

Date: June 16, 2017

Case No.: 16-010-FH

REGARDING THE CONDUCT OF DAVID DROVER, P.GEO.

Pursuant to the *Engineering and Geoscience Professions Act*, an APEGA Disciplinary Hearing was held on August 15 and 16, 2016. The hearing addressed six allegations of unprofessional conduct concerning David H. Drover, P.Geo. Although he was served with the Notice of Hearing, Mr. Drover refused to attend the hearing and suggested that the Hearing Panel had no jurisdiction to proceed. The Hearing Panel determined that it did have the jurisdiction to proceed and the hearing proceeded in Mr. Drover's absence.

After hearing the 4 witnesses called by the Investigative Committee and reviewing the evidence that was produced and entered by the Investigative Committee, the Hearing Panel found that Mr. Drover was guilty of unprofessional conduct contrary to s. 44(1) of the *Engineering and Geoscience Professions Act*, in have failed to conduct himself with integrity, honesty, fairness, and objectivity; or in having failed to uphold and enhance the dignity and honour of his profession by acting in a manner that harms or tends to harm the standing of the profession generally, and which contravenes Rules 3 and 5 of the *Code of Ethics*, in respect to the following allegations:

- 1(a) Commencing in February 2015 and continuing thereafter on an ongoing basis sending numerous emails which are unprofessional, both in content and tone, to various individuals, corporations, and agencies, including APEGA, the Alberta Securities Commission, and the College of Paramedics, alleging improper conduct on the part of [Complainant A];
- 1(b) Commencing in June 2015 and continuing thereafter on an ongoing basis sending numerous emails which are unprofessional, both in content and tone, to various individuals, corporations and agencies, including APEGA, the Alberta Securities Commission, and the College of Paramedics, alleging that [Company B] is involved in illegal activities;
2. Sending numerous emails which are unprofessional both in content and tone

commencing June 2015 and continuing thereafter on an ongoing basis to employees and representatives of APEGA;

3. Sending communications which are unprofessional in both tone and content to individuals and agencies, including APEGA, the Royal Canadian Mounted Police, the Alberta Securities Commission, and the College of Paramedics commencing in June 2015 and continuing thereafter;
4. Sending an email dated November 20, 2015, which was unprofessional in both content and tone to [Person C], copying members of the Board of Directors of [Company D];
- 5(a) Acting in an abusive, harassing and vulgar manner toward [Complainant E] before, during and after a meeting of [Company F] on June 30, 2015;
- 5(b) Making crude and vulgar comments about [Complainant E]'s wife during or after a meeting of [Company F] on June 30, 2015;
6. Publishing blog posts which are unprofessional in both content and tone at [website blog G] commencing in February 2016 and thereafter on an ongoing basis.

In its decision the Hearing Panel found that making allegations of criminal conduct against an individual and a corporation based only on speculation and sending these allegations to family, business associates, other shareholders, and regulators, with the express intent of damaging [Complainant A], was clearly unprofessional. The Hearing Panel noted that Mr. Drover made these allegations as statements of fact in numerous complaints to regulators in Canada and the United States and in the many emails sent to individuals. He continued to make these allegations, despite the fact that the allegations were reviewed and not accepted by the Alberta Securities Commission, the RCMP, the Canada Revenue Agency, and the Toronto Stock Exchange. The Hearing Panel stated that harassing individuals and public agencies with a continuous flow of threats and accusations was clear and serious unprofessional conduct.

In respect to the allegations relating to emails sent to the employees and representatives of APEGA, the Hearing Panel found that the accusations made by

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Mr. Drover of incompetence, stupidity, misconduct, collusion with [Complainant A], conspiracy to cover up illegal activity, and suggestions of responding to political interference were groundless and showed a blatant disrespect for his professional regulating body and demonstrated a lack of integrity and objectivity. The Hearing Panel found that this conduct harmed the honour, dignity, and reputation of APEGA by rejecting and insulting the authority of APEGA and by attempting to limit or restrict APEGA's public duty to carry out its investigation of the complaints against Mr. Drover.

In respect to emails sent to agencies including APEGA, the RCMP, Alberta Treasury Branches, the Alberta Securities Commission, the Office of the Premier, and the Prime Minister of Canada, the Hearing Panel found that Mr. Drover expanded his allegations concerning [Complainant A] to almost everyone who had any form of relationship with [Complainant A] or [Company B]. The Hearing Panel found that Mr. Drover showed a clear pattern of seeking out individuals who he believed had some connection with [Complainant A] or [Company B] and then sending emails to their employers or associates that suggested that they were involved in a \$100-million fraud.

The Hearing Panel also found that when various agencies refused to accept Mr. Drover's allegations, he made serious allegations against these agencies, alleging cover-ups and complicity in fraudulent activity without any objective facts to support his suspicions and allegations. The Hearing Panel noted that where anyone did not agree with Mr. Drover's allegations, they became, in his view, part of a large conspiracy to cover up fraudulent and illegal activities.

