



## APEGA Discipline Committee Decision

APEGA members and permit holders are required to practise engineering and geoscience skillfully, ethically, and professionally. They must meet all prescribed requirements and follow all applicable legislation and regulations, such as the [Engineering and Geoscience Professions Act, General Regulation, Code of Ethics, and APEGA bylaws](#). Investigation and enforcement—followed by, when necessary, judgment based on a fair hearing of the facts—are requirements of ours in service to the public interest. For more information, please visit [www.apega.ca/enforcement/discipline-decisions](http://www.apega.ca/enforcement/discipline-decisions).

**Date of Hearing: July 18, 2018**

**Date of Decision: December 5, 2018**

**APEGA Discipline Case Number: 17-016-FH**

### **IN THE MATTER OF A HEARING OF THE DISCIPLINE COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF ALBERTA**

Pursuant to the *Engineering and Geoscience Professions Act*,  
being Chapter E-11 of the Revised Statutes of Alberta 2000  
**In the Matter of the Conduct of Mehrdad Vard, P.Eng.**

Under the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11, (the “EGP Act”) a hearing into this matter was held by a Hearing Panel of the Discipline Committee on July 18, 2018. The hearing addressed the conduct of Mr. Mehrdad Vard, P. Eng. (the “Member”).

The hearing addressed allegations that the Member made false or unsubstantiated complaints and statements about the actions, conduct or professionalism of two APEGA members, or an Industry Organization, or all of them, in a manner that lacked fairness or objectivity. The complaints and statements arose out of the Member’s complaint to APEGA against Dr. S.A. and M.G. on February 17, 2016, and the subsequent investigation of that complaint.

It was further alleged that this conduct constituted unprofessional conduct as set out in sections 44(1)(a), (b), and (c) of the EGP Act and contravened Rule of Conduct 3 of APEGA’s *Code of Ethics* (“3 Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.”).

The role of the Hearing Panel was to determine whether the charge was factually proven and, if so, whether the proven conduct was unprofessional conduct under the EGP Act.

The Hearing Panel determined that the conduct had been factually proven on a balance of probabilities and that the proven conduct constituted unprofessional conduct.



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The Member did not attend the hearing. The EGP Act provides that upon proof of service of a Notice of Hearing upon the investigated person, the Hearing Panel has jurisdiction to proceed with the hearing in the absence of an investigated person. The Member had been served with a Notice of Hearing and was aware that the hearing would proceed on July 18, 2018. After considering the evidence, the Hearing Panel confirmed that it was prepared to proceed with the hearing in the Member's absence.

On the merits, the Hearing Panel heard evidence from three witnesses, two of which were the Complainants (Dr. S.A. and M.G.).

### Background

The Member filed a complaint against an Industry Organization and two of its employees, the Complainants, who were APEGA members (the "Initial Complaint").

In the Initial Complaint, the Member alleged that the Industry Organization and two of its employees, the Complainants demonstrated unprofessional conduct in the Industry Organization's Request for Proposals ("RFP") process. The Investigative Committee terminated the investigation of the Initial Complaint due to insufficient evidence of unprofessional conduct. The Appeal Board upheld the Investigative Committee's decision in 2017.

Later, the Complainants submitted a complaint regarding the Member's conduct during the investigation of the Initial Complaint (the "Second Complaint"). They alleged that the Initial Complaint had consisted of false and unsubstantiated allegations that were unsupported by any evidence.

### Decision and Reasons of the Hearing Panel on the Merits ("Merit Decision")

After considering the evidence presented by the Investigative Committee, the Hearing Panel determined that the Investigative Committee had proven that:

- a. The Member made false or unsubstantiated complaints and statements about the actions, conduct and professionalism of the Complainants;
- b. The false or unsubstantiated complaints and statements made by the Member were made in a manner that lacked fairness and objectivity and thereby breached Rule of Conduct 3 of the *Code of Ethics*; and
- c. The Member's conduct and his proven breach of Rule of Conduct 3 of the *Code of Ethics* constituted unprofessional conduct pursuant to sections 44(1)(a), (b) and (c) of the EGP Act.



