



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

Julio Garcia, P.Eng.

And

J.Starr Engineering Inc.

Registrant No. 70890

Permit No. 12165

IC Files: 24-12

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
Julio Garcia, P.Eng.
and J.Starr Engineering Inc.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Julio Garcia, P.Eng., (the Registrant) and his company, J.Starr Engineering Inc., (the Permit Holder) with respect to a complaint initiated by [REDACTED] P.Eng.

A. Complaint

The Complainant filed a complaint alleging that the Registrant and the Permit Holder engaged in unprofessional conduct and / or unskilled practice as defined at Section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (EGP Act) with respect to removing the Complainant's professional engineering stamp and permit to practice stamp from the Complainant's authenticated and validated mechanical and electrical drawings, which had been 'Issued for Building Permit', without the Complainant's knowledge or consent. It is further alleged that the Registrant then replaced the Complainant's stamp with the Registrant's professional engineering stamp and the Permit Holder's permit to practice stamp, and then re-issued the drawings with modifications.

The investigation focused on the following allegations:

1. Whether the Registrant and the Permit Holder, improperly:
 - a. removed the Complainant's professional stamp and permit to practice stamp from the Complainant's 'Issued for Building Permit' electrical and mechanical drawings and replaced them with his own professional stamp and permit to practice stamp, without the Complainant's knowledge and consent;
 - b. notified the authority having jurisdiction (AHJ), the City of Edmonton, that he was replacing the Complainant as the engineer of record for electrical and mechanical components of the project; and

- c. submitted the electrical and mechanical drawings to the AHJ which contained the corporate markings of the Complainant's company.
2. Whether the Registrant and the Permit Holder improperly removed steam humidifiers specified in the Complainant's mechanical drawings, contrary to Canadian Standards Association (CSA) Z317.2-10, 6.8.1.4.
3. Whether the Registrant and the Permit Holder acted unprofessionally by failing to respond to the Complainant's letter of March 4, 2024, inquiring as to the Registrant's use of the Complainant's electrical and mechanical drawings.

B. Agreed Statement of Facts

(i) Background:

- C. The Registrant has been registered with APEGA since 2005.
- D. The Registrant established a consulting engineering company (the Permit Holder) in 2013.
- E. The Permit Holder has been registered with APEGA since 2013.
- F. The Registrant holds a B.Sc. in mechanical engineering from the University of Alberta (2002).
- G. The Registrant and Permit Holder have cooperated with the investigation.

(ii) Facts Relating to Allegation 1:

Whether the Registrant and the Permit Holder, improperly:

- a. removed the Complainant's professional stamp and permit to practice stamp from the Complainant's 'Issued for Building Permit' electrical and mechanical drawings and replaced them with his own professional stamp and permit to practice stamp, without the Complainant's knowledge and consent;
 - b. notified the authority having jurisdiction (AHJ), the City of Edmonton, that he was replacing the Complainant as the engineer of record for electrical and mechanical components of the project; and
 - c. submitted the electrical and mechanical drawings to the AHJ which contained the corporate markings of the Complainant's company.
6. In 2023, a physiotherapy clinic was being proposed as a new tenant fit up project for a building in Edmonton, Alberta.
7. The Complainant was retained by the prime consultant for the project in 2023 to act as the engineer of record for the disciplines of mechanical and electrical engineering.

