



**RECOMMENDED ORDER
To The
DISCIPLINE COMMITTEE**

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

AND

IN THE MATTER OF THE CONDUCT OF

MR. MICHAEL R. RICHARDS, P.ENG.

&

RICHARDS CONSULTING
AND ASSOCIATES LTD.

APEGA Investigative Committee Recommended Order

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

and

**In the matter of the conduct of
Mr. MICHAEL R. RICHARDS, P.ENG.**

A. Complaints

1. With respect to violation of Rule of Conduct #1, contrary to Section 44(1) (b) of the Engineering and Geoscience Professions Act, there is no evidence that the health, welfare and safety of the public was put in jeopardy by the design work rendered by Mr. Richards.
2. The Member has engaged in unskilled practice that displayed a lack of knowledge or judgment, contrary to Section 44(1) (d) of the Engineering and Geoscience Professions Act ("Act") and Rule of Conduct #2 of the Code, in that he was the Registered Professional of record for the [REDACTED] Condominium Project. He assumed the responsibility to establish and monitor a schedule for the project, and was in part responsible for project delays resulting from his inadequate management of his client during the duration of the project.
3. With respect to violation of Rule of Conduct #3, contrary to Section 44 (1) (b) of the Engineering and Geoscience Professions Act, Mr. Richards lacked the knowledge and experience to properly do the work on a project of this type, yet represented to the client that he was capable. This resulted in no defined master project schedule from Mr. Richards or the Complainant to move the project forward, resulting in miscommunication between Mr. Richards and his client and unnecessary project delays.

B. Agreed Statement of Facts

As a result of the investigation, it is agreed by and between the Investigative Committee and Mr. Michael R. Richards, P.Eng., that:

1. Mr. Michael R. Richards, 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.
2. Richards Consulting and Associates Ltd., held a valid Permit to Practice at all relevant times and was bound by the Engineering and Geoscience Professions Act and the APEGA Code of Ethics.
3. Mr. Michael R. Richards, P.Eng., was engaged by [REDACTED], the owner of [REDACTED], to provide structural engineering services to the [REDACTED] Condominium Project located in, [REDACTED], Alberta.
4. [REDACTED] is a residential home builder, based in [REDACTED], Alberta. In 2009 his firm, [REDACTED], began planning for the construction of a [REDACTED] wood-frame condominium building in [REDACTED], Alberta. Mr. Mike Richards, P.Eng., of Richards Consulting & Associates Ltd., was engaged to provide the structural engineering for the project. This project was [REDACTED] first foray into the construction of structures outside of Part 9 of the Alberta Building Code.
5. [REDACTED] alleges that Mr. Richards misrepresented his experience and expertise with projects of this nature; that there were unreasonable delays in the provision of engineered designs; that he grossly over-designed the structure; and that he failed in his duties as the Coordinating Registered Professional for the project.
6. [REDACTED] reported the matter to APEGA for investigation.
7. An Investigative Panel conducted an interview of the Member. During the interview the Member freely acknowledged that:
 - a. He was the Responsible Member hired to provide the structural engineering for the project and provided [REDACTED] the Complainant, with a proposal for engineering services on April 4, 2011. Mr. Richards was aware that [REDACTED] had experience as a residential home builder but was not aware that this condominium project was his first endeavor into larger multi-family construction.
 - b. Mr. Richards knew that a Coordinating Registered Professional was required for the project but did not question [REDACTED] when he learned that [REDACTED] would be retaining all of the professionals independently. Mr. Richards and his associates all advised [REDACTED] of the requirement for a coordinating professional during the early stages of the project.

11. c) On or about June 20, 2012, Mr. Richards signed and sealed ABC Schedule A-1 with respect to this project fully assuming the role of Coordinating Registered Professional.

12. Mr. Richards signed the schedule in order to move the project forward, knowing that the town required the schedule to be signed in order to issue a building permit and knowing that [REDACTED] could not get anyone else to assume the responsibility. At this point the design of the project had advanced to a considerable degree without formal professional coordination.

13. There were numerous schedule delays for the project between May, 2012 and January 2013. The delays were in part due to many design changes provided to Mr. Richards by [REDACTED]. The changes made by [REDACTED] caused the architectural drawings to conflict with the design drawings, which caused further project delays. The changes resulted in cost overruns of the project and ultimately the project was never completed.

14. Richards Consulting and Associates was terminated from the project January 16, 2013.

15. Mr. Richards admitted he failed to assist [REDACTED] in developing a master schedule to establish a clear expectation for delivery of design documents, required dates for decisions by [REDACTED] and delivery of design information from other professionals required to inform his design.

C. Conduct

Mr. Michael R. Richards, P.Eng., has freely and voluntarily admitted that his conduct constitutes unprofessional conduct.

a) Mr. Michael R. Richards P. Eng., as one of the registered professionals retained by [REDACTED] in relation to the [REDACTED] Condominium Project failed to adequately inform [REDACTED] in writing at the onset of the project as to the required professional services for a project of this nature.

b) Mr. Michael R. Richards, P.Eng., assumed the responsibility of coordinating registered professional in or around mid- June, 2008. During the early stages of his duties as coordinating professional, Mr. Richards should have done more to establish and monitor a strict schedule with the client, which was required for a project of this nature.

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.

Rules #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.

Orders

On the recommendations of the Investigative Committee, and by agreement of Mr. Michael R. Richards, P. Eng., and Richards Consulting and Associates Ltd., with that recommendation, following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

1. Mr. Michael R. Richards and Richards Consulting and Associates Ltd., from the date of this order, shall provide to APEGA copies of transcripts, certificates or diplomas that verify his knowledge of structural engineering.
2. Mr. Michael R Richards, P. Eng., provide a list of projects successfully completed by him to corroborate his knowledge and experience in structural engineering.
3. Mr. Michael R Richards P. Eng., shall successfully complete a project management course, acceptable to the Investigative Panel within one year of the date of this order and;
4. The details of this matter will be published in the PEG magazine, with names.

APEGA Investigative Committee

[Redacted Signature]

Michael R. Richards, P.Eng.

APEGA Panel Committee

Approved this 9TH day of NOVEMBER, 2015

By: [Redacted Signature]
Panel Chair Philip Parker, P.Eng.

APEGA Discipline Committee

Approved this 8 day of JANUARY, 2016

By: [Redacted Signature]
Case Manager Don Morse, P.Eng.