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The evidence presented in this case made clear that the complaints and statements made by the Member about the Industry Organization and the Complainants were not supported by any evidence and were directly refuted by the evidence of the Complainants and documentary evidence. There was no evidence of any form of collusion or bias against the Member and no evidence that the actions and conduct of the Complainants were unprofessional in any way. This was the same conclusion that was reached by the Investigative Committee in their decision to terminate the Member's complaint, and the same conclusion of the Appeal Board in their decision to uphold the Investigative Committee's termination. The complaints and statements were false or unsubstantiated.

The Hearing Panel went on to decide whether the complaints and statements made by the Member were made in a manner that lacked fairness and objectivity and thereby breached Rule of Conduct 3 of the *Code of Ethics*.

The Investigation Committee submitted that the evidence established that the Member made unsubstantiated and false complaints with the intent of using the complaint process to injure the reputations of the Complainants and as a form of retaliation for the fact that his proposals for various RFPs were rejected.

The Hearing Panel was not prepared to make this finding of intent as requested by the Investigative Committee. In reviewing the materials submitted by the Member, the Hearing Panel did not find a deliberate attempt by the Member to present false complaints and statements. The complaints and statements were not supported with objective evidence and they were rejected as unsubstantiated. However, it was apparent that the Member subjectively believed that the allegations he was making were true and that he persisted in this belief even when the lack of evidence was pointed out to him. The Hearing Panel therefore did not accept that the Member deliberately provided what he knew were false or unsubstantiated complaints.

The Hearing Panel was also concerned that the case arose out of a complaint made by the Member that was dismissed by the Investigative Committee whose decision was upheld by the Appeal Board. Professional members have a professional obligation to report conduct that they believe may be unprofessional. Where this information is provided in good faith by the professional member the fact that an investigation establishes that there is insufficient evidence to refer the complaint to a hearing should not generally mean that the professional member will be charged for making the complaint. Any such practice could prevent or deter members from bringing potential unprofessional conduct to the attention of APEGA.

However, in this case the Member made very serious statements and complaints about two fellow professionals and he filed a complaint that contained these allegations of serious unprofessional conduct with APEGA. The Member made these allegations as a Professional Engineer against two other Professional Engineers. As such, he had a duty under Rule of Conduct 3 of the *Code of Ethics* to conduct himself with fairness and objectivity. The Hearing Panel reviewed the evidence and found that an objective analysis of the facts showed no evidence that could support these allegations. The Member failed to act in a fair or objective manner by making such reckless and unsubstantiated allegations and willfully disregarding evidence demonstrating the lack of foundation of the allegations.



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The Member's lack of fairness and objectivity was compounded by his statements and his behaviour during the investigation of the complaint. When the Member was asked to provide evidence to support his allegations during the investigation, he continued to refer to his opinions and his suspicions as clear proof of his allegations. He also responded to these questions by questioning the competence and experience of anyone who questioned him.

The same behaviour was apparent in the Member's appeal of the decision of the Investigative Committee. In his email to the Registrar appealing the decision, the Member concluded his appeal by alleging bias on the part of the Director of Investigation and lack of competence on the part of the investigators. He then concluded as follows:

"It seems both the investigators and the panel members were inexperienced to raise any analytical questions for clarification and conducting a professional disciplinary investigation. My impression was like that a couple of street police officer and general IT engineer had to investigate the tricks of a bank computer hacker who has been embezzling the public fund for years and finally nothing is detected after a one-year investigation."

The same behaviour was shown again in the Member's letter to the Registrar and the President of APEGA dated June 18, 2018. In this letter the Member alleged "unprofessional conducts in the APEGA". He suggested that "These remind me of the corrupted bands in my origin country Iran that infiltrate & influence the regulatory bodies to intimidate their plaintiffs". He concluded by suggesting the need for "a group of experienced petroleum engineers with expertise in RFP Proposals, Access to Information Act, and Privacy and Confidentiality Acts" to "use the clues of this file to investigate the practice of [the Industry Organization's] manager with scrutiny for the sake of the Public & the Profession." Finally, he stated: "I believe that a profound investigation of their misconducts and enforcing APEGA's professionalism in [the Industry Organization] have the potential to prevent some other accidents like Lac-Megantic disaster in Canada."

At each stage of the complaint process the Member took the same approach. When asked for evidence to support his allegations or when faced by decisions that point out there was no evidence to support his allegations, the Member responded by questioning the competence, experience and integrity of the individuals involved. This conduct provided clear evidence of the Member's lack of fairness or objectivity and it is the same conduct that resulted in his complaints against the Complainants.

