



# **APEGA 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. Bill Kazoleas, P.Eng.

Registrant No. 54278

IC File: 23-25

# **APEGA 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. Bill Kazoleas, P.Eng.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Mr. Bill Kazoleas, P.Eng. (the Registrant) with respect to a complaint initiated by [REDACTED] (the Complainant).

## **A. Complaint**

The Complainant filed a complaint alleging the Registrant engaged in unskilled practice and unprofessional conduct as defined at Section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*) with respect to the Registrant's professional work on a warehouse building project in Grande Prairie, Alberta, in 2015 and 2016.

The Investigative Committee's investigation focused on the following allegation:

Whether the Registrant acted in an unprofessional and /or unskilled manner in his role as the coordinating registered professional assuming responsibility for architecture, geotechnical engineering, structural engineering, and mechanical engineering, relative to the [REDACTED] building project (the project).

## **B. Agreed Statement of Facts**

### **(i) Background:**

- C. The Registrant holds a bachelor of science degree in mechanical engineering from the University of Alberta (1992).
- D. The Registrant practices engineering as a sole proprietorship.
- E. The Registrant has held intermittent membership with APEGA since 2005. His most recent APEGA membership commenced in 2020.
- F. The Registrant passed the Professional Practice Examination in 1995.
- G. The Registrant cooperated with the APEGA investigation.

**(ii) Facts Relating to the Allegation:**

Whether the Registrant acted in an unprofessional and/or unskilled manner in his role as the coordinating registered professional assuming responsibility for architecture, geotechnical engineering, structural engineering , and mechanical engineering, relative to [REDACTED] building project (the project).

6. The APEGA investigation has relied upon incomplete documents and professional work products due to the Registrant losing his documents because of a home computer crash and the County of Grande Prairie, the Authority Having Jurisdiction (AHJ), losing documents because of a computer network outage. As such, some dates noted below are approximations.
7. In 2016, the Registrant was retained by a general contractor (now deceased) based out of Whitecourt, Alberta, to act in the role of the coordinating registered professional for a combined office and tank truck servicing shop being constructed in the County of Grande Prairie.
8. The Registrant and the general contractor had previously worked together on other building projects in the Whitecourt, Alberta area.
9. In addition to being the coordinating registered professional for the project, the Registrant was also the registered professional assuming responsibility for architecture, geotechnical engineering, and structural engineering. The Registrant would later be asked by the general contractor to assume professional responsibility for the mechanical engineering components on the project (see below).
10. According to the Registrant, sometime in early 2016, and while construction was underway, the general contractor “begged” the Registrant to also take responsibility for the mechanical engineering components of the project. According to the Registrant, the general contractor told him that the original mechanical engineer of record had stopped working on the mechanical components of the project due to a financial dispute, and he now needed a mechanical engineer for the project.
11. The AHJ was in possession of an 18-page mechanical design package that had been authenticated and issued for construction in July 2015, by the original mechanical engineer. The designs also contained the corporate information and corporate markings identifying the original mechanical engineer’s company (an APEGA Permit Holder).
12. The Registrant agreed to the general contractor’s request to assume the role of the mechanical engineer of record for the project.
13. The general contractor provided the Registrant with a copy of the mechanical designs for the project. The mechanical designs received by the Registrant did not contain the seal of the original mechanical designs. However each page of the design package did contain the corporate information and corporate markings identifying the original mechanical engineer’s company.

14. The general contractor told the Registrant that he had permission to use the mechanical designs and permission to share the mechanical designs with the Registrant.
15. The Registrant placed his own professional stamp and signature on each page of the mechanical design package.
16. The Registrant did not consult with or obtain permission from the original mechanical engineer to use the designs in question.
17. Sometime in early 2016, the Registrant authenticated and submitted the following building schedules to the AHJ, back-dating them to January 15, 2016:
  - A-2, Confirmation of Commitment by Owner and by Registered Professional of Record for architectural, structural, geotechnical, **and mechanical** (bold emphasis added);
  - B-1, Letter of Commitment by the Registered Professional of Record for architectural, structural, geotechnical **and mechanical; and**
  - B-2, Summary of Design and Field Review Requirements for architectural, structural, geotechnical, **and mechanical**.
18. Sometime in April 2016, the Registrant conducted a field review. As noted above, the Registrant suffered a computer crash and reportedly lost all information relating to the project. The Registrant relied on his memory to advise that his field review lasted approximately one hour and that he was accompanied by a 6-year-old family member.
19. On April 15, 2016, the Registrant authenticated and submitted the following building schedules to the AHJ:
  - C-1, Assurance of Compliance Coordinating Registered Professional; and
  - C-2, Assurance of Professional Field Review and Compliance pertaining to architectural, structural, geotechnical, and mechanical (as per the Registrant's previously submitted A-1, B-1, and B-2).
20. Sometime in early May 2016, the AHJ alerted the original mechanical engineer of record that it was now in receipt of two sets of authenticated mechanical drawings for the project: one set authenticated by the original mechanical engineer of record and one set authenticated by the Registrant.
21. The Registrant was then contacted by telephone by the original mechanical engineer of record inquiring as to the unauthorized use of his mechanical designs by the Registrant. The Registrant expressed regret to the original mechanical engineer of record and explained that he believed the general contractor had obtained permission from the original mechanical engineer of record for the Registrant to use and re-authenticate.
22. On May 17, 2016, the Registrant submitted a letter to the AHJ requesting that his previously submitted building schedules relating to mechanical engineering be retracted.

