



APEGA Discipline Committee Decision

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Date of Decision: August 6, 2022
Date of Hearing: May 25, 2022
Discipline Case Number: 21-002-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 Ronald Ackroyd, P.Eng.

Introduction

1. The hearing of the Discipline Committee took place virtually via video conferencing on May 25, 2022 to comply with the Association of Professional Engineers and Geoscientists of Alberta's ("APEGA") Standing Order (Statutory Meetings in the APEGA Offices during COVID-19). The hearing proceeded by agreed statement of facts and acknowledgment of unprofessional conduct. However, the parties did not make a joint submission on sanction.
2. The Chair noted that the hearing was proceeding virtually. Each of the participants, including the Hearing Panel members, were asked to verify on the record that they were in a private space. Mr. Ackroyd was not present at the hearing, and he did not have a representative who attended on his behalf. The Investigative Committee advised that this was expected.

Preliminary Matters

3. Counsel for the Investigative Committee advised that there were no objections to either the jurisdiction or the constitution of the Hearing Panel. He then indicated that the Hearing Panel should determine whether to proceed with the hearing in the absence of Mr. Ackroyd.
4. Section 61(3) of the *Engineering and Geoscience Professions Act* ("EGP Act") allows the Hearing Panel to proceed with a hearing despite the absence of an investigated member on proof that the investigated member was served with the Notice of Hearing. Counsel also noted that the *Engineering and Geoscience Professions General Regulation* permits Notices of Hearing to be served via email.



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5. To demonstrate that the requirements of section 61 of the EGP Act had been met, the Investigative Committee called J.S., an APEGA Discipline Coordinator, as a witness and submitted a package of email correspondence between APEGA staff and Mr. Ackroyd, which was marked as Exhibit 1.
6. In December of 2021, APEGA staff requested that Mr. Ackroyd provide his availability for a hearing in May of 2022. Mr. Ackroyd responded via email and indicated that due to stress, he had allowed his APEGA membership to lapse and that he would not attend any hearings.
7. In early January of 2022, APEGA staff emailed Mr. Ackroyd to explain that the Discipline Committee was required by statute to hold a hearing and could proceed with a hearing despite Mr. Ackroyd's absence. They noted that the Hearing Panel could consider accommodations to assist Mr. Ackroyd's participation if he required.
8. On March 10, 2022, the Director, Enforcement sent a Notice of Discipline Hearing to Mr. Ackroyd via email. The Notice of Hearing indicated that the hearing would be held virtually on May 25 – 27, 2022. J.S. confirmed that a hard copy of the Notice of Hearing was also sent to Mr. Ackroyd by courier, and he received it on March 22, 2022. The courier obtained Mr. Ackroyd's signature. The signature slip was not entered into evidence at the hearing.
9. On May 11, 2022, APEGA staff emailed Mr. Ackroyd and asked that he confirm his attendance at the hearing on the scheduled dates. He responded that same day, stating, "Thank you for the invitation, but I am emotionally unable to attend this meeting or attend to this matter."
10. The Investigative Committee submitted that there was sufficient evidence on the record that Mr. Ackroyd had been served with the Notice of Hearing. The legislation does not require Mr. Ackroyd to agree to the hearing dates. Counsel also noted that Mr. Ackroyd had advised he would not attend this or any hearing.
11. Counsel for the Investigative Committee also advised that he had spoken with the complainants about the hearing, including to prepare them as witnesses. Because the parties reached an agreement, he had notified the complainants that they did not need to attend the hearing. The Investigative Committee submitted that the Hearing Panel had the discretion to proceed with the hearing despite Mr. Ackroyd's absence per section 60(3) of the EGP Act.



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Decision of the Hearing Panel on the Preliminary Matter

12. The Hearing Panel considered the email correspondence in Exhibit 1, J.S.'s testimony, and the Investigative Committee's submissions. Based on the evidence, the Hearing Panel found that Mr. Ackroyd had been served with the Notice of Hearing, that he was aware that the hearing could proceed in his absence, and that he elected not to attend the hearing. The Hearing Panel also accepted that the complainants had notice of the hearing.
13. With the requirements of the EGP Act satisfied, the Hearing Panel concluded it could proceed in the absence of Mr. Ackroyd. There is a public interest in ensuring a hearing proceeds in a timely manner. Further, the Investigative Committee and Mr. Ackroyd were proceeding by an agreed statement of facts and acknowledgment of unprofessional conduct, so Mr. Ackroyd was involved in the evidence that would be considered at the hearing. Based on these factors, the Hearing Panel proceeded with the hearing despite Mr. Ackroyd's absence.