The Hearing Panel therefore found that the Investigative Committee had proven that the Member made false or unsubstantiated complaints against the Complainants in a manner that lacked fairness and objectivity and that breached Rule of Conduct 3 of the *Code of Ethics*.

Next, the Hearing Panel considered whether the proven allegation constituted unprofessional conduct under section 44(1)(a), (b) or (c) of the EGP Act.

Section 44(1) of the EGP 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*



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- 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 Hearing Panel determined that the Member contravened Rule of Conduct 3 of the *Code of Ethics* so there was a clear breach of section 44(1)(b) of the EGP Act. The Hearing Panel also found that making false or unsubstantiated allegations against fellow professional members is conduct that harms or may tend to harm the standing of the profession generally. Therefore, the Hearing Panel found that the Member's conduct also breached section 44(1)(c) of the EGP Act.

The Hearing Panel found that these proven breaches of the EGP Act were serious and fell well below the standard of objectivity and fairness required of professional members. The Hearing Panel therefore found that the Member's proven conduct constituted unprofessional conduct.

### **Decision of the Hearing Panel on Sanctions ("Sanctions Decision")**

Date: May 27, 2019

The Hearing Panel requested that the Investigative Committee and the Member provide written submissions on sanctions. The Investigative Committee provided written submissions, but the Member did not provide any submissions that responded to the written submissions on sanctions of the Investigative Committee. The Member did, however, send a letter dated March 19, 2019 to APEGA's President, Registrar and Chief Executive Officer, which was provided to the Hearing Panel. The Member's letter raised various concerns about the Hearing Panel's decision on the merits but included no submissions on sanctions.

On April 8, 2019 the Hearing Panel convened by teleconference to consider the written submissions on sanctions from the Investigative Committee and the letter provided by the Member.

After considering the submissions of the Investigative Committee and reviewing the letter sent by the Member, the Hearing Panel ordered the following sanctions:

- a. The Member will receive a formal reprimand for his conduct and the Hearing Panel's Merit Decision and Sanctions Decision will serve as the formal reprimand;



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- b. The Member must successfully complete the National Professional Practice Exam and the course must be undertaken at his own cost;
- c. The Member shall pay a fine of \$2000.00 within three months of the Sanctions Decision;
- d. The Member shall pay 65% of the costs of the hearing to a maximum amount of \$30,000.00 within six months of the Sanctions Decision;
- e. The fine and costs are a debt owing to APEGA;
- f. The Member will not be eligible to apply or re-apply for registration with APEGA until he has complied with orders (b), (c) and (d);
- g. The Hearing Panel's decisions shall be published or circulated as follows:
  - i. A written summary of the decision will be published in the PEG, in a manner that identified the Member; and
  - ii. If any member of the public or any other professional organization inquired with APEGA as to whether the Member was the subject of a discipline hearing or was found guilty of any charges under the EGP Act, APEGA shall be at liberty to provide a complete copy of the Hearing Panel's decision.

The Member's proven unprofessional conduct required sanctions that make clear to the Member that his conduct was unacceptable and that he could not respond to questions asking for evidence to support his allegations by questioning the competence, experience and integrity of the individuals involved. The sanctions must deter the Member from engaging in such conduct in the future. This was necessary for the protection of the public and to protect the integrity of the profession, which cannot tolerate unprofessional conduct of this nature.

The Hearing Panel agreed that a formal reprimand was required to make clear to the Member and to other members of the profession and the public that unprofessional conduct involving failure to act in a fair or objective manner and making reckless and unsubstantiated allegations was unacceptable and unprofessional.

The Hearing Panel also agreed that it was appropriate that the Hearing Panel's Merit Decision and Sanctions Decision serve as a formal reprimand. In both decisions, the Hearing Panel identified and discussed in detail the actions of the Member that it found to be unprofessional and explained why that conduct fell well below the standard of fairness and objectivity expected of professional members.



