



APEGA RECOMMENDED ORDER TO THE DISCIPLINE COMMITTEE

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

AND

IN THE MATTER OF THE CONDUCT OF

██████████ P. Geo.

Registrant: ██████████
Investigation Case #2024-02

APEGA RECOMMENDED ORDER TO THE DISCIPLINE COMMITTEE

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

and

In the matter of the conduct of
██████████ P.Geo.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of ██████████ (the Registrant) with respect to a Complaint initiated by ██████████ (the Complainant) dated January 15, 2024 (the Complaint).

A. The Complaint

The Complainant filed a complaint alleging the Registrant engaged in unprofessional conduct, as defined at section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*) with respect to the Registrant's 'Off Duty Conduct' related to numerous email communications (the Emails) that were directed towards the Complainant, his spouse, and members of the Board of Directors (collectively the Parties) for ██████████ (the Company).

The Investigative Committee's investigation focused on the following allegations which can be summarized as follows.

Whether the Registrant engaged in unprofessional conduct in that:

The Registrant engaged in unprofessional conduct in relation to unprofessional email correspondence. The Complainant alleges several emails arose from the Registrant's termination from the Company and its Board of Directors, on October 30, 2023. It is alleged that commencing on November 2, 2023, and ending in January of 2024, the Registrant sent multiple harassing and threatening emails to the Complainant, members of the Company's Board of Directors, and the Complainant's spouse.

B. Agreed Statement of Facts:

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

(i) Background:

1. The Registrant commenced his profession as a geoscientist-in-training (G.I.T.) with APEGA in 2013 and registered with APEGA in December 2018 as a professional geoscientist.
2. The Registrant has been an APEGA professional member in good standing since December 2018.
3. The Registrant completed his B.Sc. degree in geology in 2013 and a BA in economics in 2003.
4. The Registrant was bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics during the relevant time.
5. The Registrant cooperated with the investigation.

(ii) Facts Relating to the Allegation:

6. The Registrant was terminated from his role as CEO and as a member of the Company's Board of Directors on October 30, 2023.
7. The decision to terminate the Registrant by the Company was unanimous. However, it was however acknowledged by the other Board members that the termination did not go well and could have been handled in a more delicate manner. The Registrant was shocked/upset by the unexpected termination which the Registrant deemed to be unfair and unwarranted.
8. On the day of the termination, the Registrant started sending Emails to the Parties, which they dismissed as a reflection of the Registrant being angry/upset. However, the Emails continued; despite there being no overt threats of physical violence, the content and tone of the Emails were troubling and concerning.
9. The Emails from the Registrant to the Parties began on October 30, and continued through October 31, November 2, 6, 8, and 9, 2023, and January 13, 2024.
10. The Parties were of various professional backgrounds, four being members of the general public with their own professional backgrounds/designations and two being professional members registered with APEGA. The Complainant's spouse was not related to the Company in any way.
11. Two of the Parties resigned from both the Company and their positions on the Board the week following the Registrant's termination and their receipt of the Emails, citing concerns about the volatility/tone of the Emails and possible risks to their own well-being.
12. On November 9, 2023, the Complainant filed a criminal harassment complaint, with respect to the Emails, against the Registrant with the Calgary Police Service (CPS).

13. On November 15, 2023, the Complainant responded to one of the Registrant's emails and directed the Registrant to stop sending emails to the Parties, and further directed that the Registrant should direct any Company-related communications directly to the Company email address.
14. Despite the Complainant's cease and desist request, on January 13, 2024, the Registrant sent additional emails to some of the Parties.
15. On January 16, 2024, a CPS officer spoke with the Registrant, who assured the investigating officer that the Emails would stop. The CPS investigation was concluded without further action; from this date forward, there were no additional emails sent to the Parties by the Registrant.
16. The Parties, in summary, categorized the Emails as:
 - a. Personal attacks.
 - b. Intimidating.
 - c. Unnecessary.
 - d. Harassing.
 - e. Volatile.
17. Examples (some edited to protect the identity of the Company and Parties) of concerning comments in the Emails include:
 - a. *"I will actively make your life harder by referring to you as a piece of shit anytime anything about you comes up. You made the wrong enemy. Life will become harder from now on."*
 - b. *"I am very disappointed in you participating in the [Company] Coup... These things end poorly for Coup members... we are not friends anymore. I think you are a piece of shit."*
 - c. *"If you think you can cancel my options with no evidence, you have to accept I will put [your spouse's company] out of business in the next 12 months, you have shown your ethics. It will be easy to end [the spouse's] business. Remember that you fired me for being mean (such a millennial thing) so just expect mean shit to happen to you"*
 - d. *"I want you to know I put the word out that [the Complainant] cannot be trusted. My contacts have begun to call every person they know in the oil business. When your [spouse's company] goes under, look at [the Complainant] and his cowardness."*
 - e. *"[The Complainant]fucked up large. You are going to lose your house..."*
 - f. *"...You are 'the shit' of the patch. You destroyed so much capital [the Company] is X.X cents. You took it back to pre-Evie days. Fuck you!"*
18. The Parties were aware that the Registrant was a professional member registered with APEGA.
19. Although the Registrant's initial intention was to notify the Parties about the Registrant's position on the termination, the Registrant admits that certain comments such as those noted above in par. 17 were unprofessional. The Registrant regrets the tone and personalization of the noted comments and adds that the noted comments were not appropriate and were uncalled for. The Registrant also regrets directing some of the Emails to the Complainant's spouse

who had no official connection to the Company.