The Charges in the Notice of Hearing

14. The Notice of Hearing provided to the Hearing Panel contained two sets of charges:

The "Initial Charges"

- a) Charges 1 and 2 with particulars a. – c. each alleged that from April 2018 to August 2019, Mr. Ackroyd failed in his responsibilities as the Coordinating Registered Professional ("CRP") and Registered Professional of Record ("RPR") with respect to the design and construction of three residential buildings (the "Projects"), and that his failures demonstrated a lack of knowledge, skill or judgment in carrying out his duties, contrary to section 44(1)(d) of the EGP Act;
- b) Charge 3 with particulars a. – b. alleged that from April 2018 to August 2019, in acting as the CRP and the RPR with respect to the design and construction of the Projects, Mr. Ackroyd undertook work that he was not competent to perform, contrary to section 44(1)(b) of the EGP Act and the Code of Ethics;
- c) Charge 4 with particulars a. – b. alleged that Mr. Ackroyd failed to uphold and enhance the honour, dignity, and reputation of the engineering profession, contrary to section 44(1)(b) of the EGP Act and the Code of Ethics.



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The “Subsequent Charges”

- d) Charges 1 and 2 with particulars a. – f.¹ each alleged that from March 2018 to September 2019, Mr. Ackroyd failed in his responsibilities as CRP and RPR with respect to the design and construction of a fourth residential building (the “Fourth Project”), and that his failures demonstrated a lack of knowledge, skill or judgment in carrying out his duties, contrary to section 44(1)(d) of the EGP Act;
 - e) Charge 3 with particulars a. – b. alleged that from March 2018 to September 2019, in acting as the CRP and RPR with respect to the construction of the Fourth Project, Mr. Ackroyd undertook work that he was not competent to perform, contrary to the EGP Act and the Code of Ethics
15. The Initial Charges and Subsequent Charges are fully reproduced with particulars at Appendix “A”. For clarity, this decision will refer to the four construction projects collectively as the “Projects”.

Submissions by the Investigative Committee

16. Counsel for the Investigative Committee advised the Hearing Panel that the hearing would proceed by way of an Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct, which was entered as Exhibit 2. In the view of the Investigative Committee, the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct contained sufficient factual information and admissions for the Hearing Panel to find that the Charges were proven.
17. Counsel noted that the Hearing Panel had received and read Exhibit 2 prior to the hearing so he did not propose to read the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct to the Hearing Panel. At the hearing, he briefly reviewed the content of Exhibit 2 as it related to the background of the complaints and to each of the Charges.
18. In response to questions from the Hearing Panel, counsel noted that there was no evidence before the Hearing Tribunal that the Projects fell below the standards in the Alberta Building Code. The only evidence before the Hearing Tribunal was Mr. Ackroyd’s admission that his conduct fell below the expectations of him.

¹Though the Notice of Hearing references numerals i. – vi., the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct references the same particulars as a. – f.



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19. Counsel also explained that though Mr. Ackroyd did not admit to all the particulars in the Notice of Hearing, it is only necessary for one or more of the particulars to be proven for the Hearing Panel to find the related Charges proven.

Decision of the Hearing Panel regarding Unprofessional Conduct or Unskilled Practice

20. After an adjournment to consider Exhibit 2 and the Investigative Committee's submissions, the Hearing Panel reconvened the hearing and informed the Investigative Committee that it accepted the evidence in Exhibit 2 as proof of the conduct described in the Initial Charges and Subsequent Charges. The Hearing Panel's reasons with respect to each of the Charges is described below.

Initial Charge 1 and Subsequent Charge 1

21. Charge 1 of the Initial Charges and Charge 1 of the Subsequent Charges related to Mr. Ackroyd's conduct in acting as the CRP with respect to the design and construction of the Projects, which were constructed using Structurally Insulated Panel Systems ("SIPs"). Under the Alberta Building Code 2014, the CRP for a project must ensure that:
- a) The design requirements are coordinated and comply with the requirements of the Alberta Building Code;
 - b) Any corrective actions taken as a result of a field review are recorded and available to the authority having jurisdiction upon their request, and
 - c) The authority having jurisdiction is provided with a letter in the form set out in Schedule C-1 stating that the project for which registered professionals were retained substantially complies with the Alberta Building Code.
22. Mr. Ackroyd admitted that he failed in his responsibilities as CRP. His failures were described in detail and in relation to each of the Projects in Exhibit 2.
23. The Hearing Panel noted that Mr. Ackroyd did not admit to Charge 1, particular (b)(v) of the Initial Charges and found that this particular was not proven on a balance of probabilities. The Hearing Panel accepted Mr. Ackroyd's admissions respecting the other particulars and found that the conduct alleged was proven.



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Initial Charge 2 and Subsequent Charge 2

24. Charge 2 of the Initial Charges and Charge 2 of the Subsequent Charges related to Mr. Ackroyd's conduct in acting as the RPR with respect to the design and construction of the Projects. Under the Alberta Building Code 2014, the RPR for a project must:
 - a) Sign and seal the drawings required in support of the building permit application,
 - b) Ensure that drawings comply with the requirements of the Alberta Building Code,
 - c) Ensure that field reviews necessary to comply with above (b) are completed, and
 - d) Provide a letter to the CRP in the form set out in Schedule C-2 stating that the components of the project for which the RPR is responsible are constructed so as to substantially comply with both the plans and supporting documents, and the requirements of the Alberta Building Code.
25. Mr. Ackroyd admitted that he failed in his responsibilities as RPR. His failures were described in detail and in relation to each of the Projects in Exhibit 2.
26. The Hearing Panel noted that Mr. Ackroyd did not admit to Charge 2, particulars (a)(viii), (b)(vi) and (c)(vi) of the Initial Charges and found that these particulars were not proven. The Hearing Panel accepted Mr. Ackroyd's admissions respecting the other particulars and found that the conduct alleged was proven.