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The Hearing Panel also agreed that it was appropriate that the Member be directed to successfully complete the National Professional Practice Exam at his own costs. The nature of the Member's unprofessional conduct involved a failure to understand the ethical need for professional members to act fairly and objectively and the unethical nature of making reckless and false allegations that could not be substantiated by evidence. The National Professional Practice Exam will require the Member to demonstrate his understanding of the ethical requirements of a professional member. This will provide some assurance to the profession and to the public that the Member has acquired a better understanding of the ethical knowledge required of a professional engineer.

The Hearing Panel also agreed that a fine was necessary to further demonstrate to the Member and to other members of the profession that unprofessional conduct of this nature would result in sanctions beyond a reprimand. However, after considering the facts of this case, the Hearing Panel decided that a fine should be \$2000.00 rather than \$2500.00 as submitted by the Investigative Committee. The Hearing Panel considered a number of factors in reaching this decision:

- a. While the conduct in this case was serious, it was not at the most serious end of potential misconduct that would warrant a suspension or the maximum fine of \$10,000.00 authorized under section 64 of the EGP Act;
- b. The Investigative Committee referred to a previous APEGA decision where a member was fined \$2500.00 for giving sworn evidence which he knew or ought to have known was erroneous or misleading and provided sworn testimony despite a lack of knowledge in the field of practice. In the opinion of the Hearing Panel, this conduct was more serious and had more potential for harm to the public and to the standing of the profession than the Member's conduct; and
- c. The Hearing Panel decided that some reduction in the amount of the Member's fine was necessary and that a \$2000.00 fine better reflected where his conduct fit in the degree of seriousness of potential unprofessional conduct.

On the issue of costs, the Hearing Panel agreed with the Investigative Committee that it was appropriate for the Member to pay a significant portion of the costs of the hearing. The hearing arose because of the Member's reckless and unsubstantiated allegations and his refusal to accept that he had no evidence to support the allegations. It was therefore appropriate that he be assessed costs in respect to the hearing that arose based on his conduct.

The Investigative Committee did not call any unnecessary witnesses and conducted its case efficiently. The Hearing Panel recognized that the nature of the Member's responses and the number of documents that were reviewed and considered had the effect of increasing costs to complete the hearing.

Given these factors, the Hearing Panel determined that the appropriate order for costs was that the Member pay 65% of the costs of the hearing to a maximum of \$30,000.00. While this costs



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order was less than the Investigative Committee's request that the Member pay 75% of costs to a maximum of \$35,000.00, it was a substantial costs order. The Hearing Panel believed that this substantial costs order was reasonable in the circumstances.

Throughout the proceedings, the Member had many opportunities to realize that his allegations were reckless and not based on any actual evidence. The Member rejected all the opportunities and responded by attacking the credibility and competence of the complainants, investigators and the Investigative Committee. His actions directly lengthened the investigative process and contributed to the substantial costs incurred by the Investigative Committee in proving the allegation of unprofessional conduct. As such, a substantial order for costs was appropriate.

The Hearing Panel decided to reduce the percentage of the costs to 65% and to cap the order for costs at \$30,000.00. This was a reduction of \$5000.00 from the cap suggested by the Investigative Committee. The Hearing Panel made this reduction to reflect the fact that while this was a serious matter and the Member's conduct did not assist in moving this matter forward efficiently, it did involve allegations concerning two members and the allegations were not widely published. In these circumstances, the Hearing Panel decided a limited reduction in the amount of the costs requested by the Investigative Committee was appropriate.

The Member chose not to maintain his registration with APEGA. However, it was appropriate and reasonable that he be required to comply with the orders and demonstrate his professionalism before he be eligible to re-apply for registration.

Signed,

**JOHN VAN DER PUT, P. ENG.**  
Panel Chair, APEGA Discipline Committee

**TIM MORAN, P.ENG.**  
Panel Member, APEGA Discipline Committee

**DR. DEAN MULLIN, PhD., MBA, P.ENG.**  
Panel Member, APEGA Discipline Committee

**CHRIS GOULARD, P.ENG.<sup>1</sup>**  
Panel Member, APEGA Discipline Committee

**MURIEL DUNNIGAN**  
Public Member, APEGA Discipline Committee

### Appeal Board Decision

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<sup>1</sup> Mr. Goulard sat as a Panel Member for the Merit Hearing only on July 18, 2018.



