



APEGA Recommended Discipline Order

APEGA members and permit holders are required to practise engineering and geoscience skillfully, ethically, and professionally. They must meet all prescribed requirements and follow all applicable legislation and regulations, such as the [Engineering and Geoscience Professions Act, General Regulation, Code of Ethics, and APEGA bylaws](#). Investigation and enforcement—followed by, when necessary, judgment based on a fair hearing of the facts—are requirements of ours in service to the public interest. For more information, please visit www.apega.ca/enforcement/discipline-decisions.

Date: March 14, 2022

Discipline Case Number: 22-001

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
[AN APEGA PERMIT HOLDER]**

Pursuant to the *Engineering and Geoscience Professions Act*,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of [AN APEGA PERMIT HOLDER]

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of [Name Withheld] (the Company) with respect to a complaint initiated by [Name Withheld] (the Complainant) dated May 27, 2021.

A. THE COMPLAINT

The Complainant filed a complaint alleging the Company engaged in unprofessional conduct and/or unskilled practice, as defined at section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*) in relation to the unauthorized use of the Complainant's professional engineering stamp and signature.

The Investigative Committee's investigation focused on the following allegation which can be summarized as follows:

Whether the Company failed to follow APEGA guidelines for stamping and signing of drawings in that, the Complainant, who no longer worked at the Company, became aware of/discovered a set of drawing(s) dated March 15, 2021, issued to a Company Client. This drawing was dated, affixed with the Complainant's stamp, and their signature.

The Investigative Committee investigated three other allegations outlined in the complaint. The Investigative Committee determined that there was insufficient evidence of unprofessional conduct and/or unskilled practice in relation to the other three allegations.



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B. AGREED STATEMENT OF FACTS

(i) Background:

1. The Company is an APEGA Permit Holder and is accordingly bound by the *EGP Act*.
2. The Company has been an APEGA permit holder since March 1, 2012. The Company is situated in Edmonton, Alberta, with offices located in British Columbia. The Company specialized in technical business/engineering services for power distribution, transportation, and infrastructure projects.
3. The Company cooperated with the APEGA investigation.

(ii) Facts Relating to the Allegation:

Whether the Company failed to follow APEGA guidelines for stamping and signing of drawings in that, the Complainant, who no longer worked at the Company, became aware of/discovered a set of drawing(s) dated March 15, 2021, issued to a Company Client. The drawing was dated, affixed with the Complainant's stamp, and their signature.

4. The Complainant, a professional engineer, was a co-owner of the Company. The Company began operations in 2012 and was sold in 2019 to [Name Withheld] (Owner #2). The Company continued to act as a permit holder.
5. In January of 2020, the Complainant changed their working status to that of a contractor, in an effort to reduce his workload and business responsibilities. The Complainant continued to cooperate with the transition until their departure from the Company on Sept. 30, 2020.
6. In May of 2021, the Complainant was contacted by a former client who believed the Complainant no longer worked with the Company. The former client asked the Complainant about a set of drawings concerning a street lighting plan for [Name Withheld] (Client Company). The drawings, dated March 15, 2021, contained the Complainant's stamp and signature.
7. The former client provided the Complainant a copy of the March 15, 2021, drawings depicting the Complainant's stamp and signature affixed to the 'Checker' requirement on the drawings.
8. The date of the drawings was approximately 6 months after the Complainant had left the Company. The Complainant had not worked on any design/engineering projects with the Company since their departure.



