



The Association of Professional  
Engineers and Geoscientists of Alberta

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## APEGA APPEAL BOARD DECISION WITH RESPECT TO APPEAL COSTS AND PUBLICATION

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April 15, 2025

Case: 23-006-FH

**IN THE MATTER OF** the Engineering and Geoscience Professions Act

and

**THE APPEAL** from the decision of the APEGA Discipline Committee (“DC”) in case 23-006-FH, regarding the matter of conduct and practice of Mr. Antonio Ruggieri.

### **OVERVIEW**

- [1] On January 17, 2025, the Appeal Board of the Association of Professional Engineers and Geoscientists of Alberta (the “Appeal Board” of “APEGA”) heard an appeal on the merits of decisions made by the DC wherein the DC found that the Appellant, Mr. Ruggieri, had engaged in unprofessional conduct and unskilled practice, and the DC sanctioned him for his conduct.
- [2] On February 25, 2025, the Appeal Board issued a decision wherein it confirmed DC’s decisions in its entirety and dismissed the appeal (the “Appeal Decision”).
- [3] The Appeal Board invited the Investigative Committee (“IC”) and Mr. Ruggieri to provide submissions on costs arising from the appeal proceedings and on publication of the Appeal Decision. The IC provided submissions dated March 4, 2025. Mr. Ruggieri provided submissions dated March 12, 2025.

[4] The Appeal Board has considered the parties' submissions and has decided as follows:

- a) The Appeal Board orders that Mr. Ruggieri will pay \$36,000.00 in costs within 12 months from the date of this decision.
- b) The Appeal Board directs publication of a report regarding the disciplinary investigation into Mr. Ruggieri's conduct and practice, and its outcome, identifying Mr. Ruggieri by name.

[5] The reasons for this decision are set out below.

## **COSTS**

### **Relevant Legislative and Regulatory Provisions on Costs**

[6] Section 69(4) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (the "Act"), provides the Appeal Board with authority to order the investigated person to pay all or part of the costs of an appeal in accordance with the applicable bylaws.

[7] Section 36 of the *Engineering and Geoscience Professions Act Bylaws* lists the costs and expenses that may be included in a costs order.

### **Position of the Investigative Committee on Costs**

[8] The IC takes the position that Mr. Ruggieri should be required to pay \$36,000, representing 75% of the anticipated costs of the appeal, within 12 months of this decision.<sup>1</sup>

[9] The IC refers to the following principles arising from Alberta Court of Appeal decisions in recent years on costs awards in professional discipline proceedings:

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<sup>1</sup> The costs for this appeal incurred by APEGA as of the date of the IC's March 4, 2025, submission is \$45,145.83. This includes costs of the IC's legal counsel, the Appeal Board's legal counsel, the court reporter, and transcript of proceedings. This total does not include APEGA staff costs, the value of time volunteered by Appeal Board panel members for these appeal proceedings, or the costs and expenses incurred by APEGA in connection with the costs and publication portion of this appeal. The IC anticipates that the total costs of this appeal will be in the range of \$48,000.

- a) Costs awards should be reasonable and proportionate. In awarding costs, disciplinary bodies should consider the parties' successes or failures at the hearing, the conduct of the parties, the seriousness of the charges, and the reasonableness of the amounts.<sup>2</sup>
- b) It is acceptable to attempt to recover some costs from disciplined members. However, some burden of the costs is unavoidable and a proper consequence of a regulator's mandate.<sup>3</sup>
- c) Costs orders must be individualized, sensitive to financial circumstances, scrutinized where they deliver a crushing financial blow, and not preclude members from having a fair chance to dispute allegations.<sup>4</sup>

[10] The IC further takes the position that the Court of Appeal's costs decision in *Jinnah v Alberta Dental Association and College*<sup>5</sup> is not binding upon the Appeal Board, and the IC notes that the Court of Appeal has granted leave to reconsider the *Jinnah* decision.

[11] The IC argues that the following factors support a significant costs award:

- a) Mr. Ruggieri's appeal was dismissed entirely, and the outcome was predictable. He disregarded the DC's findings and advanced unsubstantiated assertions;
- b) While Mr. Ruggieri's conduct was not at the most serious end of the spectrum, his failure to meet basic expectations was a serious matter; and
- c) The amount proposed by the IC is reasonable for an appeal which included written submissions and a new evidence application.

[12] The IC also notes that the party's conduct in this appeal is a neutral factor that should not impact the costs award.

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<sup>2</sup> *Dr. Ignacio Tan III v Alberta Veterinary Medical Association*, 2022 ABCA 221 ("*Tan*"), at paras 45-46, citing *KC v College of Physical Therapists of Alberta*, 1999 ABCA 253 ("*KC*").

<sup>3</sup> *Tan*, at para 42.

<sup>4</sup> *Zuk v Alberta Dental Association and College*, 2018 ABCA 270 ("*Zuk*"), at para 194, citing *KC*.

<sup>5</sup> *Jinnah v Alberta Dental Association and College*, 2022 ABCA 336 ("*Jinnah*").

[13] In comparison to the circumstances underlying other recent Appeal Board costs decisions, the IC suggests that Mr. Ruggieri should not be ordered to pay the full costs of this appeal, but that a costs order of 75% would reflect the serious nature of his conduct and the predictability of the appeal outcome. The IC asserts that the costs order should be at least 50% of the appeal costs.

[14] In suggesting a 12-month period for payment of costs ordered, the IC simply states that this is a realistic time for payment.