## APEGA Discipline Committee Decision

Date: November 13, 2019

The Member appealed the Discipline Committee's Merit Decision and Sanctions Decision to the Appeal Board on the following grounds:

- a. the Discipline Committee overlooked his submissions, including those sent in correspondence of June 18, 2018, July 18, 2018 and March 12, 2019;
- b. the Investigative Committee panel had a conflict of interest;
- c. the Investigative Committee failed to sufficiently investigate matters;
- d. the Investigative Committee and/or Director of Investigations acted in a prejudicial or discriminatory manner;
- e. the Discipline Committee overlooked that his complaint was confidential and did not harm or damage the Industry Association's employees' "professional situation";
- f. the Discipline Committee overlooked that the Second Complaint, made against the Member, was retaliatory;
- g. the Discipline Committee failed to refer the matter to "experts of the RFP process"; and
- h. the Discipline Committee refused to provide him "a fair and equal legal opportunity in their hearing session".

In his Request for Appeal, the Member did not specifically refer to the Sanctions Decision, but he did state the following:

- a. His case did not match the serious factors in the *Jaswal v Newfoundland (Medical Board)* case that the Investigative Committee had cited and used to recommend sanctions; and
- b. His complaint was submitted confidentially, in good faith, based on his professional duty, and with his best knowledge and understanding; and
- c. The Merit Decision and Sanctions Decision had serious effects in relation to his professional and financial situation.

The Appeal Board understood that he was appealing the Merit Decision and the Sanctions Decision.



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The role of the Appeal Board was to determine whether the Discipline Committee's Merit Decision and Sanctions Decision were reasonable.

The appeal was heard by the Appeal Board on September 20, 2019. The Appeal Board confirmed the Discipline Committee's findings of unprofessional conduct and decision on sanctions. The appeal was therefore dismissed.

### **Decision and Reasons of Appeal Board**

#### Procedural Fairness

The Member raised several issues as to whether the investigative and disciplinary proceedings had been fair. Regarding the Investigative Committee, the Member alleged a conflict of interest due to the same panel having dealt with both his complaint and the complaint against him. He also alleged that the Investigative Committee or its staff acted prejudicially or discriminated against him by advising him at the outset of his complaint that it was frivolous and vexatious.

The Appeal Board agreed with the Discipline Committee's decision where it stated that there was nothing inappropriate or biased about similar decision-makers dealing with similar parties on more than one occasion. Furthermore, the Member provided no evidence to substantiate these speculative allegations or any other impropriety on the part of the Investigative Committee or the Discipline Committee.

The Member also alleged that the Investigative Committee failed to sufficiently investigate his complaint and the complaint against him. During investigation of the Second Complaint, when the Member was asked additional questions during the investigation, he did not respond directly. He relied on correspondence that he had previously provided to the Investigative Committee during investigation of the Initial Complaint. As the Member chose not to participate in an interview or answer follow-up questions directly, the Investigative Committee then had to rely on evidence that he had provided during the Initial Complaint when he was a complainant rather than in response to the Second Complaint.

Where his own conduct had been brought into question by other professionals, the Member had a professional obligation to respond and to provide evidence supporting his position and defending his interests.

The Member alleged that the Discipline Committee refused to provide him a fair and equal legal opportunity in the disciplinary hearing. The Investigative Committee provided to the Member its disclosure from its investigation. Despite being granted an adjournment to seek legal counsel and have additional time to prepare, the Member chose not to attend the Discipline Committee hearing.

The Member did not provide a compelling reason for his failure to attend the Discipline Committee hearing. The record of the Discipline Committee showed that there was interaction between APEGA staff and the Member throughout the disciplinary process and that he was fully aware of



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the hearing date, location and time. The Member stated that he had a health condition that made him require legal counsel for the Discipline Committee hearing and he was unable to afford such legal representation. The Appeal Board noted that he had not raised his health condition previously. Furthermore, the Discipline Committee had agreed to adjourn a previously scheduled hearing date to allow the Member the opportunity to retain counsel and to review the Investigative Committee's disclosure.

The Appeal Board found that the Member was adequately notified and was given a fair opportunity to attend the hearing and respond to the charges he was facing.

### Merit Decision

The Member stated that he felt he was fulfilling his obligations as an APEGA Member by initiating his complaint against the Industry Organization and its employees in good faith and based on his professional duty. The Investigative Committee responded that the conduct in question was not simply the fact that the Member filed complaints. Rather, the conduct in question was how the Member chose to pursue the complaints. The Member's responses and actions during the investigative process did not demonstrate the professionalism that is required and expected of an APEGA member.

