



# 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](http://www.apega.ca/enforcement/discipline-decisions).

**Date:** April 4, 2023

**Discipline Case Number:** 23-002

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT  
AND  
IN THE MATTER OF THE CONDUCT OF [AYOUB RAMADAN AND  
AR GEOTECHNICAL ENGINEERING LTD.]**

Pursuant to the Engineering and Geoscience Professions Act,  
being Chapter E-11 of the Revised Statutes of Alberta 2000  
Regarding the Conduct of AYOUB RAMADAN AND  
AR GEOTECHNICAL ENGINEERING LTD.]

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Mr. Ayoub Ramadan, P.Eng. (the Registrant) and AR Geotechnical Engineering Ltd. (the Company) with respect to a complaint initiated by [Name Withheld] (“APEGA’s Professional Practice” or “the Complainant”).

## **A. THE COMPLAINT**

The Complainant filed a complaint alleging the Company and the Registrant 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 concerns raised by a building safety codes officer and also concerns which surfaced following a professional practice review.

The Investigative Committee’s investigation focused on the following allegations:

1. Whether the Registrant, through his Company, inappropriately initialled all disciplines as the registered professional of record: architecture, structural engineering, mechanical engineering, electrical engineering, and geotechnical engineering, on building code schedules.
2. Whether the Registrant, through his Company, engaged in the practice of engineering while his Company’s permit to practice was cancelled and/or while the Registrant’s APEGA registration was struck.



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### B. AGREED STATEMENT OF FACTS

#### (i) Background:

1. The Company has been an APEGA Permit Holder since 2018.
2. The Company is located in Calgary, Alberta, and specializes in geotechnical engineering, material testing, environmental services and structural engineering.
3. The Registrant is the owner of the Company. He is also the principal engineer, chief operating officer and responsible member for the Company.
4. The Registrant holds a Bachelor of Engineering degree in civil engineering from Ryerson University (1996). He has been a professional member of APEGA since 2006.
5. The Registrant last took the National Professional Practice Examination (NPPE) in 2006.
6. The Registrant and the Company have cooperated with the APEGA investigation.

#### (ii) Facts Relating to Allegation #1:

**Whether the Registrant and the Company inappropriately initialled all disciplines as the registered professional of record: architecture, structural engineering, mechanical engineering, electrical engineering and geotechnical engineering, on building code schedules.**

7. The Registrant and the Company were retained by a contractor to perform geotechnical engineering and structural engineering services for the construction of an 80-foot by 120-foot warehouse building project in 2020.
8. The contractor was reluctant to engage additional professionals including architecture, mechanical engineering and electrical engineering on the project. The contractor told the Registrant that he would provide the Registrant with mechanical and electrical drawings that the Registrant could then provide to a mechanical engineer, an electrical engineer and an architect.
9. In August 2020, prior to receiving any drawings from the contractor, and prior to the Registrant engaging any other professionals, the Registrant, on behalf of the Company, initialled all disciplines: architecture, structural engineering, mechanical engineering, electrical engineering and geotechnical engineering, on Alberta Building Code (ABC) schedule A-2.



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10. By initialling all disciplines on ABC schedule A-2, the Registrant and the Company were providing an assurance as the 'registered professional of record' that the Registrant was responsible for the designs relating to all of the noted professional disciplines.
11. The Registrant, on behalf of the Company, also initialled all of the disciplines on ABC schedule B-1 ('Letter of Commitment by the Registered Professional of Record'). Schedule B-1 states, in part, that the Registrant, on behalf of the Company, 'gives assurance that the design of architectural, structural engineering, mechanical engineering, electrical engineering and geotechnical engineering components described on plans, specifications and other supporting documents, prepared by this registered professional in support of the application for a building permit, substantially comply with the Alberta Building Code and other regulations made pursuant to the Safety Codes Act.'
12. The Registrant, on behalf of the Company, also initialled all of the disciplines on ABC schedule B-2 ('Summary of Design and Field Review Requirements'). Schedule B-2 states, in part, that the Registrant, through the Company, has taken 'overall responsibility.'
13. In March 2021, the Registrant, on behalf of the Company, also signed ABC schedule C-2 ('Assurance of Professional Field Review and Compliance'). Schedule C-2, states, in part, that the Registrant, through the Company:

'I hereby give assurance that:

  - (a) I have fulfilled my obligations for field review as outlined in Sentence 2.4.4.1.(1) of Division C of the ABC and as outlined in the previously submitted Schedule B-1;
  - (b) I have enclosed documents supporting all approved changes to the plans and specifications prepared by me on which the building permit was issued for this project;
  - (c) Those components of the projects opposite my initials in Schedule B-2 substantially comply with (i) the applicable requirements of the ABC, and (ii) the plans, specifications and other documents submitted in support of the application for the building permit.'
14. Electrical engineering, mechanical engineering and architectural are not the Registrant's nor the Company's professional practice areas.