8. The Complainant authenticated and validated mechanical and electrical drawings in June and August 2023. These drawings were submitted to the AHJ in 2023 for the purpose of obtaining a building permit.
9. Throughout 2023 and early 2024, construction of the physiotherapy clinic occurred.
10. In February 2024, the owners of the physiotherapy clinic and the general contractor requested that the Complainant remove the requirement for steam humidification from his drawings.
11. The Complainant told the owners of the project that his research into steam humidification for physiotherapy clinics had led him to the following conclusions:
 - a. Physiotherapy clinics are considered health care facilities;
 - b. The National Building Code, Alberta Edition 2019, references CAN / CSA (Canadian Standards Association) and special requirements of heating, ventilation, and air-conditioning systems in health care facilities; and
 - c. CSA-Z317.2-10, Section 6.8.1.4 states that 'humidity shall be provided by steam humidifiers.'
12. The general contractor, who was under contract to the owners of the project, did not agree with the Complainant's position relative to steam humidification.
13. In February 2024, the general contractor retained the Registrant and Permit Holder to find an alternative solution to steam humidification.
14. The general contractor provided the Registrant and Permit Holder with copies of the Complainant's authenticated and validated mechanical and electrical drawings.
15. The Registrant and Permit Holder removed the Complainant's professional engineering stamp and permit to practice stamp from all pages of the mechanical and electrical engineering drawing package without the Complainant's knowledge or consent.
16. The Registrant and Permit Holder modified the Complainant's drawings to reflect the removal of the specified steam humidifiers.
17. The Registrant and Permit Holder authenticated and validated all pages of the mechanical and electrical drawing package.
18. The Registrant and Permit Holder submitted the mechanical and electrical drawing package to the AHJ.
19. The Complainant was advised of the Registrant and Permit Holder's actions by a third party (the prime consultant).
20. Section 4.5.3 of APEGA's *Ethical Practice* guideline (August 2022) states the following:

"Conduct towards anyone in the practices of the professions should be respectful, courteous, fair, and in good faith. To maliciously or frivolously injure the character of the business prospects of another licensed professional or any other person risks a civil suit and serious disciplinary action by APEGA."

"A licensed professional or member-in-training should not call into question the professional conduct or technical competence of another licensed professional or member-in-training without first consulting that individual to attempt to determine the relevant facts. If a licensed professional or member-in-training determines or has reasonable and probable grounds to believe the professional conduct or technical competence of another is in serious question, they have a clear and definite duty to inform APEGA accordingly."

21. Section 4.5.4 of APEGA's *Ethical Practice* guideline (August 2022) states the following:

"Before questioning the work of another licensed professional in such a way that the professional conduct or technical competence of that individual is called into doubt, the reviewer should be fully aware of all relevant information. This may require communicating with the individual."

"Licensed professionals are entitled to review and evaluate the work of other licensed professionals when so required by their employment duties. When asked to review the work of another licensed professional, it is a normal courtesy and a required obligation to contact and advise that individual. If the individual cannot be contacted, documentation indicating attempts were made should be kept. Open communication should exist between the two licensed professionals so the reviewing licensed professional understands underlying assumptions and the licensed professional being reviewed has an opportunity to respond to any comments or criticisms."

22. The Registrant and Permit Holder admit that the conduct described above is contrary to APEGA's *Ethical Practice* guideline.
23. The Registrant and Permit Holder admit that the conduct described above constitutes unprofessional conduct.

(iii) Facts Relating to Allegation 2:

Whether the Registrant and the Permit Holder improperly removed steam humidifiers specified in the Complainant's mechanical drawings, contrary to Canadian Standards Association (CSA) Z317.2-10, 6.8.1.4.

24. In February 2024, the Registrant and Permit Holder were retained by the general contractor for the project in question.
25. In February 2024, the general contractor provided the Registrant and Permit Holder with copies of the Complainant's authenticated and validated mechanical and electrical drawings.
26. The Registrant and Permit Holder conducted a review of the Complainant's drawings as well as an assessment of the Complainant's position that steam humidification for the project in question was a National Building Code, Alberta Edition (2019), CSA-Z317.2-10, Section 6.8.1.4, requirement.

27. In February 2024, the Registrant and Permit Holder removed the requirement for steam humidification specified in the Complainant's drawings and re-issued the mechanical and electrical drawings bearing his own professional stamp and permit to practice stamp.
28. The Registrant and Permit Holder admit that the conduct described above is contrary to the National Building Code, Alberta Edition (2019), CSA-Z317.2-10, Section 6.8.1.4.
29. The Registrant and Permit Holder admit that the conduct described above constitutes unprofessional conduct and/or unskilled practice.

