



# APEGA DISCIPLINE COMMITTEE DECISION ON SANCTIONS

**Date of Hearing:** Written Submissions  
**Date of Decision:** June 24, 2024  
**APEGA Discipline Case Number:** 23-006-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

**Regarding the Conduct of ANTONIO RUGGIERI, P.ENG.**

## INTRODUCTION

1. A Hearing Panel of the Discipline Committee (“the Hearing Panel”) of the Association of Professional Engineers and Geoscientists of Alberta (“APEGA”) issued a decision dated March 29, 2024 regarding the conduct of Mr. Ruggieri, P.Eng. (the “Merits Decision”). The Hearing Panel found that the following Charge against Mr. Ruggieri was proven and constituted unprofessional conduct and unskilled practice under Section 44 of the *Engineering and Geoscience Professions Act* (“the EGP Act”):

**Charge 2** – Antonio Ruggieri failed to fulfill his duties, as the registered professional of record who signed and sealed the relevant Alberta Building Code schedules and a General Framing Review Letter dated January 25, 2013, concerning the structural components of the Home, particulars of which include one or more of the following:

- a) Failing to adequately conduct or supervise field reviews of the Home;
- b) Failing to identify or appropriately address one or more structural deficiencies in the construction of the Home, including one or more of the following:
  - i) A 3-ply Laminate Veneer Lumber (LVL) beam was not installed on the main floor as per the drawings;

- ii) Two LVL beams were not installed on the upper floor as per the drawings;
  - iii) A 2-ply LVL ledger board was not installed against the concrete foundation wall in accordance with the design detail, which called for anchor bolts to be installed in two rows and staggered in an alternating pattern every eight inches;
  - iv) A 3-ply LSL beam was not fastened to a Hollow Structural Section (HSS) column, despite fastener holes being present;
  - v) A 2-ply LVL beam was eccentrically bearing on the outside of a 2x6 post; and,
  - vi) An HSS adjustable column installed in the basement, used to support a beam, was not fastened at its base and the column was out of plumb;
- c) Failing to make or maintain adequate records of any field reviews of the Home.

2. Following the Hearing Panel's Merits Decision, the parties provided written submissions on what orders should be made, if any. The Hearing Panel met on May 23, 2024 to consider the parties' written submissions on sanctions and costs orders.

### **SUBMISSIONS ON SANCTION**

#### Written Submissions of the Investigative Committee

3. Ms. Precht, legal counsel for the Investigative Committee, provided written submissions on sanctions on behalf of the Investigative Committee on April 16, 2024. She began by summarizing the Hearing Panel's findings in the Merits Decision and the Hearing Panel's authority to make orders under Sections 63 and 64 of the EGP Act. Ms. Precht submitted that the Hearing Panel should make the following orders in the circumstances of this case:

- a) Mr. Ruggieri shall receive a reprimand, and the Hearing Panel's written decision on sanction (the "Decision") shall serve as the reprimand;
- b) Mr. Ruggieri shall provide to the Discipline Manager, within three months of the Decision, written confirmation that Mr. Ruggieri has paid [REDACTED] ("LP") \$5,843.25, representing the total amount Alberta Engineering Ltd. ("Alberta Engineering") invoiced [REDACTED] ("Company A") for structural engineering services related to the Hearing Panel's finding of unprofessional conduct against Mr. Ruggieri;
- c) Mr. Ruggieri shall provide the Discipline Manager, within 12 months of the Decision, with proof of:
  - i) Successful completion of the National Professional Practice Exam, at Mr. Ruggieri's expense; and

- ii) Successful completion of APEGA's Ethics Practice Module, available online.
- d) Mr. Ruggieri shall pay a portion of the hearing costs in the amount of \$30,000 within 12 months of the Decision or in accordance with a payment plan approved by the Discipline Manager.
- e) If Mr. Ruggieri fails to comply with any of the orders set out in paragraphs (b), (c), and (d) in the timelines provided, Mr. Ruggieri shall be suspended until he has brought himself into compliance.
- f) This matter and its outcome will be published by APEGA as deemed appropriate and such publication shall name Mr. Ruggieri.

4. Ms. Precht advised that the fundamental purpose of sentencing in a professional regulatory context is to ensure the public is protected from unprofessional conduct. The goal of public protection is achieved by ensuring that the public are not at risk of harm because of continuing conduct by the member, by ensuring the public has confidence in the profession, and by sending an appropriate message to other members of the profession through APEGA's response regarding conduct found to be unacceptable.

