



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: July 14, 2021

Discipline Case Number: 21-009

**IN THE MATTER OF A RECOMMENDED DISCIPLINE ORDER OF THE ASSOCIATION OF
PROFESSIONAL ENGINEERS AND GEOSCIENTISTS
OF ALBERTA**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of [A PROFESSIONAL MEMBER] P.ENG.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of a Registrant (the Registrant) with respect to a complaint, initiated by his former employer (the Complainant). This matter was investigated pursuant to section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*).

A. THE COMPLAINT

This investigation related to an allegation that the Registrant engaged in unprofessional conduct with respect to failing to notify his employer that his APEGA registration was first suspended, and then cancelled, between 2017 and 2019. The matter was referred by the Complainant to the Investigative Committee on September 16, 2020.

The Investigative Committee's investigation focused on an allegation which can be summarized as follows:

Whether the Registrant's failure to notify his employer of a change in his APEGA registration status amounted to unprofessional conduct.

B. AGREED STATEMENT OF FACTS

(i) Background:

1. The Registrant holds a Bachelor of Science degree in Mechanical Engineering from the University of Engineering and Technology, Lahore, Pakistan



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(2001) and a Master of Science degree in Mechanical Engineering from Dalhousie University (2007).

2. The Registrant was employed by the Complainant in the role of senior mechanical engineer from October 2016 to September 2020.
3. One of the conditions of employment for the Registrant was to maintain membership with APEGA as a licensed professional.
4. In March 2016, following a separate APEGA ethics investigation, the Registrant agreed to a Recommended Order which required the Registrant to complete the National Professional Practice Examination (NPPE). The Registrant failed to complete the NPPE and as such, in May 2017, his APEGA license was suspended.
5. The Registrant successfully completed the NPPE in November 2017, however he did not pay his annual membership dues for 2017 and as such, in January 2018, the Registrant's membership status was changed from 'suspended' to 'resigned.'
6. The Registrant applied for re-instatement of his license in August 2018, and in March 2019, his license was reactivated.

(ii) Facts Relating to the Allegation:

Whether the Registrant's failure to notify his employer of a change in his APEGA registration status amounted to unprofessional conduct.

7. The Complainant stated that at no time did the Registrant advise the employer that his APEGA license was either suspended or cancelled (resigned) and that the Registrant continued performing his duties as a senior mechanical engineer.
8. The Registrant's employment was terminated as a result of failing to disclose his license suspension and / or license cancellation.
9. The Registrant admits that he failed to inform his employer of the change in status of his APEGA license.
10. The Registrant knowingly misrepresented himself as being in good standing with APEGA contrary to section 76 of the *EGP Act*, which states,

"The conduct of a person who is or was registered as a professional member, licensee, permit holder or certificate holder who represents or holds out that person is registered and in good standing while the person's registration is suspended or



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cancelled may be dealt with as being unprofessional conduct in accordance with this Part.”

C. CONDUCT BY THE REGISTRANT

11. The Registrant acknowledges and admits that his conduct, as described in Section B of this Recommended Order, 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.

12. With respect to the Allegation, the Registrant acknowledges and admits that by virtue of failing to inform his employer of the change in status of his APEGA license, he engaged in unprofessional conduct.
13. Further, the conduct described in the Allegation constitutes a breach of Rule 3, 4 and 5 of the *Code of Ethics*, which states:
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*



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honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.

D. RECOMMENDED ORDERS

14. 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 receive a letter of reprimand, a copy of which will be maintained permanently in the Registrant's APEGA registration file and be considered at any future date by APEGA.
- b. The Registrant shall provide written confirmation to the Director, Enforcement, within thirty days of being notified that the Recommended Order has been approved, that he has reviewed APEGA's Guideline for Ethical Practice (2013), and that he will comply with the requirements therein;
- c. The Registrant passed the National Professional Practice Exam in 2017. In order to reinforce the Registrant's understanding of professionalism, law and ethics, the Registrant shall successfully complete a University or Polytechnique-level ethics course such as The Practice of Engineering Profession (University of Alberta, ENGG 600), Decision Making and Ethics (NAIT, CITC 946) or Professionalism and Ethics (NAIT, EVMT 710) within one (1) year from the date that this Order is approved by the Discipline Committee Case Manager. The course shall be completed at the Registrant's expense.

If there are extenuating circumstances, the Registrant may apply to the Director, Enforcement for an extension prior to the deadline. Any extension will be granted within the sole discretion of the Director, Enforcement. If the above noted course is not successfully completed within one year, or the agreed upon extension, the Registrant shall be suspended from the practice of engineering until the above noted course has been successfully completed.

- d. As this is the second offence for the Registrant, he will be assessed, and pay a fine of \$500.00 pursuant to section 64(1)(b) of the *EGP Act*, within 60 days from the date this Order is approved by the Discipline Committee Case Manager.

If there are extenuating circumstances, the Registrant may apply to the Director, Enforcement for an extension prior to the deadline. Any extension



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will be granted within the sole discretion of the Director, Enforcement. If the fine is not paid within 60 days from the date this Order is approved, or the agreed upon extension, the Registrant shall be suspended from the practice of engineering until the fine is paid.

- e. The Registrant shall disclose that the Registrant is the subject of APEGA disciplinary procedures to all other engineering regulatory bodies to which the Registrant holds membership and provide each regulator with a copy of this Order. APEGA's Director, Enforcement shall be copied on all disclosures made by the Registrant.
 - f. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will not name the Registrant.
15. Although there is a presumption that Recommended Orders should be published in a manner that identifies the name of the Permit Holder or Registrant who is the subject of the Recommended Order, publication without names is being recommended in this case. Among the considerations that weighed into the recommendation not to publish the name of the Registrant in this case was the following: the Registrant's actions did not compromise public safety, the Complainant's standing in the engineering and geoscience community did not appear to have been adversely impacted by the Registrant's actions, and, the Registrant has expressed genuine remorse and a prompt acceptance of his professional responsibility.

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

Signed,

[PROFESSIONAL MEMBER], P. Eng.

MR. WILLIAM SATTLEGGER, P.Geol.
Panel Chair, APEGA Investigative Committee

MR. DOUG COX, P.Eng.
Case Manager, APEGA Discipline Committee

Date: July 14, 2021