



**RECOMMENDED ORDER
To The
DISCIPLINE COMMITTEE**

**IN THE MATTER OF THE ENGINEERING,
AND GEOSCIENCE PROFESSIONS ACT,**

AND

**IN THE MATTER OF THE CONDUCT OF
[REDACTED], P.ENG.**

APEGA Investigative Committee Recommended Order

In the matter of the Engineering and Geoscience
Professions Act

and

In the matter of the conduct of
██████████, P.ENG.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of ██████████, P.Eng., with respect to a letter of complaint received on January 29, 2015. The complaint was written by ██████████ ██████████ for the City of ██████████ regarding drawings that contained conspicuous errors and similarities to other drawings that had been previously submitted for an earlier designed project.

A. Complaints

1. The Member has engaged in unprofessional conduct that was detrimental to the best interests of the public contrary to Section 44(1) (a)(b) of the *Engineering and Geoscience Professions Act* ("Act") and Rule of Conduct #1 of the *APEGA Code of Ethics* ("Code"). The use and submission of drawings to a local authority having jurisdiction, without a proper review does not hold paramount the best interests of the public.
 2. The Member has engaged in unprofessional conduct that displayed a lack of judgement in the work undertaken contrary to Section 44(1) (b) of the Act and Rule of Conduct #3 of the Code. The Member utilized another Engineers drawing without their consent.
 3. The Member has engaged in unprofessional conduct that displayed a lack of judgement in the carrying out of a duty contrary to Section 44(1) (b) (e) of the Act and Rule of Conduct #5 of the Code. The Member displayed a lack of skill or judgment in the carrying out of a duty or obligation to satisfactorily review documents prior to final authentication.
 4. The Member has engaged in unprofessional conduct that displayed a lack of judgement in the carrying out of a duty contrary to Section 44(1) (b) of the Act and Rule of Conduct #5 of the Code. The Member did not uphold or enhance the reputation of the profession as the submitted drawings did not adhere to the proper requirements of authentication.
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B. Agreed Statement of Facts

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

1. [REDACTED] P.Eng., (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 Bachelor of Science Degree in Civil Engineering from the University of [REDACTED].
 3. The Member was engaged by [REDACTED], to provide engineered drawings for the [REDACTED] Townhomes [REDACTED].
 4. The [REDACTED] project was essentially identical in structural design to a previous, and adjacently located, project developed by [REDACTED] named the [REDACTED] Condo Project [REDACTED].
 5. [REDACTED] engaged [REDACTED] for the required structural engineering drawings for the earlier developed [REDACTED] project. [REDACTED] purchased the drawings from [REDACTED] and provided them to the Member for the [REDACTED] project. The drawings contained standard residential details commonly used, such as the lightweight cultured stone installed on exterior walls, garage foundation plan, tall wall details and lateral bracing details.
 6. The Member received the [REDACTED] drawings from [REDACTED] (originally designed by [REDACTED]), and marked up changes that he felt were necessary for the [REDACTED] project.
 7. The Member also copied the general notes from the [REDACTED] drawings to be included in the [REDACTED] drawings and altered values/details as he deemed necessary.
 8. The general notes section (for wood, points 1 – 13) from the [REDACTED] drawings were copied and pasted into the Member's stamped drawings for the [REDACTED] project.
 9. These notes are considered generic notes however point #3 contained a paragraph that stated, "Contractor agrees to indemnify and hold [REDACTED] [REDACTED], harmless..."
 10. The Member admitted that it was an oversight to include the reference to [REDACTED] and that it should not have been included in his stamped drawings.
 11. The Member further assured that despite the oversight, there was absolutely no compromise on safety when reviewing the structural details of the drawings.
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C. Conduct

The Member freely and voluntarily admits that his conduct constitutes unprofessional conduct and that Complaint #3 set out above is 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) (e) of the Act and Rule of Conduct #5 of the Code.

██████████ questioned the integrity and safety of the drawings and as such, filed the complaint. ██████████ expressed further concern indicating that they (the City of ██████████) are seeing more incidents of "pirated" drawings and are greatly concerned about the integrity of the designs, as they want to ensure the drawings are "right" so there is no failure.

When designs are copied, and various components of a building's design, is mixed and matched, questions and concerns may arise as to whether or not the designs have been properly thought through - can they be trusted to be safe and do they even contain the right detail?

With regards to the Complaints (#1, #2 & #4) set out above, there is no evidence that the Member has contravened Sections 44(1)(a)(b) of the Act or Rules of Conduct #1, #3 or #4 of the Code.

D. Section 44(1) of the Act and the Code of Ethics:

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;
- (e) displays a lack of knowledge of 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.

Rule # 5 of the APEGA Code of Ethics states:

5. *Professional engineers, geologists and geophysicists shall uphold and enhance the honor, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.*
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E. Orders

On the recommendations of the Investigative Committee, and by agreement of [REDACTED] P.Eng., with that recommendation, following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

- The Member receives a letter of reprimand;
- That the details of the case be published in the PEG magazine without names.

[REDACTED]
Panel Chair Hanan Saman, P.Eng.
APEGA Investigative Committee

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[REDACTED] P.Eng.

APEGA Discipline Committee

Approved this 7th day of March, 2016

By: [REDACTED]
Case Manager Paul Ruffell, P.Eng.