(iv) Facts Relating to Allegation 3:

Whether the Registrant and the Permit Holder acted unprofessionally by failing to respond to the Complainant's letter of March 4, 2024, inquiring as to the Registrant's use of the Complainant's electrical and mechanical drawings.

30. Upon discovery by the Complainant that his authenticated and validated mechanical and electrical drawings had been used by the Registrant and Permit Holder as described above in allegations 1 and 2, on March 4, 2024, the Complainant sent the Registrant and Permit Holder a letter requesting an explanation.
31. The Registrant and Permit Holder did not respond to the Complainant's letter.
32. Section 4.5.4 of APEGA's *Ethical Practice* guideline (August 2022) states the following:

“Before questioning the work of another licensed professional in such a way that the professional conduct or technical competence of that individual is called into doubt, the reviewer should be fully aware of all relevant information. This may require communicating with the individual.”

“Licensed professionals are entitled to review and evaluate the work of other licensed professionals when so required by their employment duties. When asked to review the work of another licensed professional, it is a normal courtesy and a required obligation to contact and advise that individual. If the individual cannot be contacted, documentation indicating attempts were made should be kept. Open communication should exist between the two licensed professionals so the reviewing licensed professional understands underlying assumptions and the licensed professional being reviewed has an opportunity to respond to any comments or criticisms.”
33. The Registrant and Permit Holder admit that the conduct described above is contrary to APEGA's *Ethical Practice* guideline.

34. The Registrant and Permit Holder admit that the conduct described above constitutes unprofessional conduct.

C. Conduct by the Registrant and Permit Holder

35. The Registrant and Permit Holder freely and voluntarily admits that at all relevant times the Registrant was registered with APEGA and was thus bound by the EGPAct and the APEGA Code of Ethics.
36. The Registrant and Permit Holder acknowledge and admit that the conduct described in the allegations amounts to 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.

37. The Registrant and Permit Holder acknowledge that the conduct described above is conduct that contravenes a code of ethics of the profession, harms or tends to harm the standing of the profession generally, and 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.
38. The Registrant and Permit Holder admit that their conduct was also contrary to Rules of Conduct 3, 4 and 5 of the APEGA Code of Ethics, which state:
- 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.*

39. The Registrant and Permit Holder admit that their conduct was also contrary to APEGA's *Ethical Practice* guideline.

D. Recommended Orders

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

- a. The Registrant and Permit Holder shall be reprimanded for their conduct and this Order shall serve as the reprimand.
- b. The Registrant and Permit Holder shall pay a fine in the amount of \$1000.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of being notified that the Recommended Order has been approved by the Discipline Committee Case Manager.
- c. The Registrant shall provide the Discipline Manager, within twelve (12) months of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation / proof of successful completion (passing grade) of the National Professional Practice Examination (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
- d. 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.
- e. 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 the Registrant is cancelled, they will be bound by APEGA's reinstatement policy.
- f. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

I, Julio Garcia, 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 B, and that I agree with the Orders in Section D 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 I have reviewed APEGA's Good Standing Policy. I understand that I will not be considered to be 'in good standing' until I have fully complied with the Orders set out above and I understand that 'good standing' status may affect my membership rights or benefits, including 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 Unprofessional Conduct and Unskilled Practice in its entirety.

Julio Garcia, P.Eng.
Signed with ConsignO Cloud (2025/01/24)
Verify with verifio.com or Adobe Reader.



Julio Garcia, P.Eng.

Julio Garcia, P.Eng.
Signed with ConsignO Cloud (2025/01/28)
Verify with verifio.com or Adobe Reader.



Julio Garcia, P.Eng., on behalf of J.Starr Engineering Inc.

Roy Sudipto, P.Eng.
Signed with ConsignO Cloud (2025/01/28)
Verify with verifio.com or Adobe Reader.



**Roy Sudipto, P. Eng., (Panel Chair)
APEGA Investigative Committee**

APEGA Discipline Committee

Approved this 07 day of 03, 2025.

Maliha Zaman
Signed with ConsignO Cloud (2025/03/07)
Verify with verifio.com or Adobe Reader.



By: _____

Case Manager