

Case No. 17-021-RDO continued

- a. During his field inspection he did not identify the items set out in paragraphs 8, 9, and 10 of the Agreed Statement of Facts and thereby demonstrated a lack of judgment in carrying out a duty or obligation undertaken in the practice of engineering.
14. The Member acknowledges that the conduct is a breach of Section 44(1)(e) of the *Act* and therefore constitutes unprofessional conduct as defined in the *Act*.

E. RECOMMENDED ORDERS

15. On the recommendation of the Investigative Committee, and by agreement of [Professional Member A] and following a discussion and review with the Discipline Committee’s Case Manager, the Discipline Committee hereby orders that:
- 1. The Member shall receive a letter of reprimand and a copy to be retained on his APEGA file.
 - 2. The Member shall pay a fine in the amount of \$2,000 to APEGA, the amount to be paid within 60 days after the Discipline Committee’s Case Manager approves the Recommended Order.
 - 3. Should the Member fail to submit the above-mentioned requirements within the designated timelines, his registration will be suspended until such time as he does.
 - 4. The matter to be published without names.
 - a. Although the Investigative Committee and the Member understand and acknowledge

that APEGA’s usual policy is to publish Recommended Discipline Orders in a manner that identifies the Member by name, the parties understand that the decision to publish with or without name is discretionary. The parties submit that publication without name is appropriate, given the specific facts in this case, including the following:

- i. The Member has been in good standing as an engineer with APEGA and has had no prior findings of unprofessional conduct or unskilled practice since he has been a member.
- ii. This matter contained unique circumstances that the Panel felt would not have been duplicated with any other previous inspection conducted by the Member.
- iii. The Member willingly admitted fault.
- iv. The Member fully cooperated with the investigation and it was determined there was no further risk to the public.

Signed,

[PROFESSIONAL MEMBER A], P.ENG.

SIDDHARTA DASGUPTA, P.ENG.

Panel Chair, APEGA Investigative Committee

RALPH HILDENBRANDT, P.ENG.

Panel Chair, APEGA Discipline Committee

Date: : December 14, 2017

Date: December 6, 2017

Case No.: 17-017-RDO

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT,
AND
IN THE MATTER OF THE CONDUCT OF MR. OLUTOYIN OKELANA, P.ENG.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Mr. Olutoyin Okelana, P.Eng.

The investigation has been conducted with respect to a complaint initiated by [Complainant A] (the “Complainant”), who submitted a letter of complaint dated March 3, 2017.

*Case No. 17-017-RDO continued***A. BACKGROUND**

The Complainant filed a complaint against Mr. Olutoyin Okelana (herein referred to as “the Member”), alleging the Member provided a false reference to an applicant applying for his professional member designation with APEGA.

The Complainant had historical familiarity with the Member and the applicant in this case but declined all attempts for either a face-to-face interview or a telephone interview. Initial research into the statements made by the Complainant revealed sufficient evidence for the panel to proceed with the investigation.

The final condition that led to the Board of Examiners (BOE) approving the applicant’s application was the required one year of Canadian work experience record, on which the applicant listed the Member as his supervisor. The Member completed and submitted the APEGA Reference Questionnaire, for this Canadian work experience, with his name as the applicant’s supervisor even though he wasn’t. The Member also confirmed, while providing the reference, that the applicant’s work experience record was accurate when it was not.

The applicant is the subject of a separate investigation.

B. THE COMPLAINT

The Investigative Committee conducted an investigation with respect to the following allegation to determine if the actions of Mr. Olutoyin Okelana, P.Eng., contravened Section 44(1) of the *Engineering and Geoscience Professions Act*:

Specifically, the Investigation Panel considered whether Mr. Olutoyin Okelana, P.Eng., colluded with the applicant on his APEGA application to provide a false/fraudulent supervisor reference for the applicant’s claimed Canadian work experience with [Company B] from May 2015 to October 2016.

