



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: February 24, 2023

Discipline Case Number: 22-013

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF BILL MA, P.ENG., AND AACG LTD.**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of BILL MA, P.ENG., AND AACG LTD.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Bill Ma, P.Eng. (the Registrant) and AACG Ltd. (the Permit Holder) with respect to a complaint initiated by the APEGA Practice Review Board [Name Withheld] (“the Complainant or PRB”) dated May 4, 2022 (the Complaint).

A. THE COMPLAINT

The Complainant filed a complaint alleging the Registrant and 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) in relation to the unlicensed use of the Registrants professional stamp.

The Investigative Committee’s investigation focused on the following allegations which can be summarized as follows:

1. That the Registrant/Permit Holder’s technical checking of professional work was either not being done at all or they were practicing outside their scope when reviewing technical work. This included subcontracted work outside of their area of expertise.
2. That the Registrant/Permit Holder’s Authentication and Validation practices showed significant departures from the standards, including the use of scanned images of signed seals, absence, or improper validation, and retention and storage of professional work products.



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3. That the Registrant/Permit Holder's employed sole practitioners without a permit to practice and individuals who were not APEGA registered members.
4. That the Registrant/Permit Holder has a history of practicing engineering without a permit to practice (2009-2016).

The Investigative Committee investigated one other allegation outlined in the complaint. The Investigative Committee determined that there was insufficient evidence of unprofessional conduct/unskilled practice in relation to the other allegation.

B. AGREED STATEMENT OF FACTS

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

(i) Background:

5. The Registrant has been an APEGA Professional Member in good standing since February 24, 2010. The Registrant is the sole Responsible Member for the Permit Holder.
6. The Permit Holder has been an APEGA Permit Holder in good standing since May 1, 2016.
7. The Registrant and Permit Holder, accordingly, were bound by the Engineering and Geoscience Professions Act and the APEGA Code of Ethics during the relevant time.
8. The Registrant obtained a bachelor's degree in Transportation Engineering in 1992 and a Master's in Civil Engineering in 2003. He began his profession in Civil/Transportation Engineering and subsequently transitioned into Structural Engineering. The Registrant is also licensed to practice in the Provinces of British Columbia and Saskatchewan.
9. The Registrant and Permit Holder cooperated with the investigation.



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(ii) Facts Relating to Allegations 1 through 4:

10. The Complainant in this matter is the PRB, one of APEGA's statutory boards. The PRB is primarily responsible for developing and maintaining professional practice standards, guidelines, and bulletins; evaluating the professional practice and competence of Professional Members, Licensees, Permit Holders, and Certificate Holders against the practice standards and guidelines, which includes practice review of Permit Holders and individual Licensees; and administering and enforcing the Continuing Professional Development (CPD) program of the APEGA Council.
11. In June of 2021 the Investigations department made a referral to the Practice Review Board for consideration of a 'Practice review of the Permit Holder due to concerns raised by the City of Calgary's permit office (there was not sufficient evidence to commence a preliminary investigation at the time) about whether the Registrant and/ or Permit Holder were operating within their scope of practice.
12. In July of 2021, the PRB initiated a practice review on the Permit Holder and in May of 2022, the PRB completed the review. As a result of that review, the PRB noted that the Permit Holder advertises its scope of expertise to include Civil, Mechanical, Mining, Electrical & Electronics, and other engineering specialties. The PRB documented numerous findings and concerns with relation to this broad scope of practice and a lack of compliance with the EGP Act and Practice Standards.
13. The PRB findings uncovered repetitive departures from expected professional practice that "went beyond any normal available leeway that could be afforded in this regard". Their review determined numerous deviations from required professional practices in the areas of Authentication Standards; Professional Practice Management Plans (PPMP); Relying of the Work of Others and Outsourcing. The PRB was concerned their findings may engage a contravention of the APEGA Code of Ethics.
14. As a result of the PRB findings, the Registrant and Permit Holder were referred to the APEGA Investigations Department in May of 2022.
15. The Registrant, who also responded on behalf of the Permit Holder, was cooperative and forthcoming with investigators.
16. The Registrant acknowledged, verified, and admitted to all findings of the PRB and accepted full responsibility.



