



# **APEGA RECOMMENDED ORDER TO THE DISCIPLINE COMMITTEE**

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

AND

IN THE MATTER OF THE CONDUCT OF

Alieu Jawara, P.Eng.

Registrant No. 67582

IC Files: 23-37 & 24-05

# **APEGA RECOMMENDED ORDER TO THE DISCIPLINE COMMITTEE**

**In the Matter of the *Engineering and Geoscience  
Professions Act***

**and**

**In the Matter of the Conduct of  
Alieu Jawara, P.Eng.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Alieu Jawara, P.Eng. (the Registrant) with respect to two separate investigations: a complaint initiated by [REDACTED], on behalf of the City of Calgary (Complainant 1 / Complaint 1), and a second complaint initiated by [REDACTED] (Complainant 2 / Complaint 2).

## **A. Complaints**

The Complainants filed two separate complaints alleging that the Registrant engaged in unprofessional conduct and / or unskilled practice as defined at section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (EGP Act) with respect to his role as a structural engineering consultant approving as-built construction; delegating field reviews; and his manner of authenticating professional work products.

The investigations focused on the following allegations:

### Complainant 1 / Complaint 1:

1. Whether the Registrant engaged in unskilled practice and / or unprofessional conduct pursuant to a request by the Authority Having Jurisdiction (AHJ) to:
  - conduct a field review for new basement windows constructed at [REDACTED] Calgary, Alberta, and,
  - issue a letter to the AHJ confirming that the as-built window openings comply with the National Building Code – 2019 Alberta Edition.
2. Whether the Registrant engaged in unskilled practice and / or unprofessional conduct relative to five (5) project examples submitted to APEGA pursuant to its investigation of the Registrant.
3. Whether the Registrant engaged in unskilled practice and / or unprofessional conduct relative to the Registrant's reliance on others to perform site inspections.

4. Whether the Registrant engaged in unskilled practice and / or unprofessional conduct relative to two projects identified by the AHJ as a new concern regarding the Registrant's manner of authenticating professional work products.

Complainant 2 / Complaint 2:

Whether the Registrant engaged in unskilled practice of the profession and / or unprofessional conduct relative to his involvement in the Complainant's secondary suite construction project in March 2024.

**B. Agreed Statement of Facts**

**(i) Background:**

- C. The Registrant has been registered with APEGA since 2002.
- D. The Registrant holds both a BSc in civil engineering and a MSc in civil engineering from the University of Manitoba (1996 and 1999).
- E. Since January 13, 2023, the Registrant has been working remotely from The Gambia as a structural engineering consultant.
- F. The Registrant has had a professional relationship with a Calgary-based general contractor since 2007, involving hundreds of construction projects ranging from small residential renovations to warehouse sized construction projects.
- G. The general contractor was responsible for finding clients and projects. When a project required structural engineering, the general contractor would contact the Registrant for structural engineering support.
- H. The Registrant has cooperated with the investigation.

**(ii) Facts Relating to Complaint 1, Allegation 1:**

Whether the Registrant engaged in unskilled practice and / or unprofessional conduct pursuant to a request by the Authority Having Jurisdiction (AHJ) to:

- conduct a field review for new basement windows constructed at [REDACTED] Alberta, and,
- issue a letter to the AHJ confirming that the as-built window openings comply with the *National Building Code – 2019 Alberta Edition*.

