

IN THE MATTER OF THE ENGINEERING, AND GEOSCIENCE PROFESSIONS ACT,

AND

IN THE MATTER OF THE CONDUCT OF

P.Eng.

AND

RECOMMENDED APEGA
DISCIPLINE COMMITTEE ORDER

## **APEGA Discipline Committee Order**

## In the matter of the Engineering and Geoscience Professions Act

and

In the matter of the conduct of , P.ENG.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct

of

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services provided for

, P.Eng., with respect to allegations of inadequate field review

condominium complex

located in Calgary, Alberta. . A. Complaints The Member has engaged in unprofessional conduct, contrary to Section 44. (1) (b) of the Engineering and Geoscience Professions Act ("Act") and Rule of Conduct #1 and #4 of the Code, in that the did not thoroughly review his EIT's field inspection before applying his seal and his lack of note keeping on the matter was inadequate and deemed unprofessional. 2. B. Agreed Statement of Facts As a result of the investigation, it is agreed by and between the Investigative Committee and . P.Eng. that , P.Eng. was at all relevant times, a professional member of APEGA, and was thus bound by the Engineering and Geoscience Professions Act and the APEGA Code of Ethics. held a valid Permit to Practice at all relevant times. 5. , P. Eng and his firm, were retained by the condominium owners to provide services during reconstruction of a condominium complex damaged by fire. The damaged buildings were determined that the project demolished and rebuilt. was not built as designed. conducted examinations of the other buildings of the complex and determined that buildings were also not built according to the plans were also not built according to the plans submitted by the City of Calgary permit office. The Member Under Investigation conducted or supervised the field inspection of buildings

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8.	alleging that the MUI, it is a substitute of the MUI and the MUI, it is a substitute of the M
7.	began performing and supervising field reviews for buildings in August 2002 for an august 2002 for august 2002
8.	P. Eng during the interview denied that field inspections were inadequate. He stated that the construction complied with the drawings he had in his possession at the time of his review. He stated he relied on the fact that the drawings were stamped by a reputable P. Eng who was one of the original project engineers.
9.	However, review his EIT's field inspection before applying his seal to the C-2 documents, and further admitted that he did not keep thorough and complete notes of what occurred during the review. He acknowledged that he would change his method of reviewing structural plans and verifying any changes made to the original plans before signing a C-2 in the future. The Investigative Panel requested and did receive current samples of sinspection reports and the Panel believed that his current record keeping practice has improved and there is a low likelihood of any continuing problems in this regard.
10.	The Investigative Panel determined that did admit to misconduct during the course of the investigation, it was the Panel's opinion that the matter would best be resolved through a Recommended Discipline Order rather than a formal hearing.
C. Cor	nduct
constit	P.Eng, has freely and voluntarily admitted that his conduct utes unprofessional conduct.
	Condominium Project failed to thoroughly review his EIT's field tion before applying his seal to the C-2 documents and that did to thorough and complete notes of what occurred during the review.
Section	n 44(1) of the Act states:

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- 44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board
- (a) is detrimental to the best interests of the public;
- (b) contravenes a code of ethics of the profession as established under the regulations;
- (c) harms or tends to harm the standing of the profession generally;
- (d) displays a lack of knowledge of or a lack of skill or judgement in the practice of the profession or;
- (e) displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.

Whether or not that conduct is disgraceful or dishonorable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

Rules #1 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.

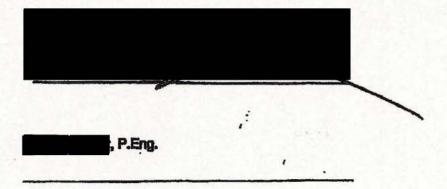
Rules #4 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.

## **Orders**

On t	he recommendations P.Eng, a		mmittee, and by agreer	nent of
reco			iew with the Discipline	
Cas	Manager, the Discip	ine Committee hereby	orders that:	
	letter of reprimand	and		receive a
2	<ol><li>The details of thi names.</li></ol>	s matter be published	in the PEG magazin	ne, without
:	<ol> <li>That there is n condominiums.</li> </ol>	o mention in the F	EG magazine of	

## **APEGA Investigative Committee**



Approved this 26 day of June		2015
Panel Chair Allan Yucoco, P.L. (Eng).		
APEGA Discipline Committee  Approved this 13 day of AUGUST		_2015
Ву:	i	٧.
Case Manager Don Morse, P. Eng.		