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15. The Registrant believed that the contractor would provide the mechanical and electrical designs when requested by the safety codes officer to provide same as part of the building permitting process.
16. As the Registrant did not want to lose the contractor as a current and potentially future client, the Registrant signed off as the registered professional of record for all disciplines for the project as a favour to the contractor and in anticipation of the outstanding drawings to be provided to him by the contractor at a later date.
17. The Registrant submitted inaccurate schedules A2, B-1 and B-2 in August 2020 without including the required authenticated drawings to the authority having jurisdiction.
18. The Registrant submitted an inaccurate schedule C-2 in March 2021 without including the required authenticated drawings to the authority having jurisdiction.
19. The building schedules in question were later replaced by engineers of record and / or technologists of record for the required disciplines, including authenticated drawings required by the authority having jurisdiction.
20. The National Building Code (Alberta Edition) Schedules User Guide (2022), states, in part:
  - a) Schedules are meant “to better protect the public interest;”
  - b) The purpose “is to track the legislated responsibilities of registered architects / licensed interior designers and professional engineers involved in building projects in Alberta;”
  - c) “The Schedules are essentially a public declaration of the involvement of the owner or owner’s representative and all design professionals in a building project and their statement of commitment to fulfil their obligations in accordance with the Safety Codes Act and with the standards of practice established by their professional associations.”
21. The Registrant and the Company acknowledge that by the signing the above noted ABC schedules, they failed to act honestly towards the safety codes officer and the authority having jurisdiction.
22. By signing the schedules for disciplines for which the Registrant is not qualified, the Registrant is formalizing his intention to undertake work that the Registrant is not competent to perform, contrary to Rule 2 of the Code of Ethics, which states:



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“Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.”

23. The Registrant and the Company acknowledge that they failed to follow the spirit and intent of the Alberta Building Code, the Alberta Safety Codes Act, and failed to follow APEGA's Guideline for Ethical Practice.
24. The Registrant and the Company further admit that the conduct described in the allegation constitutes unprofessional conduct.

**(iii) Facts Relating to Allegation #2:**

**Whether the Registrant, through his Company, engaged in the practice of engineering while his Company's permit to practice was cancelled and / or while the Registrant's APEGA registration was struck.**

25. In April 2022, the Company was identified for a practice review by APEGA's Practice Review Board after a complaint was received at APEGA from a building safety codes officer reporting that the Registrant had signed off for all disciplines on building code schedules in August 2020, pertaining to the construction of a warehouse in Taber, Alberta.
26. As part of the professional practice review the Registrant and the Company were required to provide copies of all building schedules issued between 2015 and 2022.
27. The Registrant and Company issued building schedules on 24 projects between 2015 and 2022:
  - Eleven (11) projects involved building schedules issued while the Company's permit to practice was cancelled due to non-payment of fees.
  - Four (4) projects involved building schedules issued while the Company's permit to practice was deficient due to a responsible member not being identified on the permit to practice.
  - Two (2) projects involved building schedules issued while the Registrant's license was struck due to non-payment of fees.
28. The Registrant was not aware that his Company's permit to practice or his personal registration had been either cancelled, deficient or struck because he had moved office locations and had inadvertently not informed APEGA of accurate contact information.



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29. The *EGP Act*, section 2(1), states, in part:

“...no individual, corporation, partnership or other entity, except a professional engineer, a licensee so authorized in the licensee’s license, a permit holder so authorized in its permit or a certificate holder so authorized in the certificate holder’s certificate, shall engage in the practice of engineering.”

The *EGP Act, Bylaws*, section 32, states, in part:

“Mailing addresses: professional members, licensees, permit holders...shall provide the Registrar with their current mailing addresses and advise the Registrar forthwith in writing of any change in address.”

The *EGP Act*, section 76:

“Misrepresentation of status: the conduct of a person who is or was a registered professional, licensee, permit holder or certificate holder who represents or holds out that the person’s registration is suspended or cancelled may be dealt with as being unprofessional conduct...”