Initial Charge 2 and Subsequent Charge 2

27. Charge 3 of the Initial Charges and Charge 3 of the Subsequent Charges related to Mr. Ackroyd's undertaking of work he was not competent to perform. Mr. Ackroyd admitted all the particulars, and his admitted lack of competency was described in detail in Exhibit 2.
28. The Hearing Panel accepted Mr. Ackroyd's admissions to the particulars of Charge 3 of the Initial Charges and Charge 3 of the Subsequent Charges and finds that the conduct alleged was proven.



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Initial Charge 4

29. Charge 4 related to Mr. Ackroyd's conduct towards some of the complainants. He admitted that in attending a site meeting with one of the complainants and their family members, he lost his temper and yelled at them. He also admitted that he threatened to withhold the C-Schedules for one of the Projects until he was paid, even though he did not have a contract for engineering services with that complainant. The Hearing Panel accepted Mr. Ackroyd's admissions with respect to the particulars of Initial Charge 4 and finds that the conduct alleged was proven.
30. Overall, Mr. Ackroyd acknowledged that the conduct alleged in Initial Charges 1 – 4 and the Subsequent Charges 1 – 3 was proven, and that his proven conduct displayed a lack of skill or judgment in the practice of the engineering profession or tends to harm the standing of the engineering profession. He acknowledges his conduct constitutes unprofessional conduct or unskilled practice or both within the meaning of section 44 of the EGP Act.
31. For the above reasons, and having considered the acknowledged conduct before it, the Hearing Panel finds that the Initial Charges (excepting the particulars not admitted) and the Subsequent Charges in the Notice of Hearing were proven and that the conduct constituted unprofessional conduct or unskilled practice as described in the EGP Act.

Submission on Sanctions

32. Mr. Ackroyd and the Investigative Committee did not enter into an agreement with respect to an appropriate sanction. Counsel for the Investigative Committee made oral submissions on sanctions at the hearing. To allow Mr. Ackroyd an opportunity to respond, the Hearing Panel directed the Investigative Committee to provide those submissions in writing to the Hearing Panel and to Mr. Ackroyd by June 8, 2022. Mr. Ackroyd then had two weeks to provide any response for the Hearing Panel's consideration. The Hearing Panel did not receive any submissions from Mr. Ackroyd but considered Mr. Ackroyd's email of May 17, 2022 (Exhibit 3) as his written submissions on sanction.

Written Submissions of the Investigative Committee

33. The Investigative Committee noted that the Hearing Panel found seven charges against Mr. Ackroyd were proven. Based on this proven unskilled practice and unprofessional conduct, the Investigative Committee requested the Hearing Panel make the following orders pursuant to sections 63 and 64 of the EGP Act:
 - a) Cancellation of Mr. Ackroyd's registration;



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b) Mr. Ackroyd shall pay a portion of the costs of the investigation and hearing in the amount of \$10,000.00 to be paid within 12 months of the Discipline Committee's written reasons for decision on sanctions.

34. The Investigative Committee submitted that the fundamental purpose of sanctions in the professional regulatory context is to ensure that the public is protected from unprofessional conduct. Protection of the public is achieved, firstly, by ensuring that the public is not at risk of harm from the member's continuing conduct; secondly, by ensuring that the public has confidence in the profession; and thirdly, by sending an appropriate message to other members of the profession through APEGA's response regarding conduct that is found to be unacceptable.
35. The Investigative Committee then reviewed the factors that should be considered by a discipline tribunal in determining an appropriate sanction listed in paragraph 35 of *Jaswal v Newfoundland (Medical Board)*, 1996 CanLII 11630. The Investigative Committee submitted:

- The nature and gravity of the proven allegations – The seven proven charges involved over 70 instances of unprofessional conduct or unskilled practice between 2018 and 2019 with respect to the construction of the Projects. Mr. Ackroyd's conduct involved fundamental lapses in professional responsibility for an engineer engaged in residential construction projects using SIPs.

In the Investigative Committee's view, Mr. Ackroyd's conduct was very serious. When a Professional Engineer undertakes a project that engages public safety and the integrity of buildings, it is critical that they are competent to do so. Mr. Ackroyd's conduct demonstrates a clear lack of appreciation for the importance of his role as a professional engineer and warrants a serious penalty.