20. Prior to the termination, the Registrant was experiencing personal struggles related to mental health and alcohol, which the Registrant attributed to long working hours and a recent separation. The termination and resulting loss of employment income further aggravated the Registrant's personal situation.
21. The Registrant is participating in community support programs to address the personal issues noted in par. 20 above, including counselling, volunteering, and educational courses.

C. Conduct by the Registrant:

22. The Registrant freely and voluntarily admits that at all relevant times the Registrant was a professional member and thereby bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.

23. The Registrant acknowledge that the conduct described above constitutes unprofessional conduct as defined in section 44(1) of the Act:

Section 44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or, member-in-training that in the opinion of the Discipline committee or the Appeal Board:

(a) is detrimental to the best interests of the public,

(b) contravenes a code of ethics of the profession as established under the regulations,

(c) harms or tends to harm the standing of the profession generally,

(d) displays a lack of knowledge of or lack of skill or judgement in the practice of the profession, or

(e) displays a lack of knowledge of or lack of skill or judgement in the carrying out of any duty or obligation undertaken in the practice of the profession.

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

The Rules of Conduct of the APEGA Code of Ethics state:

1. Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety, and welfare of the public and have regard for the environment.

2. Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.
 3. Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness, and objectivity in their professional activities.
 4. Professional engineers and geoscientists shall comply with applicable statutes, regulations, and bylaws in their professional practices.
 5. Professional engineers and geoscientists shall uphold and enhance the honour, dignity, and reputation of their professions and thus the ability of the professions to serve the public interest.
24. The Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public and contravenes the Code of Ethics as established under the regulations.
25. Further, the Registrant acknowledges that the conduct described above constitutes a breach of Rules 3 and 5 of the Code of Ethics.

D. Recommended Order with respect to the Registrant:

26. On the recommendation of the Investigative Committee, by agreement of the Registrant with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:
- a. The Registrant shall be reprimanded for their conduct and this order shall serve as the reprimand.
 - b. The Registrant shall pay a fine 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.
 - c. The Registrant shall provide the Discipline Manager, 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 following training:
 - i. The APEGA 'Ethical Practice Self-Directed Learning Module', available on myAPEGA.
 - d. The Registrant shall provide the Discipline Manager, within six (6) months of the date this order is approved by the Discipline Committee Case Manager, a letter of apology to the Complainant suitable to the Discipline Manager.
 - e. The Registrant shall provide the Discipline Manager, within twelve (12) months of the date this order is approved by the Discipline

Committee Case Manager, written confirmation/proof of successful completion (passing grade/certificate) of a certified 'Anger Management' course/training, that is satisfactory to the Discipline Manager, such as the one offered by Anger Management Resources (AMRI) (<https://angermanagement.ca/online-course/>). If the noted course/training is no longer available on approval of this order, at the discretion of the Discipline Manager, another seminar/training in Anger Management may be authorized for substitution if it is deemed substantially equivalent. The Registrant shall be responsible for all costs associated with completing the course/training.

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

Although the Investigative Committee and the 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:

- i. To protect the privacy/confidentiality of the Registrant's personal (medical) information/situation.
- ii. To protect the privacy of the Company which is a publicly listed company.
- iii. The Panel's finding that the safety of the public was not at issue.


I, [REDACTED] P. Geo., acknowledge that before signing this Recommended Discipline Order, I consulted with legal counsel regarding my rights or that I am aware of my right to consult legal counsel and that I hereby expressly waive my right to do so. I confirm that I agree to the facts and admissions as set out above in this Recommended Discipline Order, and that I agree with the Orders that are jointly proposed.

Further to the above, I acknowledge that a copy of this Order and my identity will be disseminated to all provincial and territorial engineering and geoscience regulators in Canada.


Further to the above, I acknowledge that a copy of this Order and my identify shall be provided to the APEGA Practice Review Board.

Further to the above, I acknowledge that I have reviewed APEGA's 'Good Standing Policy'. I understand that I will not be considered to be a member 'in good standing' until I have fully complied with the Orders set out above, and I understand that good standing status may affect membership rights or benefits, or the ability to volunteer with APEGA in any capacity.

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

[REDACTED] 024/05/29)
Verify with verifio.com or Adobe Reader. 

[REDACTED] P. Geo.

Gerald B. Langille, P.Geo.
Signed with ConsignO Cloud (2024/05/29)
Verify with verifio.com or Adobe Reader. 

Dr. Gerald B. Langille, P. Geo. (Panel Chair)
APEGA Investigative Committee

Jeff Pieper
Signed with ConsignO Cloud (2024/07/02)
Verify with verifio.com or Adobe Reader. 

APEGA Discipline Committee
Case Manager Name