



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

Terry Colosimo

Cancelled Registrant: #38518.
Investigation Case #2024-19

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
Terry Colosimo, #38518

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Terry Colosimo (the Cancelled Registrant/Registrant) with respect to a Complaint initiated by [REDACTED] (the Complainant/SCO), dated May 9, 2024 (the Complaint).

A. The Complaint

The Complainant filed a complaint alleging that the Cancelled Registrant engaged in 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 Cancelled Registrant's conduct by practising engineering in the Province of Alberta without regulatory authority to do so.

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

'Whether the Cancelled Registrant engaged in unprofessional conduct by practising engineering (specifically, stamping structural drawings) while unlicensed/not registered with APEGA.'

B. Agreed Statement of Facts:

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

(i) Background:

- C. On December 7, 2023, the Registrant was cancelled by APEGA for failing to file an Annual Declaration, unpaid dues, and Continuing Professional Development (CPD) non-compliance.
- D. The Cancelled Registrant commenced his career as a professional engineer with APEGA on November 13, 1984, and since then, has been a member in good standing.

3. The Cancelled Registrant completed his B.Eng. degree in civil engineering in 1982.
4. The Cancelled Registrant was bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics during the relevant time.
5. The Cancelled Registrant cooperated with the investigation.
6. The Complainant is employed [REDACTED] [REDACTED] and was facilitating his duties as a safety codes officer at the relevant time.
7. **Facts Relating to the Allegation:**
 7. The Registrant planned to retire at end of 2023 and allowed his license to expire. The Registrant was formally cancelled by APEGA on December 7, 2023, for unpaid dues, failing to file an annual declaration, and non-compliance with CPD requirements.
 8. The Cancelled Registrant was approached by a client (client/applicant) to provide structural engineering services in April 2024. The Cancelled Registrant failed to disclose to this client that he was cancelled/unlicensed. Rather than declining the work, on April 4, 2024, the Cancelled Registrant authenticated a Professional Work Product (PWP) for the foundation design of the client's residential two-bay garage.
 9. On May 7, 2024, the Complainant, an SCO [REDACTED] in reviewing the plans from the respective applicant for a building permit application dated April 8, 2024, noted concerns with the authentication on the PWP in that it was not dated and had no permit stamp (Note: The Cancelled Registrant, as a sole proprietor, did not require a permit to practice stamp).
 10. The Complainant, unable to confirm a valid licence to practice on the APEGA public member Directory, inquired directly with APEGA and learned the Registrant was cancelled in Dec 2023 prior to authenticating the garage foundation drawings.
 11. The Complainant's supervisor [REDACTED] contacted the Cancelled Registrant to discuss their concerns. The Cancelled Registrant acknowledged that he authenticated the PWP while cancelled. The Cancelled Registrant confirmed his intention to notify the affected client/applicant and refund their money.
 12. The Cancelled Registrant also admits the authentication of the clients PWP was contrary to the current authentication standard as it was not dated.

13. On May 9, 2024, the Complainant formally made a complaint to APEGA.
14. The Cancelled Registrant admits that his unlicensed practice with respect to the complaint constitutes unprofessional conduct.
15. The Cancelled Registrant also freely disclosed/admits that he authenticated nine additional structural PWP's while cancelled (between January 2024 to April 2024) and that this constitutes unprofessional conduct.
16. The Cancelled registrant confirmed he notified the affected clients including the client subject of the Complainant's concerns, explained that he was not authorized/licensed to perform the work, and to mitigate the unlicensed authentications, he refunded their fees where applicable.
17. The Cancelled Registrant assisted the clients with finding other licensed engineers to properly authenticate the PWP's for their respective projects.
18. The Cancelled Registrant regrets his decision to knowingly engage in unlicensed practice.
19. The Cancelled Registrant's intention is to seek reinstatement with APEGA, and the reinstatement process is ongoing.

C. Conduct by the Registrant:

20. The Cancelled Registrant freely and voluntarily admits that at all relevant times the Cancelled Registrant was bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.
21. The Cancelled Registrant acknowledge that the conduct described above constitutes unprofessional conduct 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 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.

The Rules of Conduct of the APEGA Code of Ethics 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.
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 honor, dignity, and reputation of their professions and thus the ability of the professions to serve the public interest.

22. The Cancelled Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public and contravenes the Code of Ethics as established under the regulations.

23. Further, the Cancelled Registrant acknowledges that the conduct described above constitutes a breach of Rules of Conduct 3,4 and 5.

D. Recommended Order with respect to the Registrant:

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

- a. The Cancelled Registrant shall be reprimanded for their conduct and this order shall serve as the reprimand.
- b. The Cancelled Registrant shall pay a fine of \$2500.00. 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.
- c. The Cancelled 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 of the following training:

- i. The APEGA 'Ethical Practice Self-Directed Learning Module', available on myAPEGA.
- d. The Cancelled Registrant shall provide the Discipline Manager, within six (6) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation that they have reviewed the following APEGA publication(s) and that the Cancelled Registrant will comply with the requirements therein:
 - i. *Authenticating Professional Work Products* standard (Jan 1, 2022).
 - ii. *Ethical Practice Professional Practice* guideline (August 2022).
- di. If there are extenuating circumstances, the Cancelled Registrant may apply to the Discipline Manager, for an extension prior to the noted deadlines. If such an application is made, the Cancelled Registrant shall provide the Discipline Manager, the reason for the request, a proposal to vary the schedule, and any other documentation requested by the Discipline Manager.
- dii. If the Cancelled 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 Cancelled Registrant shall be suspended from the practice of engineering for a minimum of thirty (30) days. If the non-monetary requirements in this Order are not completed within six (6) months of the suspension date, the Cancelled Registrant shall be cancelled. In the event of cancellation, the Cancelled Registrant will be bound by APEGA's reinstatement policy.
- diii. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Cancelled Registrant.


I, Terry Colosimo, 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 a copy of this Order and my identity will be disseminated to all provincial and territorial engineering and geoscience regulators in Canada.


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

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, 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.

Terry Colosimo
Signed with ConsignO Cloud (2024/08/29)
Verify with verifio.com or Adobe Reader.


Terry Colosimo (#38518)

Kevin Willis, P.Eng.
Signed with ConsignO Cloud (2024/08/29)
Verify with verifio.com or Adobe Reader.


Kevin Willis, P. Eng. (Panel Chair)
APEGA Investigative Committee

Francis Weston
Signed with ConsignO Cloud (2024/10/17)
Verify with verifio.com or Adobe Reader.


APEGA Discipline Committee
Case Manager Name

October 17, 2024