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17. The Registrant stated:

- a. 'Regarding the allegation that the technical checking of professional work was either not being done at all or were practicing outside their scope when reviewing technical work, including subcontracted work outside of their area of expertise'. The Registrant and the Permit Holder stated they were busy with a lot of work. The Registrant was ultimately responsible for the checking of professional work products, but it became difficult, and he needed other people to help in that regard.

The Registrant admitted he completed checks on all technical professional work that was completed on behalf of the Permit Holder, including professional work products outside his area of expertise, such as electrical and mechanical engineering. The Registrant admitted he was not competent to practice in these disciplines which were outside his normal scope of practice.

The Registrant admitted it was a poor system and things were missed. The Registrant stated he continues to hire contractors to assist but pays more attention to their backgrounds and licensing requirements. The Registrant stated they have improved this area of their practice.

- b. 'Regarding the allegation of Authentication and Validation practices not being followed and that their practice showed significant departures from the standards, including the use of scanned images of signed seals, absence, or improper validation, and retention and storage of professional work products, at the time'. The Registrant admitted that at times they used scanned seals with signatures and applied them to professional work products which led to improper validation. The Registrant confirmed the findings of the practice review in that other employees under contract by the Permit Holder had also been incorrectly authenticating work products. To correct this, the Registrant has adopted the use of digital signatures and follows APEGA's standards and requirements. The Registrant also admitted their work product storage and retention system was problematic. The Registrant stated they have improved this by computerizing their system of retention/storage to comply with the requirements.
- c. 'Regarding the allegation of employment of sole practitioners without a permit to practice and individuals who were not APEGA registered members'. The Registrant acknowledged and confirmed the findings of the PRB that certain employees/contractors did not have proper credentials for some of the projects. The Registrant stated they have corrected this by ensuring sufficient due diligence is conducted to ensure contractors are licensed to legally practice in Alberta.



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- d. 'Regarding the allegation that the Registrant had a history of conducting engineering without a permit to practice (2009-2016)'. The Registrant stated although he was a registered APEGA professional engineer at the time, it was a difficult financial time for him, and that work was hard to come by. The Registrant started a company in a part time scenario while looking for full time work and was unaware of the registration requirements for the company. On becoming aware of the requirements, the Registrant recognized this was a mistake, and the Permit Holder was registered in 2016.
18. The Registrant and Permit Holder admit that they engaged in unprofessional conduct with relation to the allegations. The Registrant undertook to continue working cooperatively with APEGA to improve the practice of the Permit Holder.

C. CONDUCT BY THE REGISTRANT AND PERMIT HOLDER

19. The Registrant and Permit Holder freely and voluntarily admit that at all relevant times the Registrant and Permit Holder were professional members of APEGA, and thereby bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.
20. The Registrant and Permit Holder 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 a lack of skill or judgment in the practice of the profession or;*
- (e) *displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.*



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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.*

21. The Registrant and Permit Holder acknowledge that the conduct described above is conduct that is detrimental to the best interests of the public, displays a lack of judgement in the practice of the profession, and contravenes the Code of Ethics as established under the regulations.
22. Further, the Registrant and Permit Holder acknowledge that the conduct described above constitutes a breach of Rules 1, 2, 3, 4 and 5 of the Code of Ethics.

D. RECOMMENDED ORDERS

23. On the recommendation of the Investigative Committee, and by agreement of the Registrant and Permit Holder with that recommendation, 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.



