

Date: December 20, 2016 Case No.: 16-017-RDO

## **IN THE MATTER OF THE ENGINEERING, AND GEOSCIENCE PROFESSIONS ACT, AND IN THE MATTER OF THE CONDUCT OF MR. XINGJIAN (ALEX) LIU, E.I.T.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Mr. Xingjian (Alex) Liu, E.I.T., (“the Member”) with respect to an August 17, 2015 Letter of Complaint received from [Staff Member A], Director of Enforcement & Permits at APEGA, alleging that Mr. Liu provided false resumes to prospective employers.

### **A. COMPLAINTS**

1. The Member has engaged in unprofessional conduct that contravened Section 44(1)(b) of the Act and Rule of Conduct #1 of the Code. The E.I.T., in knowingly providing resumes containing false employment experience to potential employers, failed to hold paramount the safety and welfare of the public.
2. The Member has engaged in unprofessional conduct that contravened Section 44(1)(b) of the Act and Rule of Conduct #3 of the Code. The E.I.T., in knowingly providing resumes containing false employment experience to potential employers, displayed a lack of integrity and honesty.
3. The Member has engaged in unprofessional conduct that contravened Section 44(1)(b) of the Act and Rule of Conduct #5 of the Code. The E.I.T., in knowingly providing resumes containing false employment experience to potential employers, failed to uphold the honour, dignity and reputation of the professions.

### **B. AGREED STATEMENT OF FACTS**

#### **1. Background**

Upon conclusion of the investigation, it is agreed by and between the Investigative Committee and Mr. Xingjian (Alex) Liu, E.I.T., that:

- a) Mr. Xingjian (Alex) Liu was registered with APEGA as an E.I.T., and was thus bound by the *APEGA Code of Ethics* at all relevant times.
- b) Mr. Liu came to the attention of APEGA as a result of a complaint from an Alberta company alleging that his resume contained false employment experience.
- c) Mr. Liu applied for an E.I.T. position at the Alberta company in 2014 and submitted his resume in support of the application.
- d) On his resume, Mr. Liu declared previous employment experience with [Company B] as an E.I.T. in 2012/2013. HR at the Alberta company through verification determined that Mr. Liu’s employment experience at [Company B] was false.
- e) The Alberta company provided APEGA with a copy of Mr. Liu’s resume.
- f) APEGA Compliance reviewed the resume and confirmed with [Company B] that, although Mr. Liu applied for a position at [Company B], he was never hired. [Company B] provided APEGA with a copy of Mr. Liu’s resume used in the [Company B] application.
- g) Mr. Liu’s [Company B] resume outlined previous work experience as a Field Engineer, E.I.T., with [Company C] from May to August 2013. The resume further represented previous employment experience as an E.I.T. for [Company D] from May to August 2012.
- h) APEGA Compliance contacted both [Company C] and [Company D] and confirmed Mr. Liu never worked for these companies.
- i) In his statement to APEGA Investigations on November 4, 2015, Mr. Liu admitted to providing resumes containing false employment experience to eight additional companies: [Company List E].
- j) The resume submitted by Mr. Liu to each of these eight companies was identical — the Member fabricated previous employment with both [Company B] (May 2013 to August 2013) and [Company D] (May 2012 to August 2012).
- k) In total, by virtue of the initial complaint and the confession of Mr. Liu, resumes containing false employment experience were submitted to nine (9) companies.

*Case No. 16-017-RDO continued*

- l) Of the nine (9) companies, only one — [Company F] — hired the Member, relying, at least in part, on the false resume. The Member was employed as a Junior Field Engineer at [Company F] from November 2014 to March 2015.

**2. Facts relating to the allegations**

- a) The act of knowingly falsifying a resume is a serious breach of the *APEGA Code of Ethics*.
- b) The act of fabricating employment experience creates an unfair advantage over honest, legitimate candidates competing for the same positions.
- c) In the engineering professions, in which public safety is paramount, the ramifications of falsifying previous work experience poses a significant potential risk to public safety.
- d) Mr. Liu was very cooperative during the course of the investigation. He admitted to the allegations immediately, provided a confession, and voluntarily advised the Panel of additional companies to which he provided the false resume. He has indicated his desire to take responsibility for his actions by way of Recommended Order with appropriate sanctions to be determined by APEGA.

**C. CONDUCT**

The Member freely and voluntarily admits that he engaged in unprofessional conduct that contravened Section 44(1)(b) of the Act and Rules of Conduct #1, #3 and #5.

**D. SECTION 44(1) OF THE ACT AND THE CODE OF ETHICS**

**1. Section 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...*

- c. contravenes a code of ethics of the profession as established under the regulations;*  
*...whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of*

*the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.*

**2. Applicable Rules of the APEGA Code of Ethics**

- 1** *Professional engineers, geologists and geophysicists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.*
- 3** *Professional engineers, geologists and geophysicists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.*
- 5** *Professional engineers, geologists and geophysicists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.*

**E. RECOMMENDED ORDERS**

The following Orders have been agreed to by the Investigative Committee, Mr. Xingjian (Alex) Liu, E.I.T., and the Discipline Committee Case Manager. The Discipline Committee hereby orders that:

- 1. The circumstances of the case, including names, be published in *The PEG* magazine, in the e-PEG electronic newsletter, and on the APEGA website.
- 2. A record of the full case document will remain on the Member’s file at APEGA indefinitely.
- 3. Mr. Xingjian (Alex) Liu deliver letters of apology to each of the 9 companies identified as receiving a false resume, and provide the Discipline Committee with copies of the letters and proof of delivery to all 9 companies, within 30 days of being notified of the approval of this this Order by the Discipline Committee.
- 4. Mr. Xingjian (Alex) Liu achieve a passing grade on the National Professional Practice Exam (NPPE) within one (1) year from the date the Recommended Order is approved by the Discipline Committee.
- 5. Mr. Xingjian (Alex) Liu is prohibited from applying to be a Professional Member of APEGA before completing an additional 2 years of engineering work experience as an Engineer-in-Training (total of 6 years engineering work experience) under the direct supervision of a Professional Engineer, and not before complying with conditions (3) and (4) of this Order.

**Case No. 16-017-RDO** *continued*

6. Should the Member fail to comply with conditions (3) and (4) of this Order, he will be prohibited from applying to be a Professional Member of APEGA before completing an additional 1 year of engineering work experience as an Engineer-in-Training (total of 7 years engineering work experience) under the direct supervision of a Professional Engineer. If the non-compliance with conditions (3) and (4) of this Order continues through to expiry of the member's seventh year as an Engineer-in-Training, the member's APEGA membership will be cancelled.

I, Mr. Xingjian (Alex) Liu, acknowledge that before signing this Recommended Order, I consulted with legal counsel regarding my rights or that I am aware

of my right to consult legal counsel and that I hereby expressly waive my right to do so. I confirm that I agree to the facts and admissions as set out above in this Recommended Order, and that I am in agreement with the Orders that are jointly proposed.

IN WITNESS WHEREOF the undersigned agrees with the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct in its entirety.

**MR. XINGJIAN (ALEX) LIU, E.I.T.**

**KAREN deMONTARNAL, P.ENG.**

Panel Chair, APEGA Investigative Committee

***APEGA Discipline Committee***

*Approved this 20th day of December 2016*

*By Case Manager Doug Cox, P.Eng.*