



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 18, 2022

Discipline Case Number:22-002

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF AMBERG CORP.**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of Amberg Corp.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Amberg Corp. (the Company) with respect to a complaint initiated by a former employee of the Company (Complainant 1) and a client of the Company (Complainant 2).

A. COMPLAINT

The Complainants filed a complaint alleging the Company 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 an allegation that a Company employee had impersonated Complainant 1 and thereby deceived clients.

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

Whether the Company engaged in unprofessional conduct relative to failing to prevent staff from impersonating Complainant 1 in email correspondence with clients as well as failing to prevent staff from applying Complainant 1's signature to reports without her knowledge or consent.



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B. AGREED STATEMENT OF FACTS

(i) Background:

1. The Company was an APEGA Permit Holder from 2006 to 2021.
2. The Company is located in Calgary, Alberta and specializes in regulatory and environmental consulting including compliance reporting, greenhouse gas assessment and verification, air quality modelling and fugitive emissions.
3. The Company has fully cooperated with the APEGA investigation.

(ii) Facts Relating to Allegation:

Whether the Company engaged in unprofessional conduct relative to failing to prevent staff from impersonating Complainant 1 in email correspondence with clients as well as failing to prevent staff from applying Complainant 1's signature to reports without their knowledge or consent.

4. Complainant 1 in this matter is a professional engineer and former employee of the Company. Complainant 2 is also a professional engineer and was a client of the Company.
5. While employed at the Company, Complainant 1 had acted in the role of peer reviewer in support of clients who were professional engineers engaged in verifying and quantifying greenhouse gas emissions.
6. Upon the departure of Complainant 1 from the Company in December 2020, there were no other Company employees who had obtained the designation of peer reviewer pursuant to the CSA Group course: '*Greenhouse Gas Verification using ISO 14064-3.*'
7. In early 2021, the Company requested Complainant 1 continue in the role of peer reviewer on a contract basis, however, Complainant 1 declined.
8. Between March and June 2021, a Company employee used email credentials belonging to Complainant 1 to communicate with clients. The Company employee impersonated Complainant 1 in the email communications and convinced clients that Complainant 1 was still working at the Company.
9. The Company employee signed off on thirteen greenhouse gas peer reviews using Complainant 1's digital signature. This affected clients in both Alberta and Saskatchewan.



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10. The Company failed to place its Responsible Member into a meaningful supervisory and/or leadership role which would have prevented the Company employee from impersonating Complainant 1.
11. The impersonation scheme was inadvertently discovered by the Responsible Member when they sent a note of appreciation to Complainant 1, thanking them for completing the work in question.
12. As a result of this incident, the Company is no longer accredited with the Standards Council of Canada.

C. CONDUCT BY THE COMPANY

13. The Company freely and voluntarily admit that at all relevant times the Company was an APEGA permit holder and thereby, was bound by the *Engineering and Geoscience Professions Act* and the *APEGA Code of Ethics*.
14. The Company acknowledges 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.



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15. The Company acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public, contravenes a code of ethics as established under the regulations and harms or tends to harm the standing of the profession generally, contrary to Section 44(1)(a),(b) and (c) of the Act.
16. The Company acknowledges and admits that their conduct was also contrary to Rules of Conduct 3, 4 and 5 of the *APEGA Code of Ethics*, which states:
 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.*

D. RECOMMENDED ORDERS

17. On the recommendation of the Investigative Committee, and by agreement of the Company with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:
 - a) The Company shall be reprimanded for its conduct and this order shall serve as the reprimand.
 - b) Prior to requesting reactivation of its Permit to Practice, the Company shall contact APEGA's Director, Professional Practice and in consultation with the Director, Professional Practice, shall complete the following:
 - i. Provide a copy of the Company's Professional Practice Management Plan (PPMP) which is current and consistent with the current APEGA Practice Standard, to the Director, Professional Practice for review and approval. The PPMP shall include: quality control, assurance and management procedures and / or processes of how all work is being executed by the permit holder; procedures and / or processes for conducting peer reviews; procedures and / or processes to prevent staff members from impersonating current or departed staff, and to prevent staff members from using the digital signature of any other staff member;



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- ii. Following its review of the Company's PPMP, the Director, Professional Practice, in consultation with APEGA's Practice Review Board, may direct that a formal practice review of the Company be initiated;
 - iii. The Chief Operating Officer of the Company shall provide written confirmation to the Director, Enforcement and Director, Professional Practice that he / she has reviewed the following APEGA publications in their most recent editions, and in consultation with the appointed Responsible Member, attest that the Company will comply with the requirements therein: Guideline for Ethical Practice; Concepts of Professionalism; Management of Risk in Professional Practice; Professional Practice; Professional Practice Management Plans; Authenticating Professional Work Products; and, Continuing Professional Development;
 - iv. The Chief Operating Officer of the Company and the appointed Responsible Member shall attend APEGA's Permit to Practice seminar, either in person or via webinar.
- e) This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Company.

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

Signed,

CHIEF OPERATING OFFICER, AMBERG CORP.

MR. IAN BUTTERWORTH, P.Eng.
Panel Chair, APEGA Investigative Committee

MS. DIANA PURDY, P.Geol.
Case Manager, APEGA Discipline Committee

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