23. The original mechanical engineer of record told APEGA that he did not return to the role of mechanical engineer and tacitly allowed the Registrant to use his designs.
24. In August 2016, the AHJ conducted a final site inspection and approved the building for occupancy.
25. In 2023, the [REDACTED] building was sold and the new buyer retained the services of a Grande Prairie-based building contractor (the Complainant) to construct an addition to the existing office and to assess the overall integrity of the shop and office.
26. In July 2023, the Complainant conducted site visits and discovered the following: non-continuous stairway handrails, office furnaces installed above suspended ceilings without proper ventilation, and non-fire-rated mechanical and fire pump rooms.
27. The above deficiencies were a direct result of the Registrant's failure to conduct a proper field review.
28. The Registrant, as the coordinating registered professional and professional of record for architectural, structural, geotechnical, and mechanical, also failed to ensure that a professional engineer was involved in the fire sprinkler system design.
29. The Registrant admits that the conduct described above constitutes unskilled practice of the profession and unprofessional conduct.

### **C. Conduct by the Registrant**

30. The Registrant freely and voluntarily admits that at all relevant times the Registrant was a professional member of APEGA and was thus bound by the *EGP Act* and the *APEGA Code of Ethics*.
31. The Registrant acknowledges and admits that the conduct described in the allegation amounts to unskilled practice of the profession and unprofessional conduct as defined in Section 44(1) of the *EGP 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 judgement in the practice of the profession, or
  - e) displays a lack of knowledge of or lack of skill or judgement 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.

32. The Registrant acknowledges that the conduct described above is in contravention of Section 44(1) (a) through (e) of the *EGP Act*.

33. The Registrant admits that his conduct was also contrary to Rules of Conduct 1, 3, 4, and 5 of the *APEGA 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.*

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

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

5. *Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.*

34. The Registrant also admits that his conduct was also contrary to the following *APEGA* practice standard and guideline:

*Practice Standard for Authenticating Professional Documents* (January 2013), which states in part:

Section 4.3: Copyright in a professional document belongs to the author. Professional members must not use someone else's document from a completed project as the basis for a new project without the consent of the author.

*Guideline for Ethical Practice* (February 2013), which states in part:

Section 4.5.2: Conduct towards all others in the practice of the profession, including other professional engineers and geoscientists should be courteous, fair, and in good faith.

Section 4.5.3: Professional engineers and geoscientists are entitled to review and evaluate the work of other professionals when so required by their employment duties. When asked to review the work of another professional, it is normal courtesy and a required obligation to contact and advise that professional accordingly. Open communication should exist between the two professionals so that the reviewing professional understands underlying assumptions and so

that the professional being reviewed has an opportunity to respond to any comments or criticisms.

Clients sometimes request that a review of another professional's work be done without the other professional's knowledge. Except in situations where a duty of confidentiality to the client reasonably takes precedence over the duty of courtesy to a fellow professional, the client should be advised that his or her request for secrecy runs contrary to APEGA's Code of Ethics, and so cannot be granted. It is then the client's choice whether to proceed openly, or not at all.

35. The Registrant also admits that his conduct was contrary to the following sections of the Alberta Building Code (2006), in effect at the time of the project in question:

Article 2.4.3.2., Division C:

Authority Having Jurisdiction:

Before issuing an occupancy permit or giving permission to occupy, the authority having jurisdiction shall receive assurance in the form set out in Schedule C-1 from the coordinating registered professional that the building or portion of the building to be occupied substantially complies with the requirements of this Code.