5. Ms. Precht referred to several factors that the Hearing Panel could consider when determining appropriate orders. Her submissions on each of the factors were as follows:

- Seriousness of the unprofessional conduct: Mr. Ruggieri's responsibilities in this matter were simple: to conduct or supervise an adequate field review of the Home to ensure that construction was completed according to the design drawings, and to create and maintain adequate records of the field review. While there are examples of more egregious unprofessional conduct or unskilled practice of the profession, Mr. Ruggieri's failures to fulfill these responsibilities are serious.
- Impact of the unprofessional conduct on clients or others: A general framing review or a C-2 schedule is a consequential document because the authority having jurisdiction relies on such documents to grant occupancy permits. When an engineer signs off on these documents, the homeowner typically cannot verify that the engineer has conducted an adequate review of the structure before doing so.

The Investigative Committee asked the Hearing Panel to order Mr. Ruggieri to pay LP \$5,843.25, which represented the amount that Alberta Engineering invoiced Company A for structural engineering services. Ms. Precht submitted that it is a meaningful way to recognize the nature of Mr. Ruggieri's unprofessional conduct. She identified the six invoices in evidence that were used to calculate the total of \$5,843.25, and further submitted that the Hearing Panel could make this order under Section 63(i) or 63(k) of the EGP Act.

- Specific deterrence: Ms. Precht submitted that the orders imposed ought to deter the specific member from repeating the conduct in the future. She noted that during the investigation, Mr. Ruggieri commented that with the “sheer number” of small projects he took on with Alberta Engineering, something was bound to go wrong sometimes. Ms. Precht submitted that no matter how many projects an engineer takes on, the expectation is that the engineer fulfills their professional obligations with respect to each project. The reprimand and publication of the Hearing Panel’s decision will deter Mr. Ruggieri from repeating this conduct in the future.
- General deterrence: The orders ought to deter other members of the profession from engaging in conduct similar to Mr. Ruggieri’s unprofessional conduct. Professional discipline hearings involve not just the individual member, but also the effect of the individual’s conduct on their clients, the public, and the profession as a whole. This public dimension is of critical significance. Publication of the Hearing Panel’s decision sends a clear message that engineers are expected to fulfill their professional obligations in every project they undertake.
- Rehabilitation of Mr. Ruggieri: Requiring Mr. Ruggieri to complete APEGA’s Ethics Practice Module and the National Practice Exam will ensure that Mr. Ruggieri seriously revisits his ethical obligations as a professional engineer.
- Mitigating factors: The Investigative Committee’s proposed orders accounted for two mitigating factors: first, the Hearing Panel’s finding of unprofessional conduct related to only a single project. Second, this is the first finding of unprofessional conduct against Mr. Ruggieri.
- Aggravating factors: Ms. Precht suggested that the Hearing Panel consider that Mr. Ruggieri’s unprofessional conduct is a type that is difficult to discover. Had there not been intervening events causing the walls and ceilings of the Home to be reopened, Mr. Ruggieri’s conduct could have remained hidden for a long time.
- Sanctions in similar cases: Ms. Precht referred to four cases to assist the Hearing Panel to determine appropriate sanctions orders. She submitted that the orders proposed by the Investigative Committee are not out of line with the types of orders imposed in comparable cases.

6. Ms. Precht also submitted that it would be appropriate to make Mr. Ruggieri be responsible for a portion of the costs. The Investigative Committee’s position was that Mr. Ruggieri should be responsible for \$30,000, which was less than one third of the hearing costs incurred before the sanctions phase of the hearing.

7. Ms. Precht advised that the purpose of a costs order is not to punish the professional member, but rather to allow the professional regulatory body to recoup some of the expenses incurred in the proceedings. She described the legal principles governing costs orders as

established in decisions from the Court of Appeal.<sup>1</sup> She further outlined the factors relevant to the decision on costs orders, and her submissions on the factors were as follows:

- The parties' success or failure at the hearing: The Hearing Panel found that one of the two Charges against Mr. Ruggieri was proven and amounted to unprofessional conduct. While Mr. Ruggieri should not be required to bear the costs of the hearing with respect to Charge 1, a significant portion of the hearing concerned Charge 2, which was proven. It is fair that Mr. Ruggieri bears a portion of these costs.
- The conduct of the parties: Ms. Precht submitted this is a neutral factor. While Mr. Ruggieri's conduct at times increased overall costs of the hearing, he also consented to the Investigative Committee's documents being admitted into evidence, which helped streamline the hearing.
- The seriousness of the charges: The proven conduct is serious but is not at the most serious end of the spectrum of unprofessional conduct. This is not a case where the investigated person should be required to bear all or most of the costs of the hearing and requiring Mr. Ruggieri to pay approximately one quarter of the total costs incurred after the sanctions phase of the hearing is fair.
- The reasonableness of the amounts: The costs of the hearing were significant but not unreasonable. The amount that the Investigative Committee proposes Mr. Ruggieri pay is approximately a quarter of the total costs and is reasonable in the circumstances, including the other orders proposed.

The amount of the costs order is also reasonable when considered in the contexts of costs orders made in other contested hearings before the Discipline Committee. In *19-003-FH Jan Korzeniowski, P.Eng.*, the total costs were approximately \$117,000 and four of six charges were proven. The Discipline Committee ordered Mr. Korzeniowski to pay \$78,000 in costs. In *19-016 FH Ameer Bakheet, P.Eng.*, the total costs were approximately \$80,000 and three of four charges were proven. The Discipline Committee considered Mr. Bakheet's submissions of his very difficult financial situation due to his prolonged unemployment and ordered Mr. Bakheet to pay \$10,000 in costs. Lastly, in *20-003-FH Eric Chrysanthous, P.Eng.*, the Discipline Committee ordered Mr. Chrysanthous pay 50% or approximately \$50,000 of the total investigation and hearing costs.

8. Given the Hearing Panel's findings and the factors relevant to sanctions and costs, Ms. Precht submitted that the Hearing Panel should make the proposed orders.

#### Written Submissions of Mr. Ruggieri on Sanction

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<sup>1</sup> *Zuk v Alberta Dental Association and College*, 2018 ABCA 270; *Lysons v Alberta Land Surveyors' Association*, 2017 ABCA 7; *KC v College of Physical Therapists of Alberta*, 1999 ABCA 253; *Dr. Ignacio Tan III v Alberta Veterinary Medical Association*, 2022 ABCA 221; *Jinnah v Alberta Dental Association and College*, 2022 ABCA 336.

9. Mr. Ruggieri provided his submissions on sanctions on April 28, 2024. Enclosed in his submissions were documents marked as Appendices A – H. Broadly, the documents included correspondence from civil litigation, correspondence with counsel for the Investigative Committee, correspondence with individuals who testified as witnesses at the hearing, handwritten notes that appeared to detail a conversation between Mr. Ruggieri and Dr. Farag, and one technical drawing.

10. Mr. Ruggieri requested that the Hearing Panel make the following orders:

- a) Mr. Ruggieri shall receive a reprimand for not being able to retrieve, when requested to do so, and maintain adequate records of the project.
- b) Mr. Ruggieri shall pay a portion of the costs to the maximum amount of \$1,500, payable in three equal payments of \$500, dated 30 days apart.
- c) Mr. Ruggieri shall continue being a non-practising member of APEGA for a period of 1 year, at which point Mr. Ruggieri's membership status may only be changed to "life member".
- d) This matter and its outcome can be published by APEGA as deemed appropriate and if so, such publication shall not name Mr. Ruggieri.

11. Mr. Ruggieri submitted that the Hearing Panel should consider the following factors when determining an appropriate penalty:

- Mr. Ruggieri is involved in an ongoing civil litigation with the Complainant.
- Mr. Ruggieri has apologised to LP during Discovery/Questioning for the hardship that LP and his Partner are going through.
- Mr. Ruggieri has always believed that the complaint was frivolous and vexatious and thereby only serving the purposes of extracting information to aid with the current statement of claim against numerous other parties.
- The Complainant has not advised APEGA or provided the more recent documentation that has surfaced during the litigation, thereby misleading the Investigative Committee and the Discipline Committee to base Charge 2 on incomplete information.
- Dr. Farag has not revised his expert engineering report to reflect the information he received from his questioning and the final floor joist layout from [REDACTED] that would change the conclusion of his report.
- Mr. Ruggieri's conduct has not had a very significant negative impact on the Complainant. The structure is still standing and there is no evidence that the structure is showing any signs of significant stress or strain that would have caused concerns.

