
Date: March 18, 2016

Case No.: 16-008-RDO

**IN THE MATTER OF THE ENGINEERING,
AND GEOSCIENCE PROFESSIONS ACT,
AND
IN THE MATTER OF THE CONDUCT OF
[PROFESSIONAL MEMBER A], P.ENG.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of [Professional Member A], P.Eng., with respect to [Professional Member A's] attendance at a [Industry Group B]-sponsored training event on [Redacted Date].

A. COMPLAINTS

1. The Member has engaged in unprofessional conduct contrary to Section 44(1) (b) of the *Engineering and Geoscience Professions Act* ("Act") and Rule of Conduct #3 of the *APEGA Code of Ethics* ("Code"). The Investigative Committee found that [Professional Member A] distributed a competitor's business cards at a training event thereby attempting to solicit business away from his employer, [Company C].

B. AGREED STATEMENT OF FACTS

1. Background

As a result of the investigation, it is agreed by and between the Investigative Committee and [Professional Member A], P. Eng., that:

1. [Professional Member A], P. Eng., ("the Member") was a professional member of APEGA, and was thus bound by the APEGA Code of Ethics, at all relevant times;
2. The Member holds a BSc., in Mechanical Engineering from the University of Engineering and Technology, [Name of Country Redacted] and an MSc., in Mechanical Engineering from [Name of University Redacted];
3. The Member was employed by [Company C] while he attended the training conference in question but was shortly thereafter leaving to work for [Company D].

2. Facts relating to the allegations

- a. The Member attended a [Industry Group B]-sponsored training event on [Redacted Date], he was employed at the time by [Company C];

- b. The Member resigned his position with [Company C] on [Redacted Earlier Date] with a termination date of [Redacted Later Date]. The Member did not advise [Company C] as to which firm he was intending to work;
- c. The Member was reminded the day prior to the event that he was to represent himself as an employee of [Company C] and was not to market himself for the new firm he was joining;
- d. The Member distributed business cards at the [Industry Group B] training event to attendees indicating that he worked for [Company D];
- e. The Member was asked to stop handing out the business cards by a colleague from [Company C];
- f. The Member continued to hand out the [Company D] cards during another break;
- g. The Member was terminated with cause from [Company C] on [Date Redacted] for competing with an employer's interest;
- h. The Member fully cooperated with the Investigative Committee investigation and admitted that he had distributed [Company D] business cards and that he had erred in judgement;
- i. The sanctions as outlined in this Order were accepted by the Member.

C. CONDUCT

The Member freely and voluntarily admits that his conduct constitutes unprofessional conduct and that the Complaint #1 set out above are admitted and proven. The Member has therefore engaged in unprofessional conduct that contravenes a code of ethics of the profession as established under the regulations contrary to Section 44(1) (b) of the Act and Rules of Conduct #3 of the Code.

D. SECTION 44(1) OF THE ACT AND THE CODE OF ETHICS

1. 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

- b. contravenes a code of ethics of the profession as established under the regulations;*

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.

2. Applicable Rules of the APEGA Code of Ethics state:

- 2. Professional engineers, geologists and geophysicists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.*

E. RECOMMENDED ORDERS

On the recommendations of the Investigative Committee, and by agreement of [Professional Member A], P.Eng., and with that recom-

mendation, following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

1. That [Professional Member A] receive a letter of reprimand;
2. That [Professional Member A], within one year of the approval of this order by the Discipline Committee Case Manager, and at his cost, successfully complete the National Professional Practice Examination;
3. That, should [Professional Member A] be unsuccessful in completing the National Professional Practice Examination in the time permitted, his professional Membership in APEGA be suspended until such time as he does successfully complete the examination;
4. That the details of this matter be published without names in the PEG magazine.

GREGORY MEYERS, P.ENG.,

PANEL CHAIR, APEGA INVESTIGATIVE COMMITTEE

[PROFESSIONAL MEMBER A], P.ENG.

APEGA Discipline Committee

Approved this 18th day of March, 2016

By Case Manager Kevin Saretsky, P.Eng.