

The Discipline File

- APEGA has reprimanded a Responsible Member and his employer, a Permit Holding company, for giving unverified and inaccurate advice to clients about meeting regulatory requirements. The company's "poor document management," combined with the Professional Engineer's "inadequate supervision of subordinates and lack of adherence" to a document policy, contributed to the incidents of unprofessional conduct, says an APEGA Recommended Discipline Order (RDO).

APEGA found that the unverified advice to two different clients "tends to harm the standing of the profession generally." The advice and related incidents violated Rule of Conduct No. 5 of the APEGA *Code of Ethics*: "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."

An RDO includes facts, findings, and penalties agreed to by the investigated party or parties. It has the same force and effect as a decision of an APEGA Discipline Hearing, but it doesn't require the time and expense of holding one.

In one complaint, the client was an Alberta municipality. The company was under contract to perform design and construction management services for the rehabilitation of a storm sewer outfall. Before construction began, the company was required to notify Alberta Environment and Sustainable Resource Development (AESRD) about the project and obtain regulatory approvals.

The company told the client that all that AESRD required was notification and that the company had provided that. Construction began. But AESRD, it turned out, had no record of notification. The company itself had no record of a *Water Act* application or approval, or a Public Lands Temporary Authorization, both of which were also required before construction began.

In the second complaint, the company was under contract with a developer for civil engineering design services in the construction of a new hotel and restaurant in the same municipality. The company forwarded a document entitled Development Permit to the developer, but it wasn't a valid permit and was apparently a draft. The municipality by then had notified the developer that no development permit had been applied for or granted.

In both cases, the municipality was the complainant.

The RDO ordered that details of the matter be published in *The PEG* without names.

Visit apega.ca to read the full RDO.

- Don Perera, P.Eng., has entered into a voluntary undertaking with APEGA to request the cancellation of his registration as a Professional Member. At the time he entered into his voluntary undertaking, Mr. Perera was the subject of two discipline charges under the *Engineering and Geoscience Professions Act* relating to allegations that Mr. Perera had engaged in unprofessional conduct arising from his ownership of a building project. The charges alleged that Mr. Perera failed to engage, seek, or follow geotechnical engineering advice related to that building project. By his undertaking, while not admitting to the charges in question, Mr. Perera has agreed to request the cancellation of his registration as a Professional Member of APEGA; that he will not apply for registration or reinstatement with APEGA; and that he will not hold himself out as a Member of APEGA in any manner. In the event that Mr. Perera does not comply with the terms of his undertaking, APEGA has reserved the right to proceed with the prosecution of the two charges through referral to a disciplinary hearing. Visit apega.ca to read the voluntary undertaking.