



APEGA Recommended Discipline Order

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

Date: May 26, 2023

Discipline Case Number: 23-008

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF [AN APEGA MEMBER]**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of [an APEGA member]

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of [Name Withheld] (the Registrant) and [Name Withheld] (the Company A) with respect to a complaint initiated by [Name Withheld] (the Complainant). This matter was investigated pursuant to Section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*).

A. THE COMPLAINT

The Investigative Committee conducted an investigation with respect to the following allegation outlined in the Complaint:

That the Registrant engaged in unprofessional conduct by authenticating a design drawing for the Upper Lake Louise Transit Shelter that contained incorrect snow load calculations. The snow load calculation in the authenticating drawing is intended for the hamlet of Lake Louise (as per National Building Code 2015) whereas, the location of the transit shelter is at the higher elevation of Upper Lake Louise which would require a higher snow load.

The investigative Committee also investigated two other allegations against the Registrant outlined in the complaint and one allegation against the Company A. The Investigative Committee determined that there was insufficient evidence of unprofessional conduct in relation to these three allegations.



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B. AGREED STATEMENT OF FACTS

As a result of the investigation, it is agreed by and between the Investigation Committee and the Registrant that:

(i) Background:

1. The Registrant obtained Bachelor of Science degree in Civil Engineering (1991).
2. The Registrant obtained their master's degree in structural engineering (1997) and PhD in structural engineering (2008).
3. The Registrant has been an APEGA professional member in a good standing since 2012 with no prior findings of unprofessional conduct and/or unskilled practice.
4. At the time of this complaint, the Registrant was employed by, and a Responsible Member for the Company A.
5. The Registrant cooperated with the investigation.

(ii) Facts Relating to the Allegation:

6. In February 2020, the Company A was awarded a contract by Parks Canada ("PCA") to be the prime consultant and provide structural engineering services for a heavy timber framed transit shelter to be constructed near the Chateau (Upper) Lake Louise. The Registrant was employed with the Company A and acted as the Structural Engineer of Record.
7. The Complainant was the general contractor for the project; their scope of work included producing shop drawings of the shelter based on Issued For Tender ("IFT") drawings and specifications supplied by the Company A (authenticated by the Registrant) and constructing the shelter.
8. The Complainant sub-contracted [Name Withheld] ("Company B") to design the connectors for the structure. In February 2020, the president of Company B, [Name Withheld] (the President), informed the Complainant that the roof load data(4.5kPa) included in the Registrant's authenticated drawings was insufficient for the proposed location of the shelter.



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9. The President based their concerns on previous work performed by Company B in the area, as snow loads in upper Lake Louise can be significantly higher than the village due to elevation and other contributing weather conditions. During a separate project near Chateau Lake Louise in 1995, Company B measured a roof snow load of 9.6kPa; the President recommended that 9.6kPa would be more suitable snow load for the transit shelter. However, the President also noted that this higher snow load may require a redesign of the structure which would increase costs.
10. The Registrant declined to change their original (4.5kPa) snow load figure, citing its compliance with the National Building Code of Canada – 2015 (“NBCC”) per PCA’s contract documents.
11. The Complaint retained [Name Withheld] (Company C) to conduct a 3rd Party review of the IFT drawings/specifications and Company B’s shop drawings. Company C concluded (while not specifically recommending Company B’s 9.6kPa as the ideal load), the snow load should be higher than the value specified in the contract documents (4.5kPa) due to the higher elevation of the shelter.
12. The Registrant displayed a lack of judgment in the practice of the Professional by failing to consider the diverging snow load recommendations provided by Company B and the President.
13. Although the Registrant was following the stated requirements of the NBCC-2015, they acknowledge that they did not consult with Environment Canada on an appropriate snow load for the specific project location (as the location was not listed in BC-2015) prior to authenticating the structural IFT drawings.
14. As a result of Company C’s report, a site instruction was issued by the Registrant to PCA with a revised roof snow load of 5.06kPa. Despite the revised snow load, the registrant determined a structural redesign was not required as it was still with the parameters of the overall original design.
15. As a result of this experience, the Registrant (in their capacity as RM for Company A) proactively implemented a learning note and amended their structural checklist for future projects to ensure all requirements for mountainous projects are met.

C. CONDUCT BY THE REGISTRANT

16. The Registrant freely and voluntarily admits that at all relevant times the Registrant was a professional member of APEGA and was thus bound by the EGP Act and the APEGA Code of Ethics.



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17. The Registrant acknowledges and admits that their conduct as described in Section B of this Recommended Order amounts to unprofessional conduct as defined in section 44(1) of the EGP Act:

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; displays a lack of knowledge of or a lack of skill or judgment in the practice of the profession or;*
- (d) displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession;*
- (e) Displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.*

Whether or not that conduct is disgraceful or dishonorable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

18. The Registrant further acknowledges that the conduct described above displays a lack of judgement in the practice of the professional contrary to sec. 44(1)(d) of the Act, and breaches Rules of Conduct #4.

4. *Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.*

D. RECOMMENDED ORDERS:

19. 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.



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- b. The Registrant shall provide written confirmation to the Director, Enforcement, within twelve (12) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation/proof of successful completion of the **APEGA self-directed Permit to Practice Learning Module**, that is satisfactory to the Director, Enforcement. The Registrant shall be responsible for any costs associated with completing the module.
- c. The Registrant shall pay a fine in the amount of \$500.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of the date this order is approved by the Discipline Committee Case Manager.
- d. The Registrant shall provide the Director, Enforcement, within six (6) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation that the Registrant has reviewed the following APEGA publication and that the Registrant will comply with the requirements therein:
 - i. APEGA Professional Practice Guideline, Ethical Practice, August 1, 2022.
- e. If there are extenuating circumstances, the Registrant may apply in writing to the Director, Enforcement, for an extension prior to the deadlines noted in Paragraph 19 b), c), and d). The approval for extending a deadline is at the discretion of the Director, Enforcement. If such an application is made, the Registrant shall provide the Director, Enforcement, the reason for the request, a proposal to vary to deadline, and any other documentation requested by the Director, Enforcement.
- f. If the Registrant fails to provide the Director, Enforcement with written confirmation / proof that they have completed the requirements noted above Paragraphs 19 b), c) and d) within the timelines specified, the Registrant shall be suspended from the practice of engineering until the Registrant has provided the Director, Enforcement with written confirmation / proof of successful completion. If the requirements are not completed with respect to Paragraph 19 b) and d) within six (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.
- g. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will not name the Registrant.



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Although the Investigative Committee and Registrant understand and acknowledge that APEGA's usual policy is to publish Recommended Discipline Orders in a manner that identifies the Registrant by name, the parties understand that the decision to publish with or without name is discretionary. The parties submit that publication without name is appropriate given the specific facts in this case, including the following:

- The Registrant admitted their shortcomings and together with the Company A was proactive in implementing measures to prevent this oversight in the future.
- Public safety was not at risk given the final snow load determined for the shelter (5.06kPa) did not require a re-design (overdesigned due to architectural requirements).
- Publication of the Registrant's name is not required in this instance to protect the public interest.

IN WITNESS WHEREOF the undersigned agrees with the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct in its entirety.

Signed,

[REGISTRANT]

PETER BOZIC, P.Eng.
Panel Chair, APEGA Investigative Committee

DOUGLAS COX, P.Eng.
Case Manager, APEGA Discipline Committee

Date: May 26, 2023