



**RECOMMENDED ORDER  
to the  
DISCIPLINE COMMITTEE**

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

AND

IN THE MATTER OF THE CONDUCT OF  
[REDACTED] P.ENG.

**APEGA**  
**Investigative Committee**  
**Recommended Order**

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

and

**In the matter of the conduct of  
[REDACTED], P.ENG.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of [REDACTED], P.Eng. with respect to allegations of not conducting or properly supervising field reviews of building framing at the [REDACTED] condominium complex located in [REDACTED] Alberta.

**A. Complaints**

1. 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 of the Code, in that [REDACTED] did not conduct or properly supervise field reviews of building framing which constitutes unskilled practice of the profession.

**2. B. Agreed Statement of Facts**

As a result of the investigation, it is agreed by and between the Investigative Committee and [REDACTED], P.Eng. that:

3. [REDACTED], 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.
4. [REDACTED] held a valid Permit to Practice at all relevant times.
5. [REDACTED], P. Eng and his firm, [REDACTED] were retained by the condominium owners to provide services during reconstruction of a condominium complex damaged by fire. The damaged buildings were

demolished and rebuilt. [REDACTED] determined that the project was not built as designed. [REDACTED] conducted examinations of the other buildings of the complex and determined that buildings [REDACTED] were also not built according to the plans submitted to the City of [REDACTED] permit office. The Member Under Investigation conducted or supervised the field inspection of the buildings framing.

6. [REDACTED], P. Eng complained to APEGA on April 23, 2013 alleging that the MUI, [REDACTED], P.Eng, and [REDACTED] did not conduct proper field reviews or properly supervise the personnel conducting the field reviews of the framing before signing off on the C-2 for all of the aforementioned buildings of the [REDACTED] condominium complex in [REDACTED] Alberta.
7. [REDACTED], P. Eng. has stated in his response to the Notice of Investigation that his firm was retained by the developer to provide only final framing reviews for buildings [REDACTED]. The Member Under Investigation has stated that the drawings and the framing conformed to acceptable standards when inspected. He authenticated Schedules C-2 indicating the field reviews were conducted. The C-2 documents are a form authenticated by the registered professional of record stating that the project has been completed as per the original design and complies with the standards of the Alberta Building Code.
8. [REDACTED], P. Eng during a Panel interview on April 17, 2015, admitted that he could have managed his role in the project better and admitted to conduct that constitutes unskilled practice. He stated he took over from another Engineer who was ill. He was not fully aware at that time what his responsibilities were regarding the inspection and completion of a form C-2. He said the buildings were inspected by him twice and met the requirements of the Alberta Building Code. He stated that he worked off of shop drawings and did not have the original design drawings. [REDACTED] advised the Panel that he had been educated considerably since this matter came to his attention and has changed his practice of review and inspection before authenticating C-2 documents.
9. [REDACTED], P. Eng indicated he was willing to enter into a Recommended Discipline Order to conclude the matter. The Panel was satisfied that [REDACTED] has learned from his error and would change the manner in which he conducts field reviews before authenticating C-2 documents in the future

### C. Conduct

[REDACTED], P.Eng, has freely and voluntarily admitted to unskilled practice with regards to not administering the C2 Schedule properly.

- a) [REDACTED], P. Eng, is one of the Registered Professionals for the [REDACTED] Condominium Project. [REDACTED] was hired to inspect the structural framing of the [REDACTED] Condominium Project. He was not hired to review the original structural plans for deficiencies. [REDACTED] failed to identify that the "as built" structure was not completed according to the specifications and design drawings

produced under the direction of the previous Engineer of Record (the design engineer) before applying his seal to the C2 documents.

Section 44(1) of the Act states:

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.

Rule #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.

Rule #2 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.

Rule #3 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.

Rule #4 of the APEGA Code of Ethics states:

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

Rule #5 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.

**Orders**

On the recommendations of the Investigative Committee, and by agreement of [REDACTED] P.Eng, and [REDACTED] with that recommendation, following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

1. [REDACTED] receives a letter of reprimand.
- and
2. The details of this matter be published in the PEG magazine, without names.

**APEGA Investigative Committee**

[REDACTED]

Panel Chair Allan Yucoco, P.L.(Eng).  
APEGA Investigative Committee

[REDACTED] P.Eng.



**APEGA Discipline Committee**

Approved this 26<sup>TH</sup> day of JANUARY, 2016

By: [REDACTED]  
Case Manager Russ Renneberg, P.Eng.