Article 2.4.4.1., Division C:

Registered Professional:

1. The coordinating registered professional for the project shall ensure that:
  - a. the design requirements are coordinated and comply with the requirements of this Code,
  - b. any corrective actions taken as a result of a field review are recorded and available to the authority having jurisdiction on their request, and
  - c. the authority having jurisdiction is provided with a letter in the form set out in Schedule C-1 stating that the project for which registered professionals were retained substantially complies with this Code.
2. A registered professional of record shall:
  - a. sign and seal the drawings required in support of the building permit application,
  - b. ensure that drawings comply with the requirements of this Code,

- c. ensure that field reviews that are necessary to comply with Clause (b) are completed, and
- d. provide a letter to the coordinating registered professional in the form set out in Schedule C-2 stating that components of the project for which the registered professional is responsible are constructed so as to substantially comply with:
  - i. the plans and supporting documents, and
  - ii. the requirements of this Code.

#### **D. Recommended Orders**

36. On the recommendation of the Investigative Committee, and by agreement of the Registrant, 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 provide written confirmation to the Discipline Manager within six 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:
  - *Ethical Practice* guideline (August 2022);
  - *Field Reviews of Engineering and Geoscience Work* guideline (August 2022);
  - *Authentication Requirements for As-Built, Record, and As-Acquired Drawings* practice bulletin (February 2023);
  - *Authenticating Professional Work Products* standard (January 2022);

And that the Registrant will comply with the requirements therein.

- c. The Registrant shall provide the Discipline Manager within twelve (12) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation/proof of successful completion (passing grade) of one (1) of the following courses offered online through EPIC Education Program Innovations Center (EPIC):
  - Ensuring compliance with the National Building Code offered in June 2024; or
  - Ensuring compliance with Part 3 (Large Buildings) of the National Building Code offered in September 2024; or



- Ensuring compliance with Part 9 (Small Buildings) of the National Building Code offered in September 2024.

And complete the following course offered online through EPIC:

- Ethics and Integrity in Construction offered in June 2024.

If the above noted courses are no longer available on approval of this Order, at the discretion of the Discipline Manager other post-secondary courses in ensuring compliance with the National Building Code and a course in ethics may be substituted. The Registrant shall be responsible for all costs associated with completing the course.

- d. The Registrant shall provide the Discipline Manager, within twelve (12) months of the date this Order is approved by the Discipline Committee Case Manager, written confirmation/proof of successful completion (a passing grade) of the National Professional Practice Exam (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
- e. The Registrant shall pay a fine in the amount of \$2,500.00. The fine is 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.
- f. If there are extenuating circumstances, the Registrant may apply in writing to the Discipline Manager for an extension prior to the deadlines noted above. The approval for extending a deadline is at the discretion of the Discipline Manager. If such an application is made, the Registrant shall provide the Discipline Manager the reason for the request, a proposal to vary the deadline, and any other documentation requested by the Discipline Manager.
- g. If the Registrant fails to provide the Discipline Manager with proof that they have completed the requirements noted above within the timelines specified or any extended timeline granted, the Registrant shall be suspended from the practice of engineering for a minimum of 30 days. If the non-monetary requirements are not completed within 6 months of the suspension date, the Registrant shall be cancelled. In the event of cancellation, the Registrant will be bound by APEGA's reinstatement policy.
- h. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

I, Mr. Bill Kazoleas, P.Eng., 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 as set out above in this Recommended Order and the admissions set out in Section C, and that I agree with the Orders in Section D 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.

Further to the above, I acknowledge that a copy of this Order and my identity shall be provided to the APEGA Practice Review Board.

IN WITNESS WHEREOF the undersigned agrees with the Agreed Statement of Facts and Acknowledgment of unskilled practice and unprofessional conduct in its entirety.

**Bill Kazoleas, P.Eng.**  
Signed with ConsignO Cloud (2024/04/02)  
Verify with verifio.com or Adobe Reader. 

**Mr. Bill Kazoleas, P.Eng.**

**Jim Murphy, P.Eng.**  
Signed with ConsignO Cloud (2024/04/02)  
Verify with verifio.com or Adobe Reader. 

**Mr. Jim Murphy, P.Eng. (Panel Chair)**  
**APEGA Investigative Committee**

**APEGA Discipline Committee**

Approved this <sup>May</sup><sub>17</sub> day of <sup>May 17</sup><sub>2024</sub>, 2024.

**John Van der Put**  
Signed with ConsignO Cloud (2024/05/17)  
Verify with verifio.com or Adobe Reader. 

Case Manager