The Hearing Panel also found that Mr. Drover was guilty of unprofessional conduct for making very serious allegations of misconduct against a fellow professional, questioning that professional's competence and integrity based on suspicions and assumptions without adequate investigation or information, with a clear intent to injure the reputation and interests of that professional. It also found that Mr. Drover engaged in abusive, harassing, and vulgar conduct before and after a business meeting.

The Hearing Panel also found that the blog postings made by Mr. Drover on a blog that he commenced in February 2016 included the same allegations made by Mr. Drover in his emails and communications with various parties that were dealt with in the previous charges. However, the blog also included new materials and further articles and comments, expanding on Mr. Drover's allegations and attempting to set out a narrative that purported to expose an elaborate fraud, and the many individuals and companies and agencies that were alleged to be complicit in the alleged fraud. The blog made clear that Mr. Drover was attempting to publicize as broadly as possible the names, LinkedIn profiles, pictures, and correspondence of all the individuals, corporations, judge, lawyers, government agencies, and politicians that he alleged were involved in a broad-based conspiracy centring on the alleged illegal activities of [Company B] and [Complainant A] in an attempt to cause as much damage to the reputations of everyone named.

After receiving submissions from the Investigative Committee and Mr. Drover, the Hearing Panel found that Mr. Drover was ungovernable. It noted that Mr. Drover's actions and his ongoing statements made clear that he refused to be governed by APEGA. It found that a Member who was ungovernable could not be permitted to remain as a Member of the profession and noted that if APEGA could not govern Mr. Drover, then Mr. Drover could not be permitted to be a member of APEGA.

The Hearing Panel then made the following orders:

- a. an order that Mr. Drover's registration is cancelled;
- b. an order that Mr. Drover is ineligible permanently for registration with APEGA, unless an order is made by the Council reinstating Mr. Drover pursuant to section 75(3) of the *Engineering and Geoscience Professions Act* and section 47 of the *General Regulation*;
- c. an order that Mr. Drover pay a fine of \$10,000;
- d. an order that Mr. Drover pay costs of the proceedings totaling \$129,502.25 plus GST;
- e. an order that this decision and the orders on sanctions be published in full, including Mr. Drover's name, in *The PEG* magazine, on the APEGA website, and distributed to all other

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professional organizations governing the conduct of Professional Geoscientists in Canada.

Signed,

KEVIN SARETSKY, P.ENG.

Panel Chair, APEGA Discipline Committee

GRANT HALLAM, P.ENG.

Panel Member, APEGA Discipline Committee

MARC SABOURIN, P.ENG.

Panel Member, APEGA Discipline Committee

NASER RABBANI, P.ENG.

Panel Member, APEGA Discipline Committee

MURIEL DUNNIGAN

Public Member, APEGA Discipline Committee

Decision Date: March 20, 2017

Sanction Decision Date: June 16, 2017

Date: April 24, 2017

Case No.: 12-010-FH and 13-008-FH

REGARDING THE CONDUCT OF A PROFESSIONAL MEMBER, P.ENG., AND HIS EMPLOYER, A PERMIT HOLDING COMPANY

Pursuant to the *Engineering and Geoscience Professions Act*, an APEGA Disciplinary Hearing was held on January 30, 2017. The hearing addressed a complaint against the conduct of a Professional Member, P.Eng., and his employer, a Permit Holding Company.

The Permit Holder was engaged to design and provide field inspection services at a home under construction in a residential subdivision (the "Project"). The Professional Member (the "Member") was employed by the Permit Holder as a Senior Structural Engineer. His responsibilities included preparing design drawings for the Project's structural insulated concrete wall panel system, consisting of an expanded polystyrene foam core and new form of fibre-reinforced shotcrete and conducting the related field reviews.

After an investigation into the conduct of the Member and the Permit Holder during the Project, the following charges were laid. The Member was charged with:

1. Having knowledge of and accepting a change in the formulation of the shotcrete used for the foundation of the Project, and for failure to document approval of the change and enclose that documentation with the Schedule C-2 for the Project.

2. Inappropriately issuing a Schedule C-2 for the Project, the particulars of which included:
 - a. Failure to conduct or ensure an adequate field review was conducted to ensure that the foundation was constructed in accordance with the design; and
 - b. Failure to ensure the shotcrete was applied to the foundation of the Project to the proper thickness.

The Permit Holder was charged with failure to follow its own policies for the Project, including:

1. Failure to prepare and maintain a Project Construction Checklist; and
2. Failure to generally follow the company's Professional Practice Management Plan.

The case proceeded by an Agreed Statement of Facts and an Acknowledgement of Unprofessional Conduct by both the Member and the Permit Holder. The Hearing Panel found the alleged charges against both the Member and the Permit Holder were supported and proven on the agreed facts. The conduct of both the Member and the Permit Holder constituted unskilled and unprofessional conduct within the meaning of Section 44 of the *Engineering and Geoscience Professions Act*.

The Hearing Panel highlighted the importance of ensuring that when professional documents are signed and stamped, the statements within the documents are absolutely accurate. It is vital for public safety and in the best interests of the public for the assurances in a Schedule C-2 to be complete and fully accurate. In this case, the Panel found that the Member failed to document the change in the formulation of the shotcrete and failed to conduct an adequate field