- The age and experience of the offending member – Mr. Ackroyd was initially registered as a member of APEGA in 1993. He remained a professional member until he allowed his registration to lapse in December of 2021. Mr. Ackroyd had been a professional engineer for approximately 25 years at the time of the conduct in 2018 and 2019. He had considerable background and experience as an engineer, and as such ought to have known the responsibilities for an engineer under the Alberta Building Code.

Senior members of the profession who engage in unprofessional conduct warrant greater sanctions than other members. Mr. Ackroyd's experience is therefore an aggravating factor.

- Presence or absence of prior complaints or convictions – There was no evidence of any prior complaints or convictions against Mr. Ackroyd.



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- Vulnerability of the person impacted – Though there was no specific evidence regarding the impact of Mr. Ackroyd’s conduct on the complainants, the Investigative Committee submitted that it is reasonable to infer all four complainants sustained significant consequences. This is an aggravating factor.
- Number of times the offence occurred – Mr. Ackroyd’s proven conduct showed a significant and ongoing pattern of behaviour involving repeated engagement in unprofessional conduct, and he did not attempt to modify that behaviour. This is an aggravating factor and demonstrates the need for significant sanctions.
- Mr. Ackroyd’s role in acknowledging what occurred – Mr. Ackroyd acknowledged that his conduct constitutes unprofessional conduct. This as a mitigating factor.
- Whether Mr. Ackroyd suffered serious financial or other penalties as a result of the allegations – Because Mr. Ackroyd did not participate in the hearing, there is no information available about other penalties or consequences he may have suffered. The Investigative Committee submitted that his decision not to renew his registration with APEGA for 2022 should not be considered a penalty.
- The need to promote deterrence – There are two types of deterrence. Firstly, specific deterrence suggests that the imposed orders ought to deter the specific member from repeating the conduct in the future. Because Mr. Ackroyd has not renewed his registration with APEGA, the need for specific deterrence is limited. Secondly, general deterrence suggests that imposed orders ought to deter other members of the profession from engaging in similar conduct. Unprofessional conduct affects a professional member’s clients, co-workers, and the profession, and general deterrence recognizes that the public dimension is of critical significance.

The Investigative Committee submitted that a serious sanction is needed to denounce Mr. Ackroyd’s conduct to the profession. It must be clear to the profession that a decision to undertake work for which one is not competent is very serious unprofessional conduct, and anyone who conducts themselves in a similar manner can expect to receive serious penalties.

- The need to maintain the public’s confidence in the integrity of the profession – Members of APEGA must be held to the standards and obligations expected of them, and particularly the fundamental obligation to ensure competence. Sanctions can also be used to send a message to the public to maintain confidence in the profession. The public would expect strong sanctions against Mr. Ackroyd to prevent such conduct from occurring again, and to demonstrate that APEGA takes Mr. Ackroyd’s conduct seriously. If Mr. Ackroyd is allowed to return to practice, the Hearing Panel will send the wrong message to the profession.



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- Degree to which the conduct was outside the range of permitted conduct – Mr. Ackroyd's conduct is a clear departure from the conduct expected of a professional engineer.
 - The range of sentences in similar cases – The Investigative Committee provided three engineering discipline cases at paragraph 30 of its submissions. The cases demonstrated that an order for cancellation is appropriate where a professional engineer fails to perform the basic requirements of their profession.
36. The Investigative Committee submitted that the proposed orders are intended to prevent Mr. Ackroyd and to deter other members of APEGA from engaging in similar conduct in the future. They are also necessary to uphold the integrity of the profession in the eyes of the public and are commensurate with the seriousness of Mr. Ackroyd's proven conduct.
37. With respect to the proposed cancellation order, the Investigative Committee submitted that sections 43(3) and 63(j) of the EGP Act confirm the Hearing Panel's jurisdiction to impose cancellation in this case, even though Mr. Ackroyd is no longer a member of APEGA.
38. Counsel for the Investigative Committee explained that a cancellation order would carry necessary and important consequences, and that the Hearing Panel should order cancellation to achieve these effects:
- A cancelled professional member may not be reinstated except by an order of the APEGA Council or the Court. A cancelled member cannot be reinstated within one year;
 - A cancelled member is prohibited from representing or holding themselves out as registered with APEGA;
 - A cancelled member is prohibited from engaging in the practice of engineering or directly or indirectly associating with current professional members in the practice of engineering or geoscience, without the consent of APEGA Council.
39. On the issue of costs, counsel advised that the total estimated costs related to the hearing are in the range of \$40,000 to \$50,000. The Investigative Committee's proposed order required Mr. Ackroyd to pay a portion of the hearing costs in the fixed amount of \$10,000.00, which reflects approximately 1/4 to 1/5 of the total hearing costs. The proposed order would give Mr. Ackroyd up to 12 months to pay the costs, but counsel noted that the Hearing Panel had the discretion to order a longer pay period.
40. In the view of the Investigative Committee, the hearing was conducted as efficiently as possible. The parties came to an agreement on facts and admissions which spared all four complainants and other witnesses from needing to testify. The hearing was conducted in a few hours instead of three days as originally scheduled, and no unnecessary expenses were incurred.