30. The Registrant and the Company acknowledge that they failed to follow the *EGP Act*, sections 2(1) and 76, and the *EGP Act, Bylaws*, section 32.

31. The Registrant and the Company further admit that the conduct described in the allegation constitutes unprofessional conduct.

### **C. CONDUCT BY THE REGISTRANT AND THE COMPANY**

32. The Registrant and the Company freely and voluntarily admit that at all relevant times the Registrant was a professional member of APEGA, and the Company was a permit holder with APEGA and were thus bound by the *EGP Act* and the *APEGA Code of Ethics*.

33. The Registrant and the Company acknowledge and admit that their conduct as described in Section B of this Recommended Order amounts to unprofessional conduct (as noted in each allegation) 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;*



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- (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.*

*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.*

- 34. The Registrant and the Company acknowledge that the conduct described above is conduct that is detrimental to the best interests of the public, contravenes a code of ethics of the profession and harms or tends to harm the standing of the professional generally.
- 35. The Registrant and the Company acknowledge and admit their conduct was also contrary to Rules of Conduct 1, 2, 3 and 5 of the *APEGA Code of Ethics*, which 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.*
  - 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 interest.*



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### D. RECOMMENDED ORDERS

36. On the recommendation of the Investigative Committee, and by agreement of the Registrant and the Company 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 the Company shall be reprimanded for their conduct and this Order shall serve as the reprimand.
  - b. The Registrant shall provide written confirmation to the Director, Enforcement, within three 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 that the Registrant will comply with the requirements therein:
    - i. Ethical Practice Guideline (August 2022);
    - ii. Professional Practice (January 2013);
    - iii. Concepts of Professionalism (September 2004);
  - c. The Registrant shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation of successful completion of the National Professional Practice Examination (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
  - d. The Registrant shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation of successful completion (passing grade) of post-secondary level courses relating to time management and organizational skills, and the safety codes system in Alberta, that are satisfactory to the Director, Enforcement, such as, "PERS 121 – Time Management and Organizational Skills" offered through SAIT, and "Introduction to the Safety Codes System in Alberta 2018" offered through the Safety Codes Council. If the noted courses are no longer available on approval of this order, at the discretion of the Director, Enforcement, another course in time management and organizational skills, and the safety codes system in Alberta may be substituted. The Registrant shall be responsible for all costs associated with completing the courses.



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- e. If there are extenuating circumstances, the Registrant may apply in writing to the Director, Enforcement, for an extension prior to the deadlines noted in paragraph 36(b), (c) and (d). The approval for extending a deadline is at the discretion of the Director, Enforcement. If such an application is made, the Registrant shall provide the Director, Enforcement, the reason for the request, a proposal to vary to deadline, and any other documentation requested by the Director, Enforcement.

If the Registrant fails to provide the Director, Enforcement with written confirmation / proof that he has completed the requirements noted above in paragraph 36 (b), (c) and (d) within the timelines specified, the Registrant shall be suspended from the practice of engineering until the Registrant has provided the Director, Enforcement with written confirmation / proof of successful completion.

If the requirements are not completed within six months of the suspension date (except for paragraph 36 (e)), the Registrant shall be cancelled. In the event the Registrant is cancelled he will 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, Mr. Ayoub Ramadan, P.Eng., confirm that I have authority to bind AR Geotechnical Engineering Ltd. I 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 AR Geotechnical Engineering Ltd. agrees to the facts as set out above in this Recommended Order and the admissions set out in Section B, and that AR Geotechnical Engineering Ltd. agrees with the Orders in Section D that are jointly proposed.

Further to the above, I acknowledge that I have reviewed APEGA's '*Good Standing Policy*.' I understand that the Company will not be considered to be a Company 'in good standing' until the Company has fully complied with the Orders set out above and the Company understands that good standing status may affect membership rights or benefits, the ability to appoint a Responsible Member, 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.



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I, Mr. Ayoub Ramadan, P.Eng., 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 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, the ability to become a Responsible Member, 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.

Signed,

**MR. AYOUB RAMADAN**, P. Eng.

**AR GEOTECHINCAL ENGINEERING LTD.**

Per: Mr. Ayoub Ramadan, P.Eng.

**KEVIN WILLIS**, P.Eng., P.E.

Investigation Panel Chair, APEGA Investigative Committee

**BOB SWIFT**, P.Eng.

Case Manager, APEGA Discipline Committee

Date: April 4, 2023