



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: August 2, 2022

Discipline Case Number: 22-009

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF AQEEL JALIL P.ENG.**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of Aqeel Jalil, P.Eng.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has completed an investigation into the conduct of Mr. Aqeel Jalil, P.Eng. (the “Registrant”) with respect to a complaint initiated by [Name withheld] (the “Complainant”) who dated June 11, 2021 (the “Complaint”).

A. THE COMPLAINT

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

Allegation #1

That the Registrant engaged in unprofessional conduct by authenticating a design drawing for the [Name Withheld] (“Company A”) on March 15, 2021. At the time of this alleged event, the Registrant was restricted from authenticating Professional Work Products pursuant to conditions defined in his 2014 Resumption of Practice and upheld in his 2020 APEGA Membership Reinstatement

B. AGREED STATEMENT OF FACTS

1. The Registrant holds a Bachelor of Science degree in Irrigation and Drainage Engineering (University of Baghdad, 1989);



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2. The Registrant holds Masters and PhD degrees in Water Resource Engineering (University of Alberta, 2002 & 2008 respectively);
3. The Registrant has had no prior finding of unprofessional conduct and / or unskilled practice.
4. The Registrant cooperated with the investigation.

(i) Facts Relating to Allegation #1:

5. The Registrant has been a professional member with APEGA since 2002. In 2012, the Registrant moved to Iraq and returned to Canada in 2014. Upon return, he contacted APEGA to resume practicing engineering in the Province of Alberta.
6. After reviewing his application, APEGA's Practice Review Board ("PRB") determined that a supervisory condition should be applied as the Registrant did not demonstrate sufficient maintenance of technical competency to reenter practice.
7. The PRB notified the Registrant by letter dated April 29, 2014, permitting him to resume the practice of engineering but with the following conditions stipulated:
 - a. *You may offer or provide engineering services as an employee to an APEGA permit holder that is licensed to practice engineering,*
 - b. *You may not offer or provide engineering services independently to others who are not engineering permit holders without the involvement of a professional engineer who reviews and accepts responsibility for your work and stamps such work if that is required,*
 - c. *You may write to the Practice Review Board no sooner than two years from the date of this letter asking to have the restriction removed.*
8. In December 2019, the Registrant's APEGA membership was struck for non-payment of dues. It was reinstated on July 17, 2020, with several conditions, including those previously stipulated in his 2014 resumption of practice.
9. When notified, the Registrant was surprised to learn that practice restrictions were in effect since 2014 and expressed his desire to appeal the conditional reinstatement with his APEGA Practice Review Advisor ("Advisor"). When the Registrant never received any follow up notice about an appeal, he assumed the matter was dealt with.



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The Advisor provided information during this investigation that an appeal was not discussed with the Registrant as the restrictions were carried over to the membership reinstatement which was authorized by Council. Council decisions are not appealable.

10. Pursuant to the conditions of his July 17, 2020, membership reinstatement, the Registrant was required to provide a Work Experience Record of Professional Work Products ("PWP's") that encompassed the dates of April 2014 to July 17, 2020, inclusive.
11. Upon review of the submitted work experience, the PRB learned the Registrant had been working as the sole P.Eng. for [Name Withheld] ("Company A") since 2017 and practicing engineering contrary to the conditions stipulated in his 2014 resumption of practice.
12. The PRB did not take any disciplinary action against the Registrant for PWP's authenticated between the dates of April 2014 to July 2020, as there was no confirmation he received the resumption of practice letter, and thus there existed a reasonable belief the Registrant was unaware of any restrictions. Instead, the PRB worked with the Registrant to bring his practice into compliance with the *EGPA*.
13. However, also included with the PWP's were concrete slab drawings for "Location A" of Edmonton. These drawings ("Location A drawings") were authenticated by the Registrant on March 15, 2021, eight months after the Registrant's membership was reinstated (with conditions) on July 17, 2020.
14. Documentation provided by his Advisor revealed that the Registrant had been reminded on October 1, 2020, and February 10, 2021, not to authenticate PWP's while his practice status was restricted. These reminders occurred after his July 17, 2020, reinstatement and prior to his authentication of the Ridge drawings on March 15, 2021.
15. On April 8, 2021, the Registrant signed an Undertaking prepared by his Advisor, related to the Ridge drawings, acknowledging he must work under the supervision of a professional engineer until his restricted status is removed. The Registrant maintains that he was unaware of any imposed conditions until the membership reinstatement letter of July 17, 2020.