C. AGREED STATEMENT OF FACTS

1. The Member was a professional member of APEGA and was thus bound by the APEGA *Code of Ethics* at all relevant times.

2. The Member was asked by the applicant to provide a co-reference for his May 2015-to-October 2016 work experience reference with [Company B].
3. The Member agreed to provide a co-reference in his capacity of professional engineer licensed with APEGA.
4. The applicant sent the Member his May 2015-to-October 2016 work experience record with [Company B]. When the Member received this work experience record it already had his name typed into the “supervisor” fields and the “reference” fields.
5. The Member accessed, filled out, and submitted the APEGA Reference Questionnaire. In the questionnaire, the Member intentionally selected “supervisor” in the field that asked for his relationship to the applicant during his May 2015-to-October 2016 work term with [Company B].
6. The Member was not the applicant’s supervisor during this work term. The Member did not supervise the applicant during this work term.
7. The Member chose “supervisor” because he judged “supervisor” to be the type of reference that best represented a “co-reference”. The Member understood that the applicant had a supervisor that resided outside of Canada, and that the Member was co-referring the applicant’s supervisor’s reference.
8. In the reference questionnaire, the Member wrote “yes” in the field that asked if he verifies that the work experience record he received from the applicant was accurate and valid for the time period. That work experience record claimed the work was conducted in Alberta when it consisted solely of outsourced projects in Nigeria and Chad. That work experience record claimed work with a Canadian company called [Company C], when the applicant had never worked for, nor with, [Company C].
9. The Member admitted to verifying the applicant’s work experience record based on the trust he had in the applicant, who he had known for 19 years. The Member has learned from this experience to double check and read between the lines when he becomes a reference of future applicants.

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10. The Member was acting with the intent to support who he thought was a reputable person who needed his support to obtain his professional membership. The Member had no ulterior motive and no financial gain through this act.
11. This experience was the only time the Member provided a reference of any kind to an applicant applying for their APEGA professional membership.
12. The Member has cooperated with the APEGA investigation and admitted that he provided a false reference for the applicant's May 2015-to-October 2016 work term with [Company B].

D. PANEL FINDINGS

1. The Panel determined there was sufficient evidence to suggest that Mr. Olutoyin Okelana, P.Eng., provided a false/fraudulent supervisor reference for the applicant's claimed Canadian work experience with [Company B] from May 2015–October 2016.
2. By stating he was the applicant's supervisor for this essential, and only, one-year workterm of Canadian experience, Mr. Olutoyin Okelana, the Panel finds, significantly misled the BOE in the final vital element they required to grant the applicant his professional designation.
3. By affirmatively stating that the applicant's work experience record was accurate and valid, as a trusted APEGA member, Mr. Olutoyin Okelana, the Panel finds, significantly misled the BOE in the final vital element they required to grant the applicant his professional designation.

E. CONDUCT

Mr. Olutoyin Okelana, P.Eng., freely and voluntarily admits that he provided a false reference for the applicant's May 2015-to-October 2016 work term with [Company B], on the applicant's APEGA application.

Mr. Olutoyin Okelana acknowledges that the conduct described above constitutes unprofessional conduct as defined in the *Act*.

Mr. Olutoyin Okelana also acknowledges that the conduct described above contravenes section 44(1)(b) and Rule of Conduct #3 of the *Code of Ethics*:

3 *Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.*

F. RECOMMENDED ORDERS

On the recommendation of the Investigative Committee, and by agreement of Mr. Olutoyin Okelana, and following a discussion and review with the Discipline Committee's Case Manager, the Discipline Committee hereby orders that:

1. Mr. Olutoyin Okelana write the National Professional Practice Exam within one calendar year of this Recommended Order being approved by the APEGA Discipline Committee Case Manager.
2. If Mr. Olutoyin Okelana does not successfully complete the National Professional Practice Exam, his professional membership with APEGA will be suspended until such successful completion is achieved.
3. If this order is not completed within the one-year timeline, Mr. Olutoyin Okelana's professional membership with APEGA will be suspended until he successfully completes the National Professional Practice Exam.
4. This matter and its outcome will be published by APEGA as deemed appropriate, and such publication will name Mr. Olutoyin Okelana.

Signed,

OLUTOYIN OKELANA, P.ENG.

KAREN DEMONTARNAL, P.ENG.

Panel Chair, APEGA Investigative Committee

RALPH HILDENBRANDT, P.ENG.

Panel Chair, APEGA Discipline Committee

Date: December 6, 2017