- Mr. Ruggieri has and is currently experiencing numerous financial difficulties, including foreclosure of his principal residence, joint support of his three children, and difficulties securing permanent employment. He is also experiencing mental health issues.
- Mr. Ruggieri does not have a discipline history with APEGA and is in good standing.
- The as-built conditions of the floor system of the Home reflected the final design drawings.
- Mr. Ruggieri was not able to maintain and reproduce adequate records of the project when requested to do so.
- For residential home construction, there are no requirements from the City of Calgary to submit as-built drawings upon completion of the project.
- Mr. Ruggieri is a non-practising member and has no intention of changing his status to practising member.

#### Reply Submissions of the Investigative Committee

12. Ms. Precht submitted a reply to Mr. Ruggieri's submissions on May 3, 2024. She began by submitting that sanctions submissions are not an opportunity for either party to challenge to the Hearing Panel's Merits Decision. She noted that Mr. Ruggieri's sanctions submissions attempted to undermine or challenge the Merits Decision, including Appendices B – H.

13. The Investigative Committee saw no reason to restrict Mr. Ruggieri from ever again being a practicing member of APEGA, and that such a penalty would be disproportionate.

14. Ms. Precht noted that Mr. Ruggieri requested that the Hearing Panel's decision be published without naming himself. Ms. Precht advised that naming the member in disciplinary decisions is APEGA's norm, and that the practice provides transparency and accountability to the public. She submitted that Mr. Ruggieri had not provided any reason to depart from the norm.

15. Ms. Precht also observed that Mr. Ruggieri had provided a general statement about his financial difficulties, in referencing the foreclosure of his principal residence, joint support of his three children, and difficulty securing permanent employment. However, he did not provide details that would allow the Hearing Panel to objectively assess his ability to pay a reasonable amount of costs. She advised that less than ten years ago, the Court of Appeal upheld a significant damages award against Mr. Ruggieri personally after Mr. Ruggieri had taken actions to effectively creditor-proof his previous company so that the plaintiff in the civil litigation he was facing at the time would be unable to enforce its judgement against the company. Against this background, the Investigative Committee's position was that Mr. Ruggieri has not provided sufficient detail or documentation to support his request for a nominal costs order or establish that the proposed costs order would be a "crushing financial blow".

## **DECISION ON SANCTIONS AND COSTS**

### Submissions regarding the Merits Decision

16. A significant portion of Mr. Ruggieri's written submissions and documents attached as Appendices B – H related to the Hearing Panel's findings in the Merits Decision and the evidence that the Hearing Panel relied on. Mr. Ruggieri had an opportunity to present this evidence previously, as he attended the disciplinary hearing on February 14, 15, 28, and 29, 2024, and provided arguments and evidence to support that the Charges were not proven.

17. On February 28, 2024, Mr. Ruggieri informed the Hearing Panel that he had recently obtained additional documents during parallel civil litigation. He stated that while he believed the documents were relevant, he did not wish to present the documents for the Hearing Panel because he did not wish to delay the hearing. The hearing proceeded and Mr. Ruggieri did not submit the documents. It is unclear whether any of the documents that Mr. Ruggieri attached to his sanction submissions as appendices were the documents he referenced at the hearing.

18. The Hearing Panel's task is two-fold: first, it decides whether conduct alleged in the Charges are proven and whether any proven conduct constitutes unskilled practice or unprofessional conduct. The Hearing Panel then makes any appropriate sanctions orders. When the Hearing Panel made the Merits Decision on the Charges, it was obligated to do so based on the evidence that the parties presented. The Hearing Panel's role is not to direct how parties present their cases or to direct what evidence a party must provide. It was within Mr. Ruggieri's right to make a tactical decision not to present relevant evidence, but the Hearing Panel cannot make findings based on evidence it does not have.

19. Now, the Hearing Panel's role is to make sanctions and costs orders based on the findings in the Merits Decision. The Hearing Panel does not revisit findings made in the Merits Decision. Mr. Ruggieri will have an opportunity to appeal to the Appeal Board after the Hearing Panel's decision on sanctions is issued, and he may make any arguments at that time that he wishes.

### Sanctions

20. Mr. Ruggieri's failure to fulfill his duties as a Registered Professional of Record ("RPR") concerning the structural components of the Home constitutes unprofessional conduct and unskilled practice of the profession. Failure to satisfy his duties did not guard against conditions threatening the life, safety, long term health, or financial matters of the public, which include the Home's occupants.