C. CONDUCT BY THE REGISTRANT

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.



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17. The Registrant acknowledges that the conduct described above constitutes unprofessional conduct as defined in Section 44(1) of the Act.

Section 44(1) of the Act states:

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.

18. The Registrant also acknowledges that the conduct described above breaches Rule(s) of Conduct #3 & #4.

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.*



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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

19. 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:
20. The conditions of the April 8, 2021 “Undertaking of Restricted Practice Condition” mandated by APEGA Council as a condition of the Registrant’s reinstatement for registration to practice engineering remain in force according to the terms of the undertaking (a copy of this Undertaking is attached to this RDO as Appendix A).
21. The Registrant shall provide the Director, Enforcement, within six (6) months of the date that this order is approved by the Discipline Committee Case Manager, proof of successful completion (passing grade) of a course in interpersonal communications to be determined by the Director, Enforcement, such as the *Interpersonal Communications* course offered by the University of Alberta Faculty of Extension <https://ext.ualberta.ca/course/exsdp5311>
22. The course shall be completed at the Registrant’s expense. If there are extenuating circumstances, the Registrant may apply to the Director, Enforcement for an extension prior to the deadline. If the noted course is no longer available on approval of this order, at the discretion of the Director, Enforcement, another course specializing in interpersonal communications may be substituted. If the Registrant fails to provide the Director, Enforcement with proof that he has successfully completed the noted course within the timeline specified, the Registrant shall be suspended from the practice of engineering for 6 months or until the requirements are met. Further, failure to pass the courses within 12 months of the date this order is approved shall result in the cancellation of the Registrant’s APEGA membership. In the event the Registrant is cancelled he will be bound by APEGA’s reinstatement policy.
23. The Registrant shall provide the Director, Enforcement, within thirty (30) days of being notified that this Order has been approved, that the Registrant has reviewed the following APEGA publications, and that the Registrant will comply with the requirements therein:



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- a. APEGA Practice Standard Authenticating Professional Work Products, January 2022 edition;
 - b. APEGA Practice Guideline, Ethical Practice, February 1, 2013, edition;
24. The Registrant shall be reprimanded for his conduct and this order shall serve as the reprimand.
25. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

I, Aqeel Jalil, P.Eng. 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 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, the ability to become a Responsible Member, or the ability to volunteer with APEGA in any capacity.

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

Signed,

AQEEL JALIL, P.Eng.

BYRON TSOKAS, P.Geol.
Panel Chair, APEGA Investigative Committee

ALEX BOLTON, P.Eng.
Case Manager, APEGA Discipline Committee

Date: August 2, 2022



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APPENDIX A

UNDERTAKING OF RESTRICTED PRACTICE CONDITION(S):

As a Professional Member of APEGA, registered as a P.Eng., I acknowledge that restrictions have been placed on my status of practice, mandated by the APEGA Council as a condition of my reinstatement for registration to practice engineering. While the restrictions placed on my practice status are in effect, I acknowledge that I:

- 1 must practice under the supervision and control of a P.Eng. The Professional Engineer who will oversee my restricted practice must:
 - a) delegate and/or be informed of the engineering tasks assigned to me, based on my experience level, qualifications, and competencies,
 - b) oversee and/or provide basic and general guidance on the execution of engineering tasks assigned to me,
 - c) take professional responsibility for the engineering decisions involving my work, and
 - d) review the Professional Work Products completed by me or under my care,
- 2 must not affix my professional wet stamp, seal, and/or digital stamp issued under my name (if I am in possession of one), on any Professional Work Products or Service Outputs, and if my practice during the restricted status involves the preparation of such documents under my care, will be authenticated by a Practicing P.Eng. in good standing,
- 3 must not mentor and supervise the work performed by Engineers-In-Training and/or Professional Engineers with respect to the practice of engineering, and
- 4 must promptly notify the Practice Review Board (PRB) in writing to request removal of restrictions when ready to practice independently.



I acknowledge receipt of this document and fully understand its contents.

Failure to comply with the Restricted practice status may result in an investigation for professional misconduct.

Please confirm by checking the box provided, your acknowledgement of this Letter of Undertaking of Practice Restrictions. This document must be signed and dated below and submitted by emailing it Reinstatement@apega.ca.

Aqeel Jai'l
Name
Signature
Date (mm/dd/yyyy) 04/08/2021