



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.

Please note: This document contains strong and offensive language

Date: October 29, 2021

Discipline Case Number: 21-014

**IN THE MATTER OF A RECOMMENDED DISCIPLINE ORDER 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 [AN APEGA REGISTRANT]

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of a Registrant (the “Registrant”) with respect to allegations of unprofessional conduct and / or unskilled practice pursuant to section 44(1) of the *Engineering and Geoscience Professions Act*.

A. THE COMPLAINT

This complaint relates to allegations that the Registrant engaged in unprofessional conduct and / or unskilled practice by bullying, disrespecting and manipulating the Complainant during his employment with the Registrant’s company between May and August 2018.

The Investigative Committee investigated the following allegation:

1. Whether the Registrant bullied, disrespected and subjected the Complainant to inappropriate behaviour while employed as an EIT at the Registrant’s company. This behaviour caused the Complainant undue stress and depression, forcing them to resign from the Registrant’s company after only three months.

B. AGREED STATEMENT OF FACTS

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

Background:



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1. The Registrant holds a Bachelor of Science degree in Electrical Engineering from the University of Manitoba in 1981.
2. The Registrant has been a member of APEGA since 1986 and has had no prior findings of unprofessional conduct or unskilled practice.
3. The Registrant is the principal owner of the Registrant's company.

Facts Relating to Allegation #1:

4. In May 2018 the Registrant hired the Complainant as a Control Systems Engineer (EIT).
5. The Registrant never checked the Complainant's references, thinking that they would give them a try and see how things worked out.
6. Soon after being hired, the Complainant alleged several instances where the Registrant behaved in an unprofessional and unethical manner.
7. On or about August 2018, while testing a new industrial oven at a client's business (which the Complainant had little experience operating), the Complainant alleged that the Registrant became frustrated and said *"Don't bullshit me"* in front of the Client. The Complainant further alleged the Registrant then described temperature fluctuation in the oven using the analogy that if the Complainant *"was to light a blowtorch up his ass, then his dick will stay cold for a while until it catches up with the temperature change."*
8. While the Registrant denied the exact wording described by the Complainant, he admitted to using what he perceived as a humorous analogy of "rotating while standing by a fire or a blow torch blasting at you" to describe the fluctuation in temperature. The Registrant feels the Complainant misinterpreted their analogy.
9. On August 14, 2018, the Registrant emailed the Complainant an apology, noting that they thought the Complainant had a sense of humour and apologized for any misunderstanding.
10. On another occasion where the Complainant was having a dispute with a company electrician over electrical panel boards, the Complainant alleged the Registrant told them to *"kiss the electrician's ass"* and act like a *"slave boy"* so they would gain important knowledge on building the panels.



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11. The Registrant could not recall exactly what words they used but admitted that when they worked in the oil fields those would be typical comments made to someone who was falling behind (in their work).
12. The Complainant alleged that the Registrant suggested that they should change their name to a more “*anglicized*” sounding name to avoid losing customers.
13. The Registrant admitted to discussing the matter but didn’t care what name was used, they just asked them what they preferred for their business cards.
14. The Complainant alleged that the Registrant would tell them that their skill levels were equivalent to a “*novice*”.
15. In the email from August 14, 2018, the Registrant used the wording “*novice*” when describing the Complainant’s expertise level in machine building.

C. CONDUCT

16. The Registrant freely and voluntarily admits that at all relevant times the Registrant was an APEGA Professional Member and was thus bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics;
17. The Registrant acknowledges that the conduct described above constitutes unprofessional conduct as defined in Section 44(1) of the Act which states:

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 a lack of skill or judgment in the practice of the profession or;

(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



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Committee or the Appeal Board finds.

18. The Registrant acknowledges that the conduct described above is conduct that harms the standing of the profession.
19. The Registrant also acknowledges that the conduct described above breaches APEGA Rule of Conduct #3 which states:
 3. *Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.*

D. RECOMMENDED ORDERS

20. On the recommendation of the Investigative Committee, and 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 will deliver a Letter of Apology to the Complainant and provide a copy of said letter (and proof of delivery) to the Director, Enforcement, within sixty (60) days from the date this Order is approved by the Discipline Committee Case Manager.
 - b. If there are extenuating circumstances, the Registrant may apply to the Director, Enforcement for an extension prior to the deadline. Any extension will be granted within the sole discretion of the Director, Enforcement. If the sanction in 20(a) above is not completed within sixty (60) days, or after an agreed upon extension, the Registrant shall be suspended from the practice of engineering until the above noted sanction has been successfully completed.
 - c. The Registrant will receive a letter of reprimand, a copy of which will be maintained in the Member's APEGA registration file for a period of one year and may be considered at any future date by APEGA.
 - d. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will not name the Registrant.
21. Although the Investigative Committee and the Registrant understand and acknowledge that APEGA's usual policy is to publish Recommended Discipline Orders in manner that identifies the Registrant by name, the parties understand that the decision to publish with or without name is discretionary. The parties submit



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that publication without name is appropriate given the specific facts in this case, including the following:

- a. The Registrant has been a member of APEGA for 35 years and has had no findings of unprofessional conduct or unskilled practice prior to this complaint;
- b. The Registrant fully cooperated with the investigation and acknowledged the shortcoming of his actions;
- c. The complaint was submitted two years after the alleged incidents occurred;
- d. Publication of the Registrant's name is not required in this instance to protect the public interest (no public safety concerns).

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

Signed,

[PERMIT HOLDER]

MS. KAREN LEVITT, P. Eng.
APEGA Investigative Committee

MR. RALPH TIGNER, P.Eng.
Case Manager, APEGA Discipline Committee

Date: October 29, 2021