



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 22, 2023

Discipline Case Number: 23-005

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF WEIDONG (KEVIN) FU, P.GEOL.,
P.GEOPH**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of Weidong (Kevin) Fu, P.Geol., P.Geoph.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Weidong (Kevin) Fu, P.Geol., P.Geoph. (the “Registrant”) with respect to a complaint initiated by [Name Withheld] (“the Complainant”), on behalf of the APEGA Practice Review Board, dated December 3, 2021.

A. THE COMPLAINT

On December 3, 2021, APEGA Investigations received a complaint from APEGA Professional Practice on behalf of the Practice Review Board regarding an allegation of unprofessional conduct for Weidong (Kevin) Fu, P.Geol, P.Geoph.; Member ID 90060 (the “Registrant”). In the Letter of Complaint, the Practice Review Board (PRB) made a motion to submit a formal complaint to Investigations against the Registrant. Also provided along with the Letter of Complaint was a briefing note which alleges:

“... the Registrant authenticated a Professional Work Product (PWP) while under restricted status and that the Permit Holder – RockEast Energy Corp (Permit #15032) (the “Company” or “RockEast”) - demonstrated a lack of awareness of professional obligations.”

The Investigative Committee conducted an investigation with respect to the following allegations outlined in the Complaint:

1. Whether Weidong (Kevin) Fu, P.Geol., P.Geoph. demonstrated unskilled practice and/or unprofessional conduct through his authentication of two PWPs while on restricted status with APEGA.



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2. Whether Weidong (Kevin) Fu, P.Geol., P.Geoph. demonstrated unskilled practice and/or unprofessional conduct by displaying a lack of knowledge in the practice of the profession.

B. AGREED STATEMENT OF FACTS

As a result of the investigation, it is agreed by and between the Investigative Committee and the Registrant that:

(a) Background:

1. At all relevant times the Registrant was an APEGA Professional Member and was thus bound by the *Engineering and Geoscience Professions Act* and the *APEGA Code of Ethics*.
2. A practice review of RockEast was conducted.
3. The Registrant is the President and CEO of RockEast and is the APEGA COO for the permit.
4. The Registrant was struck for non-payment in 2017.
5. The Registrant applied for reinstatement in January 2020 and was reinstated with restricted status on August 6, 2020.
6. A letter regarding the reinstatement of the Registrant was sent to him on October 22, 2020.
7. The Registrant acknowledged with an email on October 28, 2020, that he had received the reinstatement approval letter from APEGA and that he would follow all requirements stated in the letter.
8. The restrictions were in place for one year until October 22, 2021.
9. Details of the restricted status:
 - a. Registrant not permitted to practice independently.
 - b. Registrant must practice under the supervision and control of a practicing Professional Geoscientist.
 - c. Registrant is not permitted to authenticate or validate PWPs.



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(i) Facts Relating to Allegation #1:

Whether the Registrant demonstrated unskilled practice and/or unprofessional conduct through his authentication of two PWP's while on restricted status with APEGA.

10. Originally obtained during the practice review of RockEast, the Complainant provided two PWP's authenticated by the Registrant on May 25, 2021, while the Registrant was on restricted status.

(ii) Facts Relating to Allegation #2:

Whether the Registrant demonstrated unskilled practice and/or unprofessional conduct by displaying a lack of knowledge in the practice of the profession.

11. There were two Responsible Members with the Company, both of whom were on restricted status. The Registrant was responsible for geoscience whereas the other individual was responsible for engineering.
12. There were two other individuals with the Company who can authenticate- one engineer and one geoscientist; However, they did not have stamps.
13. During the practice review, it was determined that several PWP's were not authenticated.
14. The stamp used by the Registrant appears to have been an embossed stamp which is no longer used. The new standard came out in July of 2019 and permit holders and individuals were given until November 1, 2020, to cease using the embossed stamp.

C. CONDUCT

15. With respect to Allegations 1 and 2, in correspondence with the Committee, the Registrant freely and voluntarily admits that not only did he authenticate two PWP's while on restricted status as outlined in the facts for Allegation 1, but also demonstrated a lack of knowledge in the practice of the profession as outlined in the facts for Allegation 2.
16. The Registrant acknowledges that the conduct described above constitutes unprofessional conduct.



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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 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. With respect to Allegation #1, the Registrant further acknowledges that the conduct described above breaches Rule of Conduct number 3 which states:

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

18. With respect to Allegation #1, the Registrant further acknowledges that the conduct described above breaches the *APEGA Guideline for Ethical Practice v2.2 (February 2013)*.

19. Section 2.2 of the *APEGA Guideline for Ethical Practice* (in force at the time of the contravention) provides a definition of the term Ethics:

- a. *“The word “ethics” comes from the Greek word “ethos” relating to the study of standards of right and wrong: that part of science and philosophy dealing with moral conduct, duty, and judgement. Ethics deals with voluntary actions taken by an individual with sufficient knowledge of the options available to him or her.”*



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20. In his authentication of two PWP's while on restricted status, the Registrant did not demonstrate sound judgement while having knowledge of the options available to him.
21. With respect to Allegation #2, the Registrant further admits to engaging in unprofessional conduct by having a lack of knowledge or judgement in the practice of the profession, as is outlined in section 44(1)(d) under point 16 above.

D. RECOMMENDED ORDERS:

22. 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 be reprimanded for his conduct and this order shall serve as the reprimand.
 - b) The Registrant shall pay a fine in the amount of \$1,000.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of the date this order is approved by the Discipline Committee Case Manager. Failure to pay the fine by the noted deadline will result in the Registrant being suspended from the practice of the profession until the Registrant has paid the fine (pursuant to Sec. 64(2) of *the Act*).
 - c) The Registrant shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation of successful completion of the National Professional Practice Exam (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
 - d) The Registrant shall provide written confirmation to the Director, Enforcement, within three (3) months of being notified that the Recommended Order has been approved by the Discipline Committee Case Manager, that he has reviewed the following APEGA publications, and that the Registrant will comply with the requirements therein:
 - i. Authenticating Professional Work Products Professional Practice Standard (Jan 1, 2022)
 - ii. Relying on the Work of Others and Outsourcing Professional Practice Standard (May 2021)



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- e) If there are extenuating circumstances, the Registrant may apply in writing to the Director, Enforcement, for an extension prior to the deadlines noted in Paragraph 22 b), c), and d). The approval for extending a deadline is at the discretion of the Director, Enforcement. If such an application is made, the Registrant shall provide the Director, Enforcement, the reason for the request, a proposal to vary the deadline, and any other documentation requested by the Director, Enforcement.
- f) This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

I, Weidong (Kevin) Fu, P.Geol., P.Geoph. acknowledge that before signing this Recommended Discipline 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 Discipline Order, and that I agree with the Orders that are jointly proposed.

Further to the above, I acknowledge that I have reviewed APEGA's "Good Standing Policy". I understand that I will not be considered to be a member "in good standing" until I have fully complied with the Orders set out above, and I understand that good standing status may affect membership rights or benefits, the ability to become a Responsible Member, or the ability to volunteer with APEGA in any capacity.

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

Signed,

WEIDONG (KEVIN) FU, P.Geol., P.Geoph.

GREG MEYERS, P.Eng.
Panel Chair, APEGA Investigative Committee

DIANA PURDY, P.Geol.
Case Manager, APEGA Discipline Committee

Date: March 22, 2023