There was clear evidence before the Discipline Committee that the Member made false and unsubstantiated complaints and that he had done so without evidence supporting his allegations. It was also apparent that the Member's expectations of the Investigative Committee were that he only needed to provide 'clues' regarding the misconduct that he had speculatively alleged, and that he was not required to provide further evidence when it was requested of him.

The Member also argued that the Discipline Committee had overlooked his submissions, including his correspondence of June 18, 2018, July 18, 2018 and March 12, 2019. It was clear to the Appeal Board that the Discipline Committee reviewed the Member's submissions.

The correspondence of June 18, 2018 and July 18, 2018 was contained in the record before the Discipline Committee. Furthermore, the Merit Decision indicated that Discipline Committee considered the Member's concerns in reaching its conclusions about whether there had been unprofessional conduct, particularly in the analysis of whether the Member's conduct could be found to be intentional.

The Member's letter of March 12, 2019 had been sent to APEGA after the Discipline Committee issued its Merit Decision and invited submissions on sanctions. The March 12, 2019 letter did not contain any submissions addressing the topic of sanctions.

Before the Appeal Board, the Member repeated the issues he had raised in his letter of March 12, 2019. The Appeal Board considered these remaining issues as follows:



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- a. The Member alleged that the Discipline Committee “failed to refer the matter to experts of the RFP process to see how the [Industry Organization] managers breached their obligation in the RFP contract against all bidders”. The Member provided no further details of this allegation or of any basis upon which such experts would have been required.
- b. The Member alleged that the Discipline Committee overlooked that the Industry Organization’s employees’ complaint was retaliatory against him. The Second Complaint, against the Member, was clearly made in response to the Initial Complaint he had made against the Industry Organization and its employees. The Discipline Committee engaged in a detailed analysis of the basis for the complaint against the Member. There was no evidence upon which the Appeal Board could have concluded that the Discipline Committee failed to consider whether the complaint against the Member was in some way improperly retaliatory.
- c. The Member alleged the Discipline Committee overlooked the concerns he had raised regarding the Industry Organization’s employees’ plagiarism complaint. The Appeal Board noted that this was not an issue before the Discipline Committee as the Investigative Committee did not refer the plagiarism allegation to a disciplinary hearing.

For the above reasons, the Appeal Board concluded that the Discipline Committee’s Merit Decision was reasonable.

### Sanctions Decision

The Member did not provide any reasons or arguments to support revision of any of the Discipline Committee’s sanctions. He tried to prove his complaint against the Industry Organization and its employees, rather than focusing on the Discipline Committee’s findings as to his conduct and the sanctions levied against him.

Though the Member made no specific reference to the sanctions he was facing, he argued that his case was distinguishable from the serious factors at issue in the *Jaswal* case, which was cited by the Discipline Committee in its Sanctions Decision. The Appeal Board reviewed the Discipline Committee’s analysis and application of the principles from the *Jaswal* decision to the Member’s appeal and found that that the Discipline Committee reasonably concluded that the Member’s conduct fell well below the standard of objectivity and fairness required of professional members.

The Member also raised matters that he felt should have been a mitigating factor in how the Discipline Committee viewed his conduct. For example, the Member stated that his complaint was confidential and that it did not harm or damage the Industry Organization employees professionally. The Discipline Committee considered the potential for harm that had been occasioned by the Member’s conduct and, though the Discipline Committee found that the



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Member's conduct was less serious than in a case cited by the Investigative Committee, the Discipline Committee nonetheless concluded that making false or unsubstantiated allegations against fellow professional engineers is conduct that harms or may tend to harm the standing of the profession generally.

The Appeal Board concluded that the Discipline Committee's Sanctions Decision was reasonable and found that the Member did not raise any issue which would warrant disturbing the sanctions ordered.

Signed,

**VICTOR BENZ, P. ENG.**

Panel Chair, APEGA Appeal Board

**HOLLY PETERSON, P. ENG.**

Panel Member, APEGA Appeal Board

**HEATHER KENNEDY, P. ENG.**

Panel Member, APEGA Appeal Board

**HAROLD NETH**

Public Member, APEGA Appeal Board