



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: May 27, 2021

Discipline Case Number: 21-004

**IN THE MATTER OF A RECOMMENDED DISCIPLINE ORDER OF THE ASSOCIATION OF
PROFESSIONAL ENGINEERS AND GEOSCIENTISTS
OF ALBERTA**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of MR. MD MIZANUR RAHMAN, P. ENG.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (“APEGA”) has investigated the conduct of a Mr. Md Mizanur Rahman, P. Eng. (the “Registrant”) with respect to an allegation of unprofessional conduct and/or unskilled practice pursuant to Section 44(1) of the *Engineering and Geoscience Professions Act* (the “Act”).

A. Complaint

This investigation related to an allegation that the Registrant through his company, MR Engineering Ltd. (the “Permit Holder”), engaged in unprofessional conduct and/or unskilled practice of the profession with respect to a residential construction project in 2018/2019 and the Registrant’s tall wall designs.

In 2020, APEGA received a complaint from a professional engineer (the “Complainant”) reporting that they had been retained by the home builder for the project to review the Registrant’s tall wall designs.

The Investigative Committee expanded the investigation to assess examples of the Registrant’s previous tall wall design projects.

The Investigative Committee investigated the following allegations:

1. Whether the Registrant engaged in unprofessional conduct and/or unskilled practice by permitting staff to access and apply the Registrant’s electronic stamp and signature to professional documents (“Allegation #1”).



APEGA Recommended Discipline Order

2. Whether the Registrant's submitted examples of tall wall designs amounted to unprofessional conduct and/or unskilled practice ("Allegation #2").

B. Agreed Statement of Facts

(i) Background:

1. The Registrant holds a Bachelor of Science degree in civil engineering (Bangladesh University, 2001) and a Master of Science degree in civil engineering (University of Windsor, 2001).
2. The Registrant has been a member of APEGA since 2016.
3. The Registrant is the sole director for the Permit Holder, an APEGA permit holder since 2011, which offers services in the areas of civil, structural, electrical, and mechanical engineering.
4. The Registrant is the Responsible Member at the Permit Holder for Civil and Structural Engineering.
5. The Registrant was retained by an Edmonton home builder in 2018 to design two tall walls for a residential home in the Edmonton area (the "Project").
6. Following a concern raised by the Project's contractor, the Complainant was retained to provide a review of the Registrant's tall wall designs.
7. The Complainant discovered deficiencies during his review of the Registrant's tall wall design and reported them to APEGA.
8. Since October 19, 2020, the Registrant has voluntarily agreed not to practice structural engineering in the area of tall wall design until the conclusion of the APEGA discipline proceedings. Under the terms of a voluntary undertaking (the "Voluntary Undertaking"), the Registrant is permitted to hire an interim Responsible Member to take responsibility for any future tall wall design projects.

(ii) Facts Relating to Allegation #1:

Whether the Registrant engaged in unprofessional conduct and/or unskilled practice by permitting staff to access and apply the Registrant's electronic stamp and signature to professional documents.



APEGA Recommended Discipline Order

9. A designer employed by the Registrant (the “Designer”) completed changes to the tall walls in question.
10. The Designer did not provide the tall wall designs to the Registrant for final review.
11. The Registrant granted the Designer access to his electronic stamp and signature.
12. On November 21, 2018, the Designer applied the Registrant’s electronic stamp and signature to the tall wall designs in question and sent the documents to the client.
13. As per the *APEGA Practice Standard for Authenticating Professional Documents* (January 2013) which was in effect at the time the tall wall designs were authenticated, *“A professional member shall personally sign the document to which his or her stamp has been applied,”* and *“A professional member is responsible for maintaining custody and control of his or her stamp at all times.”*
14. As per the *APEGA Professional Practice Standard for Authenticating Professional Work Products* (July 2019), a Registrant must *“secure and store the physical or electronic stamp to prevent loss or use by anyone other than the professional named on the stamp. For digital authentication, which is a one-step process, licensed professionals must apply the digital signature themselves. The digital signature cannot be delegated, even to those under the licensed professional’s direct supervision and control.”*
15. As per the *APEGA Guideline for Ethical Practice* (February 2013), *“Professionals shall only stamp and sign reports, plans or documents that they have prepared or that have been prepared under their direct supervision and control. In the case of work prepared by others, they shall only stamp and sign after having thoroughly reviewed the work and accepted responsibility for it. As a matter of practice, professionals shall keep their stamps and seals under control.”*
16. As per section 54(2) of the *Engineering and Geoscience Professions General Regulation, Alta/Reg 150/1999*, *“No person shall permit a stamp or seal to be physically located in a manner that would allow its use by a person other than the professional member or licensee to whom it was issued.”*
17. The Registrant acknowledges that it was inappropriate to allow his staff to authenticate the tall wall designs and send them to the client without taking adequate steps to review the contents of the documents. The Registrant acknowledges that his conduct constituted both unprofessional conduct and unskilled practice.