#### **Position of the Appellant on Costs**

[15] Mr. Ruggieri's arguments focus on the Alberta Court of Appeal's comments in *Jinnah*, that the costs of disciplinary processes are an inevitable part of self-regulation and that significant costs should be ordered only if there was a compelling reason, such as:

- a) serious unprofessional conduct;
- b) unprofessional conduct occurring on two or more occasions;
- c) failure to cooperate with investigators, forcing the expense of more resources than necessary; and
- d) hearing misconduct that unnecessarily prolongs the hearing or otherwise results in increased unjustified costs.<sup>6</sup>

[16] Contrary to the IC, Mr. Ruggieri argues that the *Jinnah* decision applies to all professions.<sup>7</sup> In Mr. Ruggieri's view, pursuant to the *Jinnah* principles there are no compelling reasons to award costs.

[17] Alternatively, and recognizing the factors stemming from the Court of Appeal's decision in *KC* which were cited by the IC, Mr. Ruggieri suggests that the Appeal Board should not order more than 25% of the actual appeal costs.

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<sup>6</sup> *Jinnah*, at paras 134-144.

<sup>7</sup> Citing: *Tan v. Alberta Veterinary Medical Association*, 2024 ABCA 94, at para 34; *Law Society of Alberta v. Galbraith*, 2024 ABLS 13, at para 96; *Law Society of Alberta v. Emiloju*, 2025 ABLS 3, at paras 27-32; and *(Re) Duncan*, 2024 ABRECA 36. At paras 54-58.

- [18] Mr. Ruggieri argues that his conduct was not serious, in comparison to the type of serious conduct described in *Jinnah*. He maintains that the proven conduct does not markedly depart from the ordinary standard of care, that it could have been by mistake or oversight, and that it was not to the extent that he must have known it was completely unacceptable.
- [19] He also notes that he did not engage in any hearing misconduct.
- [20] Finally, he asserts that the IC's costs are unreasonable as their legal counsel's fees are double his own, and he asks that the Appeal Board consider his non-practicing status, his plan to no longer practice as an engineer, and his "significant legal expenses and stress relating to the house at issue." Mr. Ruggieri provided copies of his legal counsel's invoices with the subject line "Appeal of APEGA Discipline Decision."
- [21] Mr. Ruggieri has not provided any documentation with respect to his ability to pay costs of this appeal.

#### **Appeal Board Analysis and Decision on Costs**

- [22] The Appeal Board has the authority to order Mr. Ruggieri to pay partial or full costs of this appeal pursuant to section 69(4) of the Act and section 36 of the Bylaws. That said, the Appeal Board recognizes the principle that self-regulating professions should bear some responsibility in absorbing costs relating to discipline proceedings.
- [23] In consideration of the various factors discussed by the Court of Appeal, the Appeal Board finds that a costs order of \$36,000.00, equivalent to 75% of the anticipated appeal costs, is appropriate and proportionate for the following reasons:
- a) While this case relates to only one project, there were numerous examples of deficient review and record-keeping in Mr. Ruggieri's practice. This significantly impacted the homeowner. Mr. Ruggieri engaged in serious unprofessional conduct and unskilled practice, as noted by the IC;

- b) The Appeal Board recognizes that Mr. Ruggieri has a right to appeal and that he was cooperative in the appeal process. However, Mr. Ruggieri was entirely unsuccessful in his appeal. The IC noted his approach that prolonged the proceedings unnecessarily, including his disregard of the DC's findings, his factual assertions which were not in evidence before the DC, and his unsuccessful application to introduce new evidence. In particular, there was no indication that the new drawings that Mr. Ruggieri attempted to introduce, and heavily relied upon, had any bearing on the matters at issue in this appeal; and
- c) The Appeal Board understands that costs incurred by APEGA in this appeal align with recent Appeal Board cases of this nature.

[24] Mr. Ruggieri did not raise any objection to the IC's proposal that the costs be payable within 12 months, nor did he provide enough information on his fiscal situation for the Appeal Board to be able to assess his ability to meet this timeline. Accordingly, the Appeal Board orders Mr. Ruggieri to pay the \$36,000.00 in costs within 12 months from the date of this decision in accordance with a payment plan approved by the Discipline Manager.

#### **PUBLICATION**

- [25] Section 77 of the Act provides the Appeal Board with authority, after making a finding or order, to publish the name of the investigated person in accordance with the regulations.
- [26] Section 46 of the *Engineering and Geoscience Professions General Regulation*, Alta Reg 150/1999, states: "...the Appeal Board may direct that reports of disciplinary investigations be published."
- [27] The IC requests that the Appeal Board's decision in this appeal be published in a manner that identifies Mr. Ruggieri, as was directed by the DC.
- [28] The IC notes that publication of disciplinary outcomes demonstrates that APEGA is fulfilling its public protection mandate and serves the goal of transparency and promotes public confidence in APEGA's ability to achieve its mandate.
- [29] Mr. Ruggieri has taken no position on the publication direction requested by the IC in this appeal.

[30] The Appeal Board agrees with the reasons cited by the IC supporting publication. There is no reason not to publish the decision in this appeal, in a manner that names Mr. Ruggieri. Publication also aligns with the usual practice of the Appeal Board.

[31] Accordingly, the Appeal Board directs the publication of its decision in this appeal in a manner that names Mr. Ruggieri.

Dated this 15<sup>th</sup> day of April, 2025

APEGA Appeal Board

Per: **Heather Kennedy**  
Signed with ConSignO Cloud (2025/04/11)  
Verify with [verifio.com](https://verifio.com) or Adobe Reader.



Heather Kennedy, P.Eng.

Appeal Board Panel Chair

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Paul Wynnyk, CMM, MSM, CD, P.Eng., Registrar & CEO

Andy Smith, P.Eng., Deputy Registrar and CRO

Garth Jespersen, Director of Investigations

Natalie Tymchuk, Appeal Board Legal Counsel

[hearings@apega.ca](mailto:hearings@apega.ca)