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- b) The Registrant shall provide written confirmation to the Director, Enforcement, within nine (9) months of the date this order is approved by the Discipline Committee Case Manager, proof of successful completion of the National Professional Practice Exam (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
- c) The Registrant and Permit Holder shall be indefinitely restricted from practicing Mechanical and Electrical Engineering from the date that this order is approved by the Discipline Committee Case Manager. These practice restrictions will be reflected in the APEGA member/permit holder directory.
- d) The Registrant shall provide written confirmation to the Director, Enforcement, within six (6) 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 (and completed Webinars where explicitly specified) and that the Registrant and Permit Holder will comply with the requirements therein:
 - i. 'Ethical Practice Guideline' (August 1, 2022).
 - ii. 'Professional Practice Management Plan' (May 1, 2022).
 - iii. 'Relying of the Work of Others and Outsourcing' (May 1, 2022), both publication and Webinar.
 - iv. 'Authenticating Professional Work Products' (January 1, 2022), both publication and Webinar.
- e) Registrant and Permit Holder shall disclose that they are the subject of APEGA disciplinary procedures to all other engineering regulatory bodies to which the Registrant and Permit Holder 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 within ninety (90) days of being notified that this Order has been approved by the Discipline Committee Case Manager.
- f) If the Registrant and/or Permit Holder fails to provide the Director, Enforcement with proof that they have completed the requirements noted above in Paragraphs 23 (b), (d) and (e) within the timelines specified, the Registrant and/or Permit Holder shall be suspended from the practice of engineering until the requirements are met. If the requirements are not completed within six (6) months of the suspension date, the Registrant and/or Permit Holder shall be cancelled.



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- g) If there are extenuating circumstances, the Registrant and/or Permit Holder may apply to the Director, Enforcement, for an extension prior to the noted deadlines. If such an application is made, the Registrant and/or Permit Holder shall provide the Director, Enforcement, the reason for the request, a proposal to vary the schedule, and any other documentation requested by the Director, Enforcement.
- h) This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant and Permit Holder.

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

Signed,

BILL MA, P.Eng.

DON VOKEY, P.Eng.
Panel Chair, APEGA Investigative Committee

PARAND MEYSAMI, P.Eng.
Case Manager, APEGA Discipline Committee

Date: February 24, 2023



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ADDENDUM OF:

**APEGA RECOMMENDED DISCIPLINE ORDER No. 23(c) FROM
THE DISCIPLINE COMMITTEE**

IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT

AND

IN THE MATTER OF THE CONDUCT OF
Bill Ma, P.Eng. (Registrant ID# 109779)
DC Case No. 22-013 RDO

AND

IN THE MATTER OF THE CONDUCT OF
AACG Ltd. (Permit Holder# 13501)
DC Case No. 22-013 RDO

Purpose:

The purpose of this addendum is to clarify the parameters of the practice restrictions, as outlined in Order# 23(c), where the recommended discipline order (RDO) states:

“The Registrant and Permit Holder shall be indefinitely restricted from practicing Mechanical and Electrical Engineering from the date this order is approved by the Discipline Committee Case Manager. These practice restrictions will be reflected in the APEGA member/permit holder directory.”

Applicability:

This addendum will only apply to order# 23(c) with respect to the APEGA permit holder, AACG Ltd. (Permit Holder# 13501).



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Addendum:

With respect to AACG Ltd. (the permit holder #13501), order# 23(c) remains in effect **unless** the following parameters are set:

- A) the permit holder has in their employ the required licensed professional(s), registered with APEGA, with their own APEGA permit-to-practice if applicable the requisite knowledge and competence to engage in the practice of engineering, within the disciplines of mechanical and/or electrical engineering, who will as applicable:
 - i) directly prepare, and/or oversee the preparation of any professional work products (PWPs) involving the practice of either or both of those engineering disciplines,
 - ii) authenticate any PWPs as noted in clause (i), that they prepared personally, or they are taking professional responsibility for, and
 - iii) provide direct supervision and control of the engineering work performed by engineers-in-training, involved in the disciplines of mechanical and/or electrical engineering.

The permit holder NOT having in their employ, or the absence of the required licensed professionals as outlined in part A), voids this addendum and order# 23(c) is in effect.

IN WITNESS WHEREOF the undersigned agrees with the Addendum in its entirety.

Signed,

BILL MA, P. ENG.

PARAND MEYSAMI, P.Eng.
Case Manager, APEGA Discipline Committee

Date: February 24, 2023