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41. Where a member has engaged in unprofessional conduct, it is appropriate for the member to bear at least a portion of the costs of the hearing. It is not appropriate in this case to place the full burden of the costs of Mr. Ackroyd's conduct on the other members of APEGA.
42. The Investigative Committee submitted that a costs order in the amount of \$10,000.00 strikes a reasonable and appropriate balance between Mr. Ackroyd paying some costs and avoiding an undue financial burden on him. Allowing Mr. Ackroyd to pay the costs amount over 12 months would amount to a monthly payment of \$833, and allowing him a longer period to pay the costs would further reduce his monthly payment.

Written Submissions of Mr. Ackroyd on Sanction

43. The Hearing Panel considered Mr. Ackroyd's written submission on sanction (Exhibit 3), in which Mr. Ackroyd wrote the following:
 - a) He does not have \$10,000.00 and does not foresee ever having that sum;
 - b) He will be 65 years old in July and has not been professionally employed since 2007. He is too old to be hired professionally and too emotionally wrecked to handle a professional job if he were offered one.
 - c) He currently works for minimum wage to support himself and his family.
 - d) He is taking medication for depression and anxiety, and those medications have increased since counsel for the Investigative Committee suggested that he might have to pay a penalty.
44. In the submission, Mr. Ackroyd asked that the Hearing Panel be merciful and not burden him with an additional penalty that he would not be able to pay.

Decision of the Hearing Panel regarding Sanctions and Costs

45. The Hearing Panel carefully reviewed the Investigative Committee's proposed sanctions and submissions, and Mr. Ackroyd written submission on sanction. In the Hearing Panel's view, Mr. Ackroyd's unprofessional conduct was very serious, and did not meet the expectations of a professional engineer. His conduct involved failures over a significant number of incidents, which is an aggravating factor.



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46. The Hearing Panel also considered Mr. Ackroyd's experience as a senior member of the profession. When senior members of the profession take on work towards the end of their careers, it is important they remain competent to undertake the work. While years of experience can assist a member in exercising professional judgment, it does not automatically translate to competence in all areas of engineering.

Cancellation

47. An order for cancellation is the most serious sanction that a Hearing Panel can impose. Cancellation has continuing consequences with respect to a person's ability to apply for reinstatement and their ability to be directly or indirectly associated with others in the industry. Cancellation should be construed by members of the profession as a serious condemnation of the conduct in issue and is necessary to protect the public in the most concerning circumstances.
48. In this case, the Hearing Panel finds that an order for cancellation is appropriate. Mr. Ackroyd failed to do what the Hearing Panel considers fundamental elements of the practice of engineering. It is a fundamental expectation of professional engineers that they do not undertake work they are not competent to complete. When professionals undertake work outside their area of competence, they can compromise public safety. Mr. Ackroyd's conduct did a severe disservice to the profession and to the public that he served. In the Hearing Panel's view, an order for cancellation is proportionate to the serious nature of Mr. Ackroyd's conduct.
49. The Hearing Panel also finds that an order for cancellation is necessary to ensure public confidence and will send the message to the public that APEGA treats Mr. Ackroyd's conduct as very serious. Though Mr. Ackroyd has allowed his registration with APEGA to elapse, an order of cancellation will restrict his ability to apply for reinstatement in the future and thus, protect public safety.

Costs

50. The Hearing Panel carefully considered the costs in this matter, to date, being approximately \$40,000 to \$50,000. The Investigative Committee sought an order requiring that Mr. Ackroyd be responsible for a portion of those costs at a fixed amount of \$10,000.
51. The Hearing Panel considered the factors that would support issuing a costs order. The Hearing Panel found that all seven Charges against Mr. Ackroyd were proven, based on very serious and ongoing unprofessional conduct or unskilled practice.