7. The Registrant issued authenticated field review letters in October 2023 to the AHJ implying that he had conducted a field review when in fact the general contractor (the Registrant's client) had conducted the field review on his behalf. This action was contrary to the permit conditions which referenced the *National Building Code – Alberta Edition 2019, Division C, 2.4.2*. The permit condition as issued by the AHJ stated the following requirement: "Provide a field review bearing the seal of a registered professional engineer for the as-built structure at the framing inspection."
8. The Registrant's authenticated letters implied that the steel lintels inserted above five newly constructed basement windows conformed to a design issued by the original engineer of record (whose license had been suspended by APEGA). The letter also implied that the steel lintels met code when in fact the steel lintels were undersized, had been installed using a spray foam adhesive and did not have a mechanical anchoring mechanism.
9. The Registrant stated that the general contractor did not provide him with accurate information concerning the project.
10. It was incumbent upon the Registrant, as a professional engineer, to exercise due diligence in the execution of his duties by obtaining sufficient and accurate information from a client prior to authenticating a professional work product.
11. Due diligence is defined in APEGA's professional practice standard, *Authenticating Professional Work Products*, January 2022, as: "The level of judgement, care, forethought, and determination a person reasonably uses to avoid harming oneself, other people, property, or the environment."
12. The Registrant failed to comply with APEGA's professional practice guideline, *Field Reviews of Engineering and Geoscience Work*, August 2022, and APEGA's practice standard, *Relying on the Work of Others and Outsourcing*, May 2022. This is discussed further below in Complaint 1, Allegation 3.
13. The Registrant admits that the conduct described above constitutes unprofessional conduct.

**(iii) Facts Relating to Complaint 1, Allegation 2:**

Whether the Registrant engaged in unskilled practice and / or unprofessional conduct relative to five (5) project examples submitted to APEGA pursuant its investigation of the Registrant.

14. The Registrant provided structural engineering support to the general contractor as an AHJ requirement pursuant to the permit conditions for the projects in question.

15. The Registrant issued authenticated field review letters in four of the five project examples. These letters implied that the Registrant had conducted the field review when in fact he had delegated the field review to the general contractor (the Registrant's client).
16. The Registrant failed to comply with APEGA's professional practice guideline, *Field Reviews of Engineering and Geoscience Work*, August 2022, and APEGA's practice standard, *Relying on the Work of Others and Outsourcing*, May 2022. This is discussed further below in Complainant 1, Allegation 3.
17. The Registrant admits that the conduct described above constitutes unprofessional conduct.

**(iv) Facts Relating to Complaint 1, Allegation 3:**

Whether the Registrant engaged in unskilled practice and / or unprofessional conduct relative to the Registrant's reliance on others to perform site inspections.

18. The Registrant has been working remotely from The Gambia since January 2023. Part of the Registrant's remote work has been acting as a structural engineering consultant for a general contractor with whom the Registrant has had a long-standing professional relationship.
19. The Registrant completed approximately 240 projects for the general contractor between January 2023 and March 1, 2024.
20. As per APEGA's professional practice guideline, *Field Reviews of Engineering and Geoscience Work*, August 2022:
  - A Field Reviewer is "a licensed professional, or an individual working under their direct supervision and control, who carries out the field review."
  - "Field reviews should be conducted by a licensed professional or an individual suitably qualified to conduct field reviews under a licensed professional's direct supervision and control. The licensed professional should exercise judgment when determining who is qualified to conduct field reviews under their supervision because they take professional responsibility at the end of the process. The field reviewer should be able to understand and interpret the content of the Professional Work Products (PWP) being implemented, their roles and limitations, and the associated contractual obligations. When possible, the field reviewer should be accompanied on field reviews by a representative of the client and the constructor.
  - "It is recommended that the licensed professional who prepared the PWP for implementation or construction also conduct the field reviews whenever possible. This is the ideal — and the most common — way to manage field reviews. When it is not feasible for the licensed professional who prepared the PWP to perform the field review or when

they cannot provide direct supervision and control, another licensed professional with the appropriate competency and experience in that scope of practice should assume responsibility for the field reviews.

- “Having complete and detailed documentation of field reviews containing directions given to their employer, client, or constructor helps demonstrate due diligence in field reviews. The documentation may also serve as evidence in case of a dispute.”

21. The Registrant’s client, the general contractor, is neither a licensed professional, nor acting under the direct supervision or control of the Registrant. Additionally, the Registrant’s client, the general contractor, has placed himself into a conflict of interest by conducting a field review of the general contractor’s own work.

