration

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August 17 2009

Katrarina Onuschak  
c/o  
Lorne Waldman  
Waldman and Associates  
281 Eglinton Avenue East  
Toronto Ontario

VIA Fax 416 489 9618

**PRIVATE AND CONFIDENTIAL**

Re CSIC Complaint 09-00098

Mr. Waldman:

For the record, and specifically in response to the statement in your July 30 2009 letter that your client has *continually complied with the investigation and provided clear explanations to the investigator to the fullest extent possible*: the following is a brief review of your client's dealings with the CSIC Complaints and Discipline investigation thus far.

Your client was first required to provide the information of the number of and names of CSIC Members who she distributed the email of June 12 2009 to through the iclist serve, of which she is the Administrator.

She stated in response to the investigation letter (the notice of investigation) on June 21 2009 , specifically in regards to the information requested, that:

*"the list serve is run by the Steering Committee, of which I am a Member . However there are two more Members and any decision must be made by the Steering Committee. And this is where my concern lies-I am being admonished about the duty of confidentiality, therefore I cannot ask the Steering Committee to release the names."*



There is no reference to any technological inability to provide the information requested at that time.

She was advised that as the Steering Committee are CSIC Members, as are members of the list serve, they are obliged to cooperate with the CSIC investigator as per Section 2.4 of the Complaints and Discipline Policy. This is a duty which falls upon all CSIC Members. She was again requested to comply with the information requested.

Over the next few days I received emails from David Leblanc and Camilla Jones, iclist 'Steering Committee Members'. They stated that releasing the information requested was against the wishes of the Members on the listserve, and they thought that there were concerns under the Privacy Act. They asked me to "delay your timetable and deadline set out below in making this request for us to continue polling those CSIC Members who signed up for list serve, as we would like these issues dealt with prior to formally providing you with a response to your request." I referred Mr. LeBlanc and Ms. Jones to the relevant Complaints and Discipline Policy provisions.

Again there was no indication of any technological difficulty with complying with the request, only that the 'Steering Committee', which includes your client, wanted to continue to poll the CSIC Members on the iclist for their opinion on the investigation request.

On July 8 2009, with respect to the information requested, Ms. Onushack again stated that there were several reasons that she was not able to comply with the request, including that it was against the Charter, the Privacy Act and constituted an implied threat to the CSIC Members on her list serve: she stated "*My ethical obligations do not allow me to put at risk my colleagues*"

Only in this letter, three weeks after the Notice of Investigation letter was sent to her, did she claim she was not able to establish who was on the listserve on the day when she sent the email. She did not provide any substantive reasons therefore, stating only that "I am not able to establish who was on the listserve on that particular day when I sent the email. The subscriptions and unsubscriptions are done automatically through the website. When I access the system, I see who is subscribed at that particular time."

She did not state that she was willing or able to offer the list serve membership as of July 8 2009 nor did she offer any other information about the number of CSIC members on the list serve. She did not make any efforts to explain whether the listserve membership was archived in her server or provide any substantive explanations in that regard.

On July 9 2009 Mr. LeBlanc then wrote to me and stated that he advised Ms. Onuschak to "make a snapshot of the names and forward them to the investigator".

On July 13 2009 your client was then asked specifically for a) the type of software she was running to operate the list serve, and b) any list serve membership reports she had run showing subscriber lists in the last six months.

On July 19 2009 Mr. Barnwell, Ms. Onuschak's lawyer at that time, stated;

"In any event, the Member has likewise noted that she has no clue as to who received the information about the quiz as the list changes on a daily basis. In any event we agree with her that this list is meant to provide information to the Membership and there is an expectation of privacy by the Members *which behooves her to decline any request to give such*



*information. To have this list released would be too much of an encroachment on the fundamental rights of the membership to organize themselves for the betterment of their profession."*

Given the forgoing responses, and noting her repeated objections and unwillingness to producing the material requested, Ms. Onuschak was suspended on July 24 2009 for her failure to provide the information requested.

On July 27 2009 Ms. Onuschak wrote to the Complaints and Discipline Manager and disclosed that she was running 'mailman software for the listserve', information which she did not provide before the suspension although she was requested to provide it. She did not submit any iclist membership reports which she may have run off at any time in the last six months as requested in my letter of July 13 2009. She then submitted an unsworn 'statutory declaration' from Camilla Jones, aforementioned iclist 'Steering Committee' member, which stated that Ms. Jones saw on July 26 2009 at 2:49 pm that there were 149 active subscribers on the list serve at that time. Ms. Jones also gave her opinion that the system does not have the ability to run reports, register the date of subscription or unsubscription of Members and will not be able to re create lists of Members at any point in the past.

She did not indicate whether Ms. Jones is an expert in computer systems in any way qualified to give such an opinion.

After retaining you, on July 30 2009 she presented, an Affidavit from a Mr. Henry Sale, who stated he was an IT specialist with 18 years experience working in Mail and Server Hosted Applications. He attested that he reviewed the system using the administrator GUI and the administrator username and password provided by you and determined, to the best of his knowledge, "by using the aforementioned GUI administration, I can establish that the system does not have a provision of reporting the subscriptions history of membership or of forming reports in relation to past members. The list of current members is the only membership newsletter report provided by the GUP"

At that time she also provided the membership subscriber list as of July 30 2009 and her suspension was lifted.

## **REQUEST FOR FURTHER INFORMATION**

In the letter of June 30 2009 from your office it was stated that "our client has repeatedly explained members may join or leave the listserve remotely and automatically, with no action or notice from her"

- Please ask Ms. Onuschak to provide the contents of the mailman subscription log file from the beginning of the listserve up to and including June 13 2009 from the system administrator.
- Please ask Ms. Onuschak to explain why "she believes that the composition as of July 30 is likely substantially the same as it was on June 12 2009" if she has not run any Membership reports in the last six months.

It has come to the attention of CISC that a letter dated July 8 2009, sent to CSIC during the investigation process from your client was posted on a public website; "CSIP". This letter copied and pasted various parts of the original investigation letter dated June 18 2009.



The initial Notice of Investigation letter (dated June 18 2009) sent to your client stated that "to protect the integrity of the investigation all information concerning this investigation is confidential and may not be disclosed to any person other than your legal representative should you wish to retain a lawyer."

- Please ask your client to explain the circumstances of how and why this letter was posted on the public website 'CSIP'.

Your client was suspended under our short term suspension policy which provides that a Member must adhere to its provisions. This was sent to her at the time of the initial suspension.

- Please ask your client to list specifically the manner in which she has complied with this policy from the date of her suspension on July 24 2009 until the suspension was lifted on July 31 2009.

In accordance with By-Laws 13.2 and 13.3, please provide a detailed, written response to the allegations, including the requested documentation by August 31, 2009.

I remind you of your obligation to cooperate with the investigation, to respond to communications from the Society in a timely manner and to provide copies of all records and documentation requested by the Investigator. I also remind you that to protect the integrity of the investigation all information concerning this investigation is confidential and may not be disclosed to any person other than your legal representative should you wish to retain a lawyer.

Yours truly,

Peter Benesch

*Investigator/ Enquêteur*

*Complaints & Discipline Department*



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## **FAX Transmittal – PRIVATE & CONFIDENTIAL**

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**Attention:** Katarina Onvschak c/o Lorne Waldman

**Company:** Waldman and Associates

**Sent to Fax No:** 416.489.9618

**Date:** August 17. 2009

**This transmittal consist of** 4 **page(s) including lead sheet**

**Sent by:** P Benesch

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