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52. Requiring a professional member to pay all or a portion of the hearing and investigation costs is a common part of professional disciplinary sanctions. The investigation and hearing arose because of Mr. Ackroyd's conduct. The membership of APEGA should not bear the entire burden of the costs because of the actions of a single member. A costs order allows APEGA to recoup some of the expenses incurred. Therefore, generally, a member should be responsible for at least a portion of the costs.
53. Similar previous cases involving cancellation also involved costs orders. The Investigative Committee's submissions cited the case of *Association of Professional Engineers and Geoscientists of Alberta v Douglas Mackie, P.Eng.*, 2018 in which 100% of the hearing costs were ordered against the member. The other two cases cited by the Investigative Committee do not assist with an assessment of costs as both proceeded by joint submission on penalty and recommended discipline order. The Hearing Panel finds that a costs order against Mr. Ackroyd would not be inconsistent with prior decisions.
54. The Hearing Panel also considered factors that weighed against a costs award.
55. The Hearing Panel gave significant weight to Mr. Ackroyd's financial circumstances. As Mr. Ackroyd's email dated May 17, 2022 indicated, he is working at a minimum-wage job to support his family and does not foresee ever being able to repay \$10,000. The effect of the cancellation order is that he will not be able to practice engineering unless reinstated by APEGA Council or the Courts. The Hearing Panel accepts that a significant costs award would likely represent a "crushing blow" to Mr. Ackroyd. However, absent Mr. Ackroyd's financial circumstances, the Hearing Panel may have been prepared to make a higher costs order.
56. The Hearing Panel also considered that Mr. Ackroyd acknowledged the nature of his conduct, and made admissions of unprofessional conduct, which contributed to the efficiency of the hearing.
57. Having considered all the above factors, the Hearing Panel finds that a costs award of \$10,000 is fair and reasonable in the circumstances. It recognizes Mr. Ackroyd's financial circumstances and the concept that a member of the profession found to have committed unprofessional conduct should be responsible for at least a portion of the costs.
58. The Investigative Committee proposed that the costs award should require Mr. Ackroyd to pay the costs order over 12 months. The Hearing Panel noted Mr. Ackroyd's concern with his ability to pay. To reduce the financial burden on Mr. Ackroyd, the Hearing Panel elects to exercise its discretion to allow Mr. Ackroyd to negotiate a payment plan with the Director, Enforcement over a longer period if necessary, so that Mr. Ackroyd's payments reflect the reasonable amount that is possible for him to make.



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Conclusion

59. 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. Ackroyd's registration shall be cancelled, and the cancellation shall be effective as of the date of this written decision;
 - b) Mr. Ackroyd shall pay a portion of the costs of the investigation and hearing in the amount of \$10,000.00 in accordance with a payment plan acceptable to the Director, Enforcement.
 - c) With respect to (b) above,
 - i) Mr. Ackroyd may propose a payment plan to the Director, Enforcement within 60 days of this written decision;
 - ii) The Director, Enforcement may extend the time period in (i) from 60 days to 90 days at their discretion;
 - iii) If the Director, Enforcement has not accepted a payment plan proposed by Mr. Ackroyd within the time period set out in the above (i) or (ii) as applicable, the Director, Enforcement may determine the payment plan.
60. Following the findings and sanctions orders made in this matter, the Hearing Panel directs that this matter and its outcome be published by APEGA in a medium acceptable to the Director, Enforcement, and that publication shall identify Mr. Ackroyd.



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Signed,

DR. JEFF PIEPER, Ph.D., P.Eng.
Panel Chair, APEGA Discipline Committee

JOHANNE POIRIER MOUALLEM, P.Eng.
Panel Member, APEGA Discipline Committee

CHRIS GOULARD, P.Eng.
Panel Member, APEGA Discipline Committee

PARAND MEYSAMI, P.Eng.
Panel Member, APEGA Discipline Committee

MURIEL DUNNIGAN
Public Member, APEGA Discipline Committee



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APPENDIX “A” – Charges

The Initial Charges

1. That on or about April 2018 to August 2019, in acting as the Coordinating Registered Professional (“CRP”) with respect to the design and construction of homes for R.N.T. (“House 1”), R.Y.T. (“House 2”), J.H. (“House 3”) or any of them, constructed using a Structurally Insulated Panel (SIP) System near Raymond Alberta, Ronald Ackroyd, P. Eng, failed in his responsibilities as the CRP, which failures demonstrated a lack of knowledge, skill, or judgment in carrying out his duties, contrary to section 44(1)(d) of the *Engineering and Geoscience Professions Act*, the particulars of which include one or more of the following:
 - a. For House 1:
 - i. Failing to coordinate the design work and field reviews by the Registered Professional of Record (“RPR”) for the project;
 - ii. Failing to ensure that drawings contained the necessary specifications and details;
 - iii. Failing to collect and submit authenticated drawings to the Safety Codes Officer (“SCO”) to ensure the design would satisfy the Alberta Building Code 2014 (“ABC”);
 - iv. Relying on a foundation plan or inspection report or both from an engineer who was not the RPR for the geotechnical components of the project;
 - v. Failing to ensure that changes in construction were appropriately documented with updated as-built drawings and submitted to the SCO.
 - b. For House 2:
 - i. Failing to coordinate the design work and field reviews by the RPR for the project;
 - ii. Failing to ensure that drawings contained the necessary specifications and details;
 - iii. Failing to collect and submit authenticated drawings to the SCO to ensure the design would satisfy the ABC;