22. As per APEGA’s practice standard, *Relying on the Work of Others and Outsourcing*, May 2022:

- “Direct supervision and control – the high degree of guidance a licensed professional provides to one or more individuals. The licensed professional accepts professional responsibility for engineering or geoscience tasks performed under the licensed professional’s guidance. Direct supervision and control includes directing, monitoring, and controlling the engineering and geoscience work performed, including making all the decisions related to the practices of engineering and geoscience.
- “APEGA licensed professionals may take professional responsibility by authenticating professional work products created by others if the work was prepared under their direct supervision and control or if they perform a thorough review.
- “Appropriate documentation of due diligence could include individuals involved, mark-ups of the checked work, concerns raised during the course of the work and corrective action taken, completed forms or checklists, emails, or other documentation developed to suit the nature of the work being supervised. The licensed professionals should use their professional judgment to determine what documentation will meet the intent of these requirements and how the records should be kept.
- “When APEGA licensed professionals or permit holders outsource professional services to an entity not licensed by APEGA, they must exercise due diligence and develop and document an outsourcing plan for each professional service rendered.”

23. The Registrant did not have an outsourcing plan in place while he has been working remotely from The Gambia since January 2023.

24. The Registrant admits that the conduct described above constitutes unprofessional conduct.

**(v) Facts Relating to Complaint 1, Allegation 4:**

Whether the Registrant engaged in unskilled practice and / or unprofessional conduct relative to two projects identified by the AHJ as a new concern regarding the Registrant's manner of authenticating professional work products.

25. The Registrant applied his professional stamp to designs for two projects in the Calgary area in July 2023 and May 2024.
26. The Registrant used Adobe Acrobat Professional to apply a digital image of his professional stamp and signature.
27. The Registrant's manner of authenticating professional work products was contrary to APEGA's professional practice standard, *Authenticating Professional Work Products*, January 2022. Specifically, the Registrant's manner of authentication failed to adhere to the noted Practice Standard as it relates to both physical and digital authentication.
28. The Registrant admits that the conduct described above constitutes unprofessional conduct.

**(vi) Facts Relating to Complaint 2, Allegation 1:**

Whether the Registrant engaged in unskilled practice of the profession and / or unprofessional conduct relative to his involvement in the Complainant's secondary suite construction project in March 2024.

29. The Registrant has been working remotely as a structural engineering consultant from The Gambia since 2023
30. In March 2024, the Registrant received a request from his long-time associate and general contractor to review two designs pertaining to the project in question.
31. The Registrant believed that the design drawings had been completed by the general contractor's relative, a non-professional.
32. The Registrant authenticated the two design drawings in March 2024: a basement floor plan and a new egress window elevation view.
33. The Registrant told the Investigative Committee that he had no awareness of the history of the project, including:
  - The window openings having already been cut out of the foundation wall in December 2023;
  - One of the window openings being in the wrong spot and having to be moved;
  - The February 12, 2024, stop work notice issued by the AHJ; and

- The requirement stemming from the February 12, 2024, stop work notice that a professional engineer conduct a field review for the as-built windows.
34. During the Registrant's investigative interview, the following concerns became apparent:
- The Registrant could not explain why his stamped design drawings did not indicate "Issued for Construction."
- This fact casts doubt on the Registrant's position that his design drawings were for new construction when in fact he should have known he was being brought into an as-built project including the two basement windows in question.
- The Registrant could not explain a note in his design sheet referencing an STC rating.
  - The Registrant could not explain why there was no reference to building codes in his designs.
  - The Registrant detailed the following in his window design: "new 2-2x8 header on 2-2x4 ES." The Registrant was unable to explain "ES."
  - The Registrant was not able to explain the type of wood studs he was referring to in his window design.
  - The Registrant was not able to explain why he was recommending the use of a header on a frost wall (the interior stud wall), that is non-load bearing, when the load bearing member is the concrete wall.
35. The Registrant failed to demonstrate to the Investigative Committee that he fully understood or appreciated what he was applying his professional stamp to.
36. The Registrant issued a flawed design by virtue of assigning a structural component to a non-structural member (the frost wall).
37. The Registrant did not realize that his scope of work was to assess the as-built, as-installed windows. The Registrant's window design calls for an irrelevant header which carries no load.
38. The Registrant failed to ask clarification questions of his client, the general contractor, which would have uncovered the history of the project.
39. Due diligence is defined in APEGA's professional practice standard, *Authenticating Professional Work Products*, January, 2022: "The level of judgement, care, forethought, and determination a person reasonably uses to avoid harming oneself, other people, property, or the environment." The Registrant failed to perform due diligence on the project in question.