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9. When the Company was purchased by Owner #2 in 2019, the amalgamation included the revision/reorientation of some of the Company's old practices and policies in line with Owner #2's procedures.
10. When the Complainant notified the Company of the incident, the Company undertook its own investigation. The Company's investigation determined the stamp remained on its system from the Complainant's past projects; further, in some instances, the signed stamp resided as an image imbedded in AutoCAD files.
11. The Company investigation further determined a Company designer, a nonprofessional, has been directly approached by a client and the designer issued the drawings directly to that client based on "old practices".
12. The designer did not seek approval to issue the drawings, relying on the Company's previous business practices originating from when the Complainant has been an owner/director at the Company.
13. The Company acknowledges those practices were not in adherence to the Company's OQM program or PPMP, and that the drawings in question contravened, section 4.4.1 of the APEGA Authentication Standard dated January 2022, which came into force on Nov. 1, 2020. The Company has since taken measure to prevent this from happening in the future.
14. The Company accepts full responsibility for the improper revision and issuance of the drawing in question.

C. CONDUCT BY THE COMPANY

15. The Company freely and voluntarily admit that at all relevant times the Company was an APEGA permit holder and thereby bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.
16. The Company acknowledges and admits that its conduct, described in Section B of this Recommended Order, amounts to unprofessional conduct as defined in Section 44(1) of the *Act*: The Registrant freely and voluntarily admits that at all relevant times the Registrant was an APEGA Professional Member and was bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.



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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,

- (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 judgment 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.

17. The Company acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public, displays a lack of judgment in the practice of the profession, and contravenes the Code of Ethics as established under the regulations.

18. Further, the Company acknowledges that the conduct described above constitutes a breach of Rule #4 of the Code of Ethics, which states:

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

D. RECOMMENDED ORDERS

19. On the recommendation of the Investigative Committee, and by agreement of the Company with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

- a) The Company shall be reprimanded for their conduct and this order shall serve as the reprimand.



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- b. A Responsible Member on behalf of the Company, shall provide the Director, Enforcement, within 6 months of the date this order is approved by the Discipline Committee Case Manager, an amended Professional Practice Management Plan (PPMP) which is consistent with the current APEGA Practice Standard (Professional Practice Management Plan, Draft V02.5, August 2021).

The PPMP shall include:

- i. Quality control, assurance, and management procedures and/or processes of how professional work is being executed by the Company.

The PPMP shall also include:

- ii. Procedures and/or processes for Project Management.
- iii. Procedures and/or processes for Authentication of Professional Work Product.

These procedures and/or processes must conform to current APEGA standards, Bulletins and Guidelines as well as any Alberta codes or standards. Further, the Company shall provide written confirmation to the Director, Enforcement, within 12 months of the date this order is approved, that the Practice Review Board (PRB) has approved the amendments to the PPMP. Such approval shall include the Company implementing the PPMP and providing documentation that is satisfactory to the PRB to demonstrate their understanding of professional practice.

- c. A Responsible Member on behalf of the Company, shall provide written confirmation to the Director, Enforcement, within 12 months of the date this order is approved, of successful completion of a Practice Review by the Practice Review Board.
- d. If there are extenuating circumstances with relation to paragraph 19 (b) and (c) above, the Company may apply to the Director, Enforcement, for an extension prior to the noted deadlines. If such an application is made, the Company shall provide the Director, Enforcement, the reason for the request, a proposal to vary the schedule, and any other documentation requested by the Director, Enforcement. Failure to meet the noted deadlines within the timelines specified shall result in the Company being suspended from the practice of engineering until the requirements are met. If the requirements are not met within 6 months of the suspension date, the Company shall be cancelled.



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- e. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will not name the Company.
20. Although the Investigative Committee and the Company understand and acknowledge that APEGA's usual policy is to publish Recommended Discipline Orders in a manner that identifies the Company by name, the parties understand that the decision to publish with or without name is discretionary. The parties submit that publication without name is appropriate given the specific facts in this case:
- i. The admission by the Company of unprofessional conduct.
 - ii. The Company's cooperation with the investigation.
 - iii. The Committee's finding that the safety of the public was not an issue.

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

Signed,

[RESPONSIBLE MEMBER OF THE COMPANY]

MR. SHERMAN CHAN, P. Eng.
Panel Chair, APEGA Investigative Committee

MR. JOHN MCDONALD, P. Eng.
Case Manager, APEGA Discipline Committee

Date: March 14, 2022