

Case No. 17-019-RDO continued

to APEGA as part of a settlement was inappropriate and did not consider that it could potentially impair APEGA’s ability to fulfill its statutory mandate;

- b. [Permit Holder A]’s actions were not intentional;
- c. [Permit Holder A] accepted responsibility for its actions at the earliest opportunity, thereby avoiding the need for a lengthy and protracted investigation or hearing;
- d. There is no evidence that [Permit Holder A] has engaged in a pattern of conduct, and this is therefore an isolated incident;
- e. [Permit Holder A’s] actions did not impact the Investigative Committee’s investigation of the First Complaint, and the investigation proceeded despite the Complainant’s attempt to withdraw the First Complaint;
- f. Publication of the Recommended Discipline Order will serve to educate APEGA’s members with respect to this issue and will also serve as a deterrent; and

g. The parties are unaware of any precedents that would assist in determining the appropriate Orders in this case.

24. Although there is a presumption that RDOs are normally published in a manner that identifies the name of the permit holder or member who is the subject of the RDO, publication without the name is being recommended in this case, given the concern that publishing the RDO with [Permit Holder A’s] name will indirectly identify the name of the Complainant. This is a consideration in this case, given that the RDO refers to the Complainant’s employment circumstances.

Signed,

[PERMIT HOLDER A REPRESENTATIVE], P.ENG.

KEVIN WILLIS, P.ENG.

Panel Chair, APEGA Investigative Committee

CHRIS GOULARD, P.ENG.

Panel Chair, APEGA Discipline Committee

Date: January 15, 2018

Date: December 19, 2017

Case No.: 17-020-RDO

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT,  
AND  
IN THE MATTER OF THE CONDUCT OF MR. HARPREET S. DINSA, P.ENG.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Mr. Harpreet S. Dinsa, P.Eng., with respect to allegations of unprofessional conduct pursuant to section 44(1) of the *Engineering and Geoscience Professions Act* (the *Act*).

The investigation related to allegations that Mr. Harpreet S. Dinsa, P.Eng., (the “Member”) engaged in unprofessional conduct with respect to online commentary on the social networking website LinkedIn.

On February 9, 2017, APEGA received a complaint from [Complainant A], P.Eng., concerning his public,

online conversation with the Member. It was noted by the complainant that the Member posted unprofessional comments by referring to the complainant in derogatory terms. As a result of the complaint, APEGA began monitoring the Member’s public postings. The Panel noted that these postings also contained derogatory comments towards APEGA and its staff.

**A. COMPLAINT**

1. The Member has engaged in conduct that contravenes Section 44(1)(b) of the *Act* and the *Code of Ethics* #5

*Case No. 17-020-RDO continued*

## B. AGREED STATEMENT OF FACTS

As a result of the investigation, it is agreed by and between the Investigative Committee and the Member that:

1. At all relevant times, the Member was a Professional Member of APEGA, and was thus bound by the *Act* and the *APEGA Code of Ethics*.
2. The Member graduated from University of Alberta (B.Sc. in Petroleum Engineering) in 1997.
3. The Member posted the comments on LinkedIn as referenced in the initial complaint and also posted comments with respect to APEGA.
4. The Member admits that these comments were inappropriate and that his conduct amounted to unprofessional conduct.
5. Considering the Member's foregoing admissions respecting his conduct and the cooperation of the Member in this investigation, it is the Panel's recommendation that the matter be resolved through a Recommended Discipline Order.

## C. CONDUCT

The Member freely and voluntarily admits that his conduct, described above, constitutes unprofessional conduct.

Section 44(1) of the *Act* states:

**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 lack of skill or judgment in the practice of the profession, or
- 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 dishonourable, 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 honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.*

## D. RECOMMENDED ORDERS

On the recommendation of the Investigative Committee, and by agreement of the Member with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders, pursuant to Section 63 of the *Act*, that:

1. The Member will be assessed, and will pay, a fine of \$500, pursuant to Section 64(1)(b) of the *Act*, within 90 days from the date this Order is approved by the Discipline Committee Case Manager. If the fine is not paid within 90 days from the date this Order is approved, the Member shall be suspended from the practice of engineering.
2. The Member will receive a Letter of Reprimand, a copy of which will be maintained permanently in the Member's registration file and be considered at any future date by APEGA.
3. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Member.

I, Mr. Harpreet S. Dinsa, P.Eng., acknowledge that before signing this Recommended Discipline Order, I consulted with legal counsel regarding my rights or that I am aware of my right to consult legal counsel and that

**Case No. 17-020-RDO** *continued*

I hereby expressly waive my right to do so. I confirm that I agree to the facts and admissions as set out above in this Recommended Discipline Order, and that I agree with the Orders that are jointly proposed.

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

Signed,

**MR. HARPREET S. DINSA**, P.ENG.

**GEORGE ANDERSON**, P.ENG.

Panel Chair, APEGA Investigative Committee

**WANDA GOULDEN**, P.ENG., P.GEO.

Panel Chair, APEGA Discipline Committee

*Date: December 19, 2017*

Date: December 14, 2017

Case No.: 17-021-RDO

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT,  
AND  
IN THE MATTER OF THE CONDUCT OF [PROFESSIONAL MEMBER A], P.ENG.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of [Professional Member A], P.Eng., (the “Member”). The investigation has been conducted with respect to a complaint initiated by [Complainants B] (the “Complainants”) who submitted a letter of complaint dated May 30, 2016.

**A. BACKGROUND**

The Complainants purchased a home in September/October 2014 located on an acreage in [Alberta County C]. The house, built in 1990, contained a preserved wood foundation (PWF) basement consisting of only a 4-foot crawlspace. As part of the purchase process, the previous owners (the “Client”) retained the Member to inspect the PWF basement of the home. This was initiated by the Complainant’s Realtor to ensure the foundation was structurally intact without major issues.

The Member completed an onsite inspection and produced a report that did not identify any concerns. In his report, the Member stated, “...no long-term problems and suggests this foundation is quite adequate in all relevant ways for the foreseeable future.” Furthermore, the Member recommended that a follow-up engineering inspection of the crawlspace be completed again in 12–15 years.

The Complainants were also required to have a home inspector inspect the home as a condition of the purchase of the home. This inspection was completed after the Member’s inspection. The home inspector identified wood rot within the built-up platform associated with the construction of the jet tub located in the master ensuite, which included floor joists and plywood decking, and these defects were noted while the home inspector was inside the crawlspace.

The Member was contacted by the Client regarding the home inspector’s findings. The Member returned to the site to re-inspect the identified area of concern, and supplied a second report that outlined repair requirements for the specific damages referenced in that report.

The Member believes his Client did not share the second report with the Complainants as the sale price was renegotiated, and the difference settled on was less than the repair cost estimate the Member provided.

In June 2015, the house was hit by a hail storm, requiring repairs to the siding and roof. During the repair of the property, further rotting of the PWF basement was discovered on the southwest side of the house. Again, the damage could be seen from the PWF crawl space. The Complainants allege the Member, when contacted, also offered to come back to look at the property; however, the Member did not re-visit the site and did not contact the Complainant again.