40. The Registrant used Adobe Acrobat Professional to apply a digital image of his professional stamp and signature.
41. The Registrant's manner of authenticating professional work products was contrary to APEGA's professional practice standard, *Authenticating Professional Work Products*, January 2022. Specifically, the Registrant's manner of authentication failed to adhere to the noted Practice Standard as it relates to both physical and digital authentication.
42. The Registrant admits that the conduct described above constitutes unprofessional conduct.

### **C. Conduct by the Registrant**

43. The Registrant freely and voluntarily admits that at all relevant times the Registrant was registered with APEGA and was thus bound by the EGP Act and the *APEGA Code of Ethics*.
44. The Registrant acknowledges and admits that the conduct described in the allegations amounts to unprofessional conduct as defined in section 44(1) of the EGP Act:

*Section 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 judgement in the practice of the profession, or*
- e) displays a lack of knowledge of or lack of skill or judgement 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.*

45. The Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public, contravenes a code of ethics of the profession, and harms or tends to harm the standing of the profession generally.

46. The Registrant admits that his conduct was also contrary to Rules of Conduct 1, 3, 4 and 5 of the *APEGA Code of Ethics*, which 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.*
  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.*
47. The Registrant admits that his conduct was also contrary to the following APEGA publications:
- a. Professional practice standard, *Authenticating Professional Work Products*, January 2022;
  - b. Professional practice standard, *Relying on the Work of Others and Outsourcing*, May 2021; and
  - c. Practice guideline, *Field Reviews of Engineering and Geoscience Work*, August 2022.

## **D. Recommended Orders**

48. On the recommendation of the Investigative Committee, and by agreement of the Registrant, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

- a. The Registrant shall be reprimanded for their conduct and this Order shall serve as the reprimand.
- b. The Registrant shall pay a fine in the amount of \$2000.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of being notified that the Recommended Order has been approved by the Discipline Committee Case Manager.
- c. The Registrant will be restricted from engaging in any scope of engineering practice that relates to structural engineering indefinitely.
  - The Registrant may seek reconsideration of the terms of the restricted practice no earlier than one (1) year from the date of execution of this order.
  - Reconsideration would commence with a written request from the Registrant to APEGA's Discipline Manager.
  - After one (1) year, should the Registrant wish to engage in any scope of engineering practice that relates to structural engineering, he may do so only under the direct supervision of a qualified engineer registered with APEGA who practices in the area of structural engineering. The following procedure would apply:
    - i. The registered Structural Professional Engineer providing the direct supervision and control shall be known as the Supervisor.
    - ii. The Registrant shall not practice structural engineering, as defined in the *Engineering and Geoscience Professions Act* Section 1(q), independently while under direct supervision and control.
    - iii. The Registrant's restricted status shall be reflected in APEGA's Member Directory.
    - iv. The requirements of direct supervision and control are defined in 3.1 of the APEGA practice standard, *Relying on the Work of Others and Outsourcing Practice Standard*.
    - v. Any PWPs) completed by the Registrant must be reviewed and authenticated by the Supervisor as outlined in the APEGA practice standard, *Authenticating Professional Work Products*.