21. The Hearing Panel agrees with the Investigative Committee that Mr. Ruggieri's conduct demonstrates a lack of insight into his conduct and its severity. However, the Hearing Panel acknowledges that while Mr. Ruggieri's conduct was serious conduct that amounted to unskilled practice and unprofessional conduct, his conduct was not at the most serious end of the spectrum.



22. The Hearing Panel will now address each of the proposed orders and will provide reasons and its decision on each in turn.

*Reprimand*

23. The Hearing Panel finds that Mr. Ruggieri’s unprofessional conduct is sufficiently serious to warrant a reprimand. His unprofessional conduct amounts to a failure to comply with simple responsibilities of an RPR. A reprimand will communicate to Mr. Ruggieri that his unprofessional conduct is serious and deter him and the profession from engaging in similar conduct in the future.

24. The Hearing Panel considered Mr. Ruggieri’s submission that the reprimand should be limited to his “not being able to retrieve, when requested to do so, and maintain adequate records of the project”, or the Hearing Panel’s finding respecting Charge 2.c. However, the Hearing Panel’s view is that its findings on Charge 2.a. and b. are sufficiently serious to warrant a reprimand. It should be clear to Mr. Ruggieri and the members of the profession more broadly that his conduct under Charge 2.a. and b. was proven, and is unacceptable.

*Payment to LP of Company A*

25. The Hearing Panel considered the Investigative Committee’s proposal that Mr. Ruggieri pay \$5,843.25 to LP of Company A.

26. The Hearing Panel considered that such an order would send a message to Mr. Ruggieri and to the profession generally that if they fail to perform professional obligations, they may be ordered to pay the members of the public impacted by unprofessional conduct or unskilled practice. The Hearing Panel’s reasons should not be construed as requiring complainants to be paid in all circumstances, but it may be an appropriate deterrence tool in some circumstances. In this case, an order to pay LP will deter Mr. Ruggieri from acting similarly in the future and deter other members of the profession from engaging in conduct like Mr. Ruggieri’s conduct.

27. The Hearing Panel considered whether the quantum of \$5,843.25 was appropriate. It reviewed the six invoices related to Mr. Ruggieri’s provision of structural engineering services:

Invoice No.	Amount	Description
10006050	\$4,110.75	1 Tall Wall Design
		5 Footing Pad Design
		1 Concrete Element Design – Garage Struct. Slab
		1 Wood Element Design – Rear Patio Support
		1 Strip Footing Design
		1 Steel Beam Design

		5 Drafting Services @ \$125/hr
		1 Lateral Bracing of Foundation Wall & Openings
		1 Discount (Concrete)
10006268	\$52.50	1 Residential Schedule A-2
10006269	\$52.50	1 Residential Schedule B-1
10006270	\$52.50	1 Residential Schedule B-2
10009063	\$787.50	Steel Post Design
10020560	\$787.50	1 Site inspection (January 19, 2013)
		1 Framing Review Report

28. The Hearing Panel's findings that Mr. Ruggieri engaged in unprofessional conduct relate to the services he provided as RPR. Particularly, Charge 2 concerns his responsibility to adequately conduct or supervise field reviews of the Home, his responsibility to identify or appropriately address structural deficiencies in the construction of the Home, and his responsibility to adequately record any field reviews of the Home.

29. The Hearing Panel considers it appropriate to include the amounts charged in invoices 10006268, 10006269, and 10006270 in the payment to LP, as the activities referenced in these invoices are sufficiently related to Mr. Ruggieri's unprofessional conduct. The invoices relate to the preparation of Schedules A-2, B-1, and B-2. In completing the Schedules, Mr. Ruggieri undertook to review applicable shop drawings and to conduct field reviews. However, Mr. Ruggieri did not adequately conduct or supervise the field reviews of the Home.

30. The Hearing Panel also considers it appropriate to include the amounts charged in invoice 10020560. This invoice relates to a site inspection performed on January 19, 2013 and a subsequent framing review report (the "General Framing Review Letter"). As described in the Merits Decision, the site inspection on January 19, 2013 was not adequately performed, and the General Framing Review Letter failed to identify or appropriately address structural deficiencies in the construction of the Home.

