



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

AND

IN THE MATTER OF THE CONDUCT OF

[REDACTED] P.Eng.

AND

[REDACTED]

**RECOMMENDED APEGA
DISCIPLINE COMMITTEE ORDER**

APEGA Discipline Committee Order

In the matter of the Engineering and Geoscience Professions Act

and

In the matter of the conduct of [REDACTED], P.ENG.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of [REDACTED], P.Eng., with respect to allegations of inadequate field review services provided for [REDACTED] condominium complex located in Calgary, Alberta.

A. Complaints

1. The Member has engaged in unprofessional conduct, contrary to Section 44 (1) (b) of the Engineering and Geoscience Professions Act ("Act") and Rule of Conduct #1 and #4 of the Code, in that [REDACTED] did not thoroughly review his EIT's field inspection before applying his seal and his lack of note keeping on the matter was inadequate and deemed unprofessional.

2. 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:

3. [REDACTED], P.Eng. was at all relevant times, a professional member of APEGA, and was thus bound by the Engineering and Geoscience Professions Act and the APEGA Code of Ethics.
4. [REDACTED] [REDACTED] [REDACTED] held a valid Permit to Practice at all relevant times.
5. [REDACTED], P. Eng and his firm, [REDACTED] were retained by the condominium owners to provide services during reconstruction of a condominium complex damaged by fire. The damaged buildings were demolished and rebuilt. [REDACTED] determined that the project was not built as designed. [REDACTED] conducted examinations of the other buildings of the complex and determined that buildings [REDACTED] [REDACTED] [REDACTED] were also not built according to the plans submitted by the City of Calgary permit office. The Member Under Investigation conducted or supervised the field inspection of buildings [REDACTED].

6. [REDACTED], P. Eng complained to APEGA on April 23, 2013 alleging that the MUI, [REDACTED], P.Eng, and [REDACTED] did not conduct proper field reviews or properly supervise the personnel conducting the field reviews before signing off on the C-2 for building [REDACTED] of the [REDACTED] condominium complex in Calgary, Alberta. The C-2 documents are a form authenticated by the registered professional of record stating that the project has been completed as per the original design and complies with the standards of the Alberta Building Code. The conduct of [REDACTED] resulted in deficiencies in the structure of the multi-family condominium that required extensive repairs to meet the requirements of the Alberta Building Code. There was no danger to the public as a result of [REDACTED]'s actions.
7. [REDACTED], P. Eng. has stated during the Panel interview that he began performing and supervising field reviews for buildings [REDACTED] in August 2002 for [REDACTED] and then in July 2002 began to conduct and supervise the reviews under his firm [REDACTED].
8. [REDACTED], P. Eng during the interview denied that field inspections were inadequate. He stated that the construction complied with the drawings he had in his possession at the time of his review. He stated he relied on the fact that the drawings were stamped by a reputable P. Eng who was one of the original project engineers.
9. However, [REDACTED], P. Eng did admit that he failed to thoroughly review his EIT's field inspection before applying his seal to the C-2 documents, and further admitted that he did not keep thorough and complete notes of what occurred during the review. He acknowledged that he would change his method of reviewing structural plans and verifying any changes made to the original plans before signing a C-2 in the future. The Investigative Panel requested and did receive current samples of [REDACTED]'s inspection reports and the Panel believed that his current record keeping practice has improved and there is a low likelihood of any continuing problems in this regard.
10. The Investigative Panel determined that [REDACTED] did admit to misconduct during the course of the investigation, it was the Panel's opinion that the matter would best be resolved through a Recommended Discipline Order rather than a formal hearing.

C. Conduct

[REDACTED], P.Eng, has freely and voluntarily admitted that his conduct constitutes unprofessional conduct.

- a) [REDACTED], P. Eng, as one of the Registered Professionals for the [REDACTED] Condominium Project failed to thoroughly review his EIT's field inspection before applying his seal to the C-2 documents and that [REDACTED] did not keep thorough and complete notes of what occurred during the review.

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 a lack of skill or judgement in the practice of the profession or;

(e) displays a lack of knowledge 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.

Rules #1 of the APEGA Code of Ethics states:

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.

Rules #4 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.

Orders

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

- 1. [REDACTED] and [REDACTED] receive a letter of reprimand.
and**
- 2. The details of this matter be published in the PEG magazine, without names.**
- 3. That there is no mention in the PEG magazine of [REDACTED] condominiums.**

APEGA Investigative Committee

[Redacted]

[Redacted], P.Eng.

APEGA Panel Committee

Approved this 26 day of June, 2015

[Redacted]

By: [Redacted]
Panel Chair Allan Yucoco, P.L. (Eng).

APEGA Discipline Committee

Approved this 13 day of AUGUST, 2015

By: [Redacted]

Case Manager Don Morse, P.Eng.