- vi. Meetings and correspondence where the Registrant provides recommendations or advice must be directly supervised by the Supervisor.
- vii. The Registrant shall not manage or supervise other professional registrants or Members-In-Training.
- viii. The Registrant shall not be permitted to act as a Responsible Member until the condition of supervised practice has been lifted.
- ix. All costs related to the supervision and required reporting shall be at the expense of the Registrant.
- x. The registered Professional Engineer as specified in clause 48(c)(i) must be deemed acceptable to act as the Supervisor by the Discipline Manager.
- xi. The Registrant shall submit in writing to the Discipline Manager, the names, qualifications, position title, and contact information of up to three registered, Professional Engineers willing to provide the required direct supervision and control as defined in clause 48(c)(i). The Discipline Manager will decide on the final selection of the Supervisor(s).
- xii. The Supervisor shall enter an undertaking with APEGA to provide the required direct supervision, control, and reporting. This undertaking will comprise of a form provided by APEGA.
- xiii. The Supervisor shall provide a report each quarter respecting all projects undertaken by the Registrant in that quarter, for a period of one (1) year to the Discipline Manager.
  - Reports shall include for each project a summary of the project, a description of the Registrant's role and responsibilities on the project, a list of all PWP's related to the project where the Registrant was the primary contributor, and the supervisor's assessment of the Registrant's work on the project.
  - Reports shall be deemed to be a PWP requiring authentication.
- xiv. At the conclusion of the one (1) year of supervised practice, the supervisor shall provide a written summary assessment in a format provided by APEGA and attest to the Registrant's competency in structural engineering to the Discipline Manager. If, on review of the supervisor's written assessment, the Practice Review Board deems that the Registrant's competency remains unsatisfactory, the Registrant shall be indefinitely restricted from practicing

structural engineering until they can demonstrate competency to the Practice Review Board's satisfaction. This indefinite restricted status shall be reflected in APEGA's Member Directory.

- d. The Registrant shall provide the Discipline Manager, within twelve (12) months of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation / proof of successful completion (passing grade) of the following:
- a safety codes course that is satisfactory to the Discipline Manager, such as "Course 100179, Introduction to the Safety Codes System in Alberta," offered online through the Safety Codes Council; and
  - the online learning module offered through myAPEGA: Relying on the Work of Others and Outsourcing.

If the noted courses are no longer available on approval of this Recommended Order, at the discretion of the Discipline Manager, other courses may be authorized for substitution if they are deemed substantially equivalent. The Registrant shall be responsible for all costs associated with the completion of the courses.

- e. The Registrant shall provide the Discipline Manager, within twelve (12) months of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation / proof of successful completion (passing grade) of the National Professional Practice Examination (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
- f. The Registrant shall provide written confirmation to the Discipline Manager within six months of being notified that the Recommended Order has been approved by the Discipline Committee Case Manager, that he has reviewed the following APEGA publications and will comply with the requirements therein:
- i. Professional practice standard, *Authenticating Professional Work Products*, November, 2024;
  - ii. Professional practice standard, *Relying on the Work of Others and Outsourcing*, May, 2021;
  - iii. Practice bulletin, *Authentication Requirements for As-Built, Record, and As-Acquired Drawings*;
  - iv. Practice guideline, *Ethical Practice*, August, 2022;
  - v. Practice guideline, *Field Reviews of Engineering and Geoscience Work*, August 2022.

- g. If there are extenuating circumstances, the Registrant may apply in writing to the Discipline Manager for an extension prior to the deadlines noted above. The approval for extending a deadline is at the discretion of the Discipline Manager. If such an application is made, the Registrant shall provide the Discipline Manager the reason for the request, a proposal to vary the deadline, and any other documentation requested by the Discipline Manager.
- h. If the Registrant fails to provide the Discipline Manager with proof that they have completed the requirements noted above within the timelines specified or any extended timeline granted, the Registrant shall be suspended from the practice of engineering for a minimum of 30 days. If the non-monetary requirements are not completed within 6 months of the suspension date, the Registrant shall be cancelled. In the event the Registrant is cancelled they will be bound by APEGA's reinstatement policy.
- i. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