(iii) Facts Relating to Allegation #2:



APEGA Recommended Discipline Order

Whether the Registrant's engineering, demonstrated in the provided examples of structural engineering, amounted to unprofessional conduct and / or unskilled practice of the profession.

18. The Registrant provided twelve examples of tall wall design for review.
19. The following deficiencies were detected in the Registrant's tall wall designs
 - i. Some columns and studs failed in detection, bending and/or shear;
 - ii. Unsupported hinge points were present;
 - iii. Incorrect wall heights were indicated;
 - iv. Key design elements were missing such as connection details to columns, headers and sill plates;
 - v. Some designs did not represent a true wall as they were missing foundation step downs which affect column design and connection.
20. The Registrant acknowledges that there were deficiencies in the designs that they provided to the Investigative Committee for review and that his conduct constitutes unskilled practice.

C. Conduct

21. The Registrant freely and voluntarily admits that at all relevant times they were a professional member of APEGA and was thus bound by the *Act* and the *APEGA Code of Ethics*.
22. The Registrant acknowledges that the conduct described above constitutes unprofessional conduct and unskilled practice as defined in Section 44(1) of the *Act*:

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 lack of skill or judgment in the practice of*



APEGA Recommended Discipline Order

- e) *the profession, or displays a lack of knowledge of 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.

23. The Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public and displays a lack of knowledge or lack of skill or judgment in the practice of the profession.
24. Further, the conduct described in Allegation #1 constitutes a breach of Rule #1 and #4 of the *Code of Ethics*, which state:
1. *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.*
 4. *Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.*
25. Further, the conduct described in Allegation #2 constitutes a breach of Rule #1 and #2 of the *Code of Ethics*, which state:
1. *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.*
 2. *Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.*

D. Recommended Orders

26. On the recommendation of the Investigative Committee, and by agreement of the Registrant with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:
- a) The Registrant shall receive a letter of reprimand, a copy of which will be maintained for one year in the Registrant's APEGA registration file.
 - b) The Registrant shall provide written confirmation to the Director,



APEGA Recommended Discipline Order

Enforcement, within thirty days of being notified that the Recommended Order has been approved, that they have reviewed *APEGA's Professional Practice Standard Authenticating Professional Work Products* (July 2019) and that they will comply with the requirements therein.

- c) The Registrant shall provide a copy of the Professional Practice Management Plan (PPMP) for the Permit Holder to the Director, Enforcement for review by the Director, Professional Practice within thirty days of being notified that the Recommended Order has been approved. The PPMP shall include a detailed process demonstrating adherence to *APEGA's Professional Practice Standard Authenticating Professional Work Products* (July 2019).
 - d) The Registrant will provide proof to the Director, Enforcement, within one year of being notified that the Recommended Order has been approved, that they have successfully completed the National Professional Practice Exam (NPPE). Costs associated with the NPPE shall be assumed by the Registrant.
 - e) The Registrant's practice shall continue to be restricted as per the Voluntary Undertaking (outlined above in paragraph 8) until the Registrant provides the Director, Enforcement, with proof that they have successfully completed the following:
 - i. An engineering course in structural analysis and design that is satisfactory to the Director, Enforcement, such as Design of Lightweight Wood Framed Lateral Load Structural Systems (Educational Programs Innovations Center (EPIC)).
 - f) Once the Registrant has provided proof that they have successfully completed the course referred to above at paragraph 26(e), all conditions of the Voluntary Undertaking will cease to be in effect.
 - g) This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.
27. If the Registrant fails to provide proof that they have completed the requirements in paragraph 26 above within the timelines specified, the Registrant shall be suspended from the practice of engineering until the Registrant has provided to the Director, Enforcement proof of successful completion.



APEGA Recommended Discipline Order

Signed,

Mr. Md Mizanur Rahman, P. Eng., P. Eng.

Allan Yucoco, P.L.(Eng.)
Investigation Panel Chair

Robert Swift, P.Eng.
Case Manager, APEGA Discipline Committee

Date: May 27, 2021