31. The Hearing Panel considered the amounts of invoices 10006050 and 10009063. Given that Mr. Ruggieri's unprofessional conduct did not relate to his designs of any component of the Home, it would not be appropriate to order him to pay amounts equal to invoices for design work.

32. In total, the Hearing Panel finds it appropriate for Mr. Ruggieri to pay \$945.00 to LP, which reflects the amounts charged in invoices 10006268, 10006269, 10006270, and 10020560.

#### *Educational Courses*

33. The Hearing Panel finds that it is appropriate that Mr. Ruggieri be required to complete a course in professional ethics, such as APEGA's Ethics Practice Module and the National Professional Practice Examination within 12 months of the date of this decision.

34. Mr. Ruggieri's failure to conduct an adequate inspection, identify and address structural deficiencies, and create and maintain records of an inspection suggests a lack of understanding of his obligations as a professional engineer acting as an RPR. The requirement that Mr. Ruggieri complete these courses serves educative and remedial purposes and protects the public by ensuring that he is aware of his professional and ethical obligations.

#### *Practice Restrictions*

35. The Hearing Panel considered Mr. Ruggieri's proposal for an order requiring that he continue being a non-practising member of APEGA for a period of 1 year, at which point it Mr. Ruggieri's membership status may only be changed to "life member". Effectively, the Hearing Panel understands that such an order would prevent Mr. Ruggieri from practising engineering.

36. The Hearing Panel's view is that such an order would be much more severe than warranted by Mr. Ruggieri's unprofessional conduct and unskilled practice. Mr. Ruggieri will learn about his professional obligations when he performs the above educational requirements, and the other orders are sufficient to deter him from acting similarly again. Public protection is achieved by lesser measures, and therefore removal from professional practice is not necessary. If Mr. Ruggieri wishes to no longer be a member of the profession for other reasons, that option is open to him.

#### Costs

37. The Hearing Panel considered whether this was an appropriate case for a costs order. The Hearing Panel's authority to order a member to pay costs is established by Section 64 of the EGP Act. APEGA's Bylaws identify the expenses that can be included in the costs payable.

38. The Investigative Committee's Statement of Costs showed that APEGA had incurred \$116,510.99 for the disciplinary hearing as of April 16, 2024. The items listed in the Statement of Costs included the Investigative Committee's legal fees and disbursements, court reporter and transcript fees, and the Hearing Panel's legal expenses. These items fall within the expenses listed in Section 36 of APEGA's Bylaws and can be included in a costs order.

39. The Hearing Panel recognized that the purpose of a costs order is not to punish Mr. Ruggieri, but to allow APEGA to recoup some of the expenses incurred for the disciplinary hearing. The investigation and hearing arose because of Mr. Ruggieri's conduct. However, he should not be responsible for all the costs as it is appropriate for APEGA to bear some costs.

40. The Hearing Panel considered the factors relevant to costs orders. The Hearing Panel recognized that the Investigative Committee successfully proved one of two Charges against Mr. Ruggieri. The parties conducted themselves appropriately throughout the hearing. Mr. Ruggieri was respectful and cooperated with the Hearing Panel. Mr. Ruggieri requested to adjourn the hearing initially scheduled in November 2023. He conducted his case efficiently when the hearing proceeded.

41. The Hearing Panel considered the reasonableness of the amounts proposed. The Investigative Committee proposed a \$30,000 costs order, which reflected approximately one third of the total costs incurred at the time of their submissions and would likely be one quarter of the costs of the entire hearing process. The total sum of \$116,510.99 did not include expenses incurred for the sanctions portion of the proceedings. The Investigative Committee's proposal would result in APEGA bearing most of the costs.

42. Mr. Ruggieri proposed that the Hearing Panel order \$1,500 in costs. He did not elaborate as to how he arrived at this sum, but his arguments suggest that the costs order should be low based on his financial difficulties and his submissions on the Merits Decision.

43. Mr. Ruggieri's written submissions state that he "has and is experiencing numerous financial difficulties (i.e., foreclosure of their principal residence, joint support of their three children, difficulty to secure permanent employment) [...]" [sic]. The submissions also stated that "Mr. Ruggieri is a non-practising member and has no intention of changing his status to practising member." Mr. Ruggieri further indicated that he would be attending military training between May and August 2024.