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- iv. Relying on a foundation plan or inspection report or both from an engineer who was not the RPR for the geotechnical components of the project;
 - v. Failing to notify the SCO or withdraw as CRP once he was aware that construction had commenced without meeting all of the requirements of the ABC.
- c. For House 3:
- i. Failing to coordinate the design work and field reviews by the RPR for the project;
 - ii. Failing to ensure that drawings contained the necessary specifications and details;
 - iii. Failing to collect and submit authenticated drawings to the SCO to ensure the design would satisfy the ABC;
 - iv. Failing to notify the SCO or withdraw as CRP once he was aware that construction had commenced without meeting all of the requirements of the ABC.
2. That on or about April 2018 to August 2019, in acting as the RPR with respect to the design and construction of House 1, House 2, House 3 or any of them, Ronald Ackroyd, P. Eng failed in his responsibilities as the RPR, which failures demonstrated a lack of knowledge, skill, or judgment in carrying out his duties, contrary to section 44(1)(d) of the *Engineering and Geoscience Professions Act*, the particulars of which include one or more of the following:
- a. For House 1:
- i. Failing to coordinate the design work and field reviews required for the components of the project for which he accepted responsibility;
 - ii. Failing to complete, review, or authenticate, drawings, including for one or more of the following:
 - a. Chief Mountain Truss drawings;
 - b. Karen Patching Design drawings;
 - c. SMP Foundation drawings;



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- iii. Failing to specify or identify load and connection details on the drawings used for the construction of the home, or failing to identify that the drawings were lacking load and connection details;
 - iv. Failing to provide design calculations and load analysis in sufficient detail for review or inspection by independent parties;
 - v. Failing to include or reference the required information to complete design calculations;
 - vi. Failing to document altered conditions, including but not limited to the elimination of metal knee braces, collar ties, or both;
 - vii. Failing to complete or to document field reviews;
 - viii. Failing to sign the required Schedules for the geotechnical elements of the project;
 - ix. Failing to identify, document or submit to the SCO the information required on foundation drawings in Division C, s. 2.2.4.6 of the ABC;
 - x. Failing to identify or correct the discrepancy in pile numbers between those on the drawings and those that were installed;
 - xi. Failing to review or document the review of pile locations on the A9 drawings;
- b. For House 2:
- i. Failing to coordinate the design work and field reviews required for components of the project for which he accepted responsibility;
 - ii. Failing to complete, review or authenticate drawings for components of the project for which he accepted responsibility;
 - iii. Failing to specify or identify load and connection details on the drawings used for the construction of the home, or failing to identify that the drawings were lacking load and connection details;
 - iv. Failing to provide design calculations and load analysis in sufficient detail for review or inspection by independent parties;



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- v. Failing to include or reference the required information to complete design calculations;
 - vi. Failing to sign the required Schedules for the geotechnical elements of the project;
 - vii. Failing to identify, document or submit to the SCO the information required on foundation drawings in Division C, s. 2.2.4.6 of the ABC;
 - viii. Failing to complete or to document field reviews.
- c. For House 3:
- i. Failing to coordinate the design work and field reviews required for components of the project for which he accepted responsibility;
 - ii. Failing to complete, review or authenticate drawings for components of the project for which he accepted responsibility;
 - iii. Failing to specify or identify load and connection details on the drawings used for the construction of the home, or failing to identify that the drawings were lacking load and connection details;
 - iv. Failing to provide design calculations and load analysis in sufficient detail for review or inspection by independent parties;
 - v. Failing to include or reference the required information to complete design calculations;
 - vi. Failing to sign the required Schedules for the geotechnical elements of the project;
 - vii. Failing to identify, document or submit to the SCO the information required on foundation drawings in Division C, s. 2.2.4.6 of the ABC;
 - viii. Failing to complete or to document field reviews.



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3. That on or about April 2018 to August 2019, in acting as the CRP and the RPR with respect to the design and construction of House 1, House 2, House 3, or any of them, Ronald Ackroyd, P. Eng undertook work that he was not competent to perform, contrary to s. 44(1) (b) of the *Engineering and Geoscience Professions Act* and Rule of Conduct 2 of the Code of Ethics, the particulars of which include, but are not limited to one or more of the following:
 - a. Failing to understand the knowledge, skill or judgment required of a CRP, including by one or more of the following:
 - i. Failing to have the understanding of the ABC requirements of a professional acting in the role of CRP;
 - ii. Being unaware that SIP construction fell within the “Alternative Solutions” section of the ABC, or unaware of the requirements of that section;
 - iii. Being unaware of the existence or contents of STANDATA interpretation of the Alberta Building Code 2014, or advisory bulletins issued by municipal authorities, directly related to SIP construction;
 - b. Failing to understand the knowledge, skill or judgment required of an RPR, including by one or more of the following:
 - i. Being unaware of the details regarding the manufacture of the SIPs used on House 1, House 2, or House 3;
 - ii. Being unaware of the differences in SIPs from manufacturer to manufacturer or that any such differences exist;
 - iii. Using the construction manual for a different SIP product;
 - iv. Using inappropriate snow load factors in structural engineering calculations;
 - v. Failing to recognize that the use of spliced lumber columns required a structural analysis;
 - vi. Failing to recognize that window or door openings were oversized, or being unable to identify whether they had been constructed with appropriate headers and supporting posts;
 - vii. Relying on the builder’s expertise to make design changes despite the fact that he was the RPR for the architectural, structural and geotechnical aspects of the project;