44. Attached as Appendix A to Mr. Ruggieri's submissions were emails he exchanged with a lawyer in civil litigation in January and February 2023, some of which described his employment and financial circumstances. There was also a court document titled "Consent Order for Foreclosure" dated March 15, 2023. The consent order was not signed by a judge and did not have a court filing stamp. Mr. Ruggieri did not provide any further details or objective information about his current income or financial circumstances.

45. The Hearing Panel accepted and considered Mr. Ruggieri's information. While he asserted that he was experiencing financial difficulties, there were limited details that would allow the Hearing Panel to assess the extent of the burden that would be imposed by a costs order at the time of this sanctions decision. The documents included in Appendix A related to Mr. Ruggieri's financial circumstances in 2023 and would not concretely establish Mr. Ruggieri's circumstances in 2024. The Hearing Panel did not consider that his information was sufficient to justify a \$1,500 costs order, which would be less than 2% of APEGA's total costs incurred as of April 16, 2024.

46. For the above reasons, the Hearing Panel accepts that a \$30,000 costs order is reasonable and proportionate in all the circumstances. However, in recognition of Mr. Ruggieri's current employment situation, the Hearing Panel is prepared to extend the period of repayment from 12 months to 24 months. Mr. Ruggieri may make payments according to a payment plan approved by APEGA's Discipline Manager.

#### Publication of the Decision

47. The Hearing Panel considered the parties' submissions as to publication of the Merits Decision and this decision on sanctions. The Investigative Committee submitted that publication should name Mr. Ruggieri, while Mr. Ruggieri submitted that it should be on a no-names basis.

48. The Hearing Panel accepts that APEGA has an established practice of publishing disciplinary decisions with names. The standard practice promotes transparency and shows that APEGA regulates in an effective, transparent manner and is accountable to the public and the profession. Transparency promotes public confidence in the self-regulation of the engineering and geoscience professions. While there are some circumstances where publication without naming the member is warranted, publication without names is neither the default nor the expectation, as the Hearing Panel noted in *20-006-FH [Withheld]*.

49. Mr. Ruggieri did not expand on his assertion that publication without names was warranted. The Hearing Panel is not persuaded that his status as a non-practising member, his lack of prior discipline history and “Good Standing” status, any apologies made to the complainant, nor any potential reputational harm outweigh the public interest and the importance of informing the public about members who have engaged in unprofessional conduct.

50. For the above reasons, the Hearing Panel directs that publication be done in a manner that names Mr. Ruggieri.

## **CONCLUSION**

51. For the reasons set out above, the Hearing Panel makes the following orders pursuant to sections 63 and 64 of the EGP Act:

- a) Mr. Ruggieri shall receive a reprimand, and the Hearing Panel’s written decision on sanction (the “Sanctions Decision”) shall serve as the reprimand.
- b) Mr. Ruggieri shall provide to the Discipline Manager, within three (3) months of the Sanctions Decision, written confirmation with proof to the Discipline Manager’s satisfaction that Mr. Ruggieri has paid LP \$945.00, representing the amount Alberta Engineering invoiced Company A for structural engineering services related to the findings of unprofessional conduct against Mr. Ruggieri.
- c) Mr. Ruggieri shall provide to the Discipline Manager, within twelve (12) months of the Decision, with proof of:
  - i) Successful completion of the National Professional Practice Exam, at Mr. Ruggieri’s expense; and
  - ii) Successful completion of APEGA’s Ethics Practice Module, available online.
- d) Mr. Ruggieri shall pay a portion of the hearing costs in the amount of \$30,000 within 24 months of the date of this Sanctions Decision in accordance with a payment plan approved by the Discipline Manager.
- e) If Mr. Ruggieri fails to comply with any of the orders set out in paragraphs (b), (c), and (d) in the timelines provided, Mr. Ruggieri shall be suspended until he has brought himself into compliance.

- f) This matter and its outcome will be published as deemed appropriate and such publication shall name Mr. Ruggieri.

On behalf of the Hearing Panel of the APEGA Discipline Committee

**Fred Ritter**

Signed with ConsignO Cloud (2024/06/24)  
Verify with [verifio.com](https://verifio.com) or Adobe Reader.



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Fred Ritter, P.Eng., Discipline Committee  
Panel Chair

**Robert Swift**

Signed with ConsignO Cloud (2024/06/24)  
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Robert Swift, P.Eng., Discipline Committee  
Panel Member

**Zsolt Margitai**

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Zsolt Margitai, P.Eng., P.Geol., Discipline  
Committee Panel Member