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- viii. Failing to identify or notify the geotechnical engineer that the soils were clay, as required by that engineer's drawings, or failing to identify that clay soils could affect the torque verification of the screw piles, despite such a notation in the drawings;
 - ix. Failing to understand the method of calculation used by the geotechnical engineer to calculate the appropriate screw pile torque for the loading;
 - x. Failing to identify or address that the House 3 roof was to be constructed using a method not compliant with the ABC;
 - xi. Failing to identify or address one or more of the following issues with the design or construction of House 3:
 - 1. undersized structural capacity of the posts supporting the panels for the tall wall;
 - 2. over-spanning of the roof using non-engineered SIP system panels;
 - 3. Over-spanning of upper floor panels, creating the potential for a life-safety issue should the ledger plate fail, which could result in a floor collapse;
 - 4. Undocumented changes to the framing, which did not match the plans submitted to the AHJ.
4. That Ronald Ackroyd, P. Eng failed to uphold and enhance the honour, dignity, and reputation of the engineering profession, contrary to section 44(1)(b) of the *Engineering and Geoscience Professions Act*, and Rule of Conduct 5 of the Code of Ethics, including by one or more of the following:
- a. attending at a site meeting on August 13, 2019 and yelling, or raising his voice at R.N.T., members of his family, or others;
 - b. threatening to withhold Schedule C from J.H. until he was paid, despite not having a contract for engineering services with J.H.



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The Subsequent Charges

1. That on or about March 2018 to September 2019, in acting as the Coordinating Registered Professional (“CRP”) with respect to the design and construction of a home for B.B. (“House 4”), constructed using a Structurally Insulated Panel (SIP) System near Raymond Alberta, Ronald Ackroyd, P. Eng, failed in his responsibilities as the CRP, which failures demonstrated a lack of knowledge, skill, or judgment in carrying out his duties, contrary to section 44(1)(d) of the *Engineering and Geoscience Professions Act*, the particulars of which include one or more of the following:
 - i. Failing to coordinate the design work and field reviews by the Registered Professional of Record (“RPR”);
 - ii. Failing to ensure that the authenticated drawings contained the necessary specifications and details;
 - iii. Failing to collect and submit authenticated drawings to the Safety Codes Officer (“SCO”) to ensure the design would satisfy the Alberta Building Code 2014 (“ABC”);
 - iv. Failing to ensure that changes or deficiencies in construction were appropriately documented with updated as-built drawings and submitted to the SCO.
 - v. Failing to notify the SCO or withdraw as CRP once he was aware that construction had commenced without meeting all of the requirements of the ABC;
 - vi. Failing to ensure compliance with Part 4 of the ABC.

2. That on or about March 2018 to September 2019, in acting as a RPR with respect to the design and construction of House 4, Ronald Ackroyd, P. Eng failed in his responsibilities as RPR, which failures demonstrated a lack of knowledge, skill, or judgment in carrying out his duties, contrary to section 44(1)(d) of the *Engineering and Geoscience Professions Act*, the particulars of which include one or more of the following:
 - i. Failing to coordinate the design work and field reviews required for the components of House 4 for which he accepted responsibility;
 - ii. Failing to complete, review or authenticate drawings for components of the project for which he accepted responsibility;



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- iii. Failing to identify or specify information regarding the site conditions, design, materials, loads, specifications, or information required by the ABC on the drawings, or failing to identify that the drawings were lacking that information;
 - iv. Failing to ensure the design for construction of the components of House 4 for which he accepted responsibility complied with the requirements of the ABC;
 - v. Failing to complete, or document the completion of adequate field reviews;
 - vi. Failing to ensure that changes or deficiencies in construction were appropriately documented with updated as-built drawings and submitted to the CRP.
3. That on or about March 2018 to September 2019, in acting as the CRP and the RPR with respect to the design and construction of House 4, Ronald Ackroyd, P. Eng undertook work that he was not competent to perform, contrary to s. 44(1)(b) of the *Engineering and Geoscience Professions Act* and Rule of Conduct 2 of the Code of Ethics, the particulars of which include, but are not limited to one or more of the following:
- a. Failing to understand or demonstrate the knowledge, skill or judgment required of a CRP, including by one or more of the following:
 - i. Failing to have or demonstrate an understanding of the ABC requirements of a professional acting in the role of CRP;
 - ii. Being unaware that SIP construction fell within the "Alternative Solutions" section of the ABC, or unaware of the requirements of that section;
 - iii. Being unaware of the existence or contents of STANDATA interpretation of the Alberta Building Code 2014, or advisory bulletins issued by municipal authorities, directly related to SIP construction;
 - b. Failing to understand or demonstrate the knowledge, skill or judgment required of a RPR, including by one or more of the following:
 - i. Being unaware of the details regarding the manufacture of the SIPs used on House 4;
 - ii. Being unaware of the differences in SIPs from manufacturer to manufacturer or that any such differences exist;
 - iii. Relying on the builder to determine design elements or make design changes despite the fact that he was the RPR.