



# 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](http://www.apega.ca/enforcement/discipline-decisions).

**Date:** April 4, 2023

**Discipline Case Number:** 23-001

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT  
AND  
IN THE MATTER OF THE CONDUCT OF [MUHAMMAD AZEEM & EVEREST CANADIAN  
RESOURCES CORPORATION]**

Pursuant to the Engineering and Geoscience Professions Act,  
being Chapter E-11 of the Revised Statutes of Alberta 2000  
Regarding the Conduct of Muhammad Azeem, P.Eng., & Everest  
Canadian Resources Corporation

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Mr. Muhammad Azeem, P.Eng. (the Registrant) and Everest Canadian Resources Corporation (the Company) with respect to a complaint initiated by [Name Withheld] (the Complainant).

## **A. THE COMPLAINT**

The Complainant filed a complaint alleging the Company and the Registrant engaged in unprofessional conduct and / or unskilled practice, as defined at section 44(1) of the *Engineering and Geoscience Professions Act, RSA 2000, c E-11 (EGP Act)* with respect to management of change compliance, and the authentication and validation of professional work products at the Company's bitumen extraction facility located in the Regional Municipality of Wood Buffalo, Alberta.

The Investigative Committee's investigation focused on the following allegations:

1. Whether the Registrant engaged in unprofessional conduct and / or unskilled practice relative to a Measurement Accounting and Reporting Plan (MARP) meters elevated platform project.
2. Whether the Registrant engaged in unprofessional conduct and / or unskilled practice relative to a boiler sight glass elevated platform project.



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3. Whether the Registrant engaged in unprofessional conduct and / or unskilled practice relative to an emulsion line repair project.
4. Whether the Company alone or through its Responsible Member:
  - a. Failed to ensure that the Registrant complied with management of change protocol at its facility;
  - b. Failed to ensure that the Registrant authenticated professional work products; and
  - c. Failed to ensure that the Responsible Member validated the Registrant's professional work products.

The Investigative Committee investigated one other allegation outlined in the complaint, however determined that there was insufficient evidence of unskilled practice and/ or unprofessional conduct in relation to this allegation.

### **B. AGREED STATEMENT OF FACTS**

#### **(i) Background:**

1. The Company has been an APEGA Permit Holder since January 2020.
2. The Company headquarters are in Calgary, Alberta, and it operates a bitumen extraction facility in northeastern Alberta.
3. The Registrant holds a Bachelor of Science degree in chemical engineering from the University of the Punjab (1992) and a Master of Engineering degree in chemical and petroleum engineering from the University of Calgary (2005). He has been a professional member of APEGA since 2007.
4. The Registrant last took the National Professional Practice Examination in 2007.
5. The Registrant has been employed by the Company as a mechanical engineering consultant since November 2019.
6. The Company was the subject of an inspection (July 2021) and Notice to Produce documents order (August 2021) made by an Officer of Alberta Occupational Health & Safety (OHS).
7. The Company failed an Alberta Boilers Safety Association (ABSA) audit in October 2021.



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8. The Registrant and the Company have cooperated with the APEGA investigation.

**(ii) Facts Relating to Allegation #1:**

**Whether the Registrant engaged in unprofessional conduct and / or unskilled practice relative to a MARP meters elevated platform project.**

9. The Registrant initiated the project in May 2021 which involved the construction of an elevated platform utilizing three steel beams and a ladder to allow Company employees to gain access to MARP meters.

10. The Registrant was repeatedly asked by the Company management of change (MOC) coordinator, a professional engineer, to follow established Company MOC protocol including conducting a risk assessment and submission of an authenticated design for review by the MOC committee. The Registrant ignored the MOC coordinator's requests.

11. The Registrant allowed partial construction of the platform to commence without following MOC protocol and without completing an authenticated design.

12. The Registrant produced an unauthenticated design only when OHS became involved following a complaint made by the Company's chief power engineer and steam chief regarding the project in question.

13. The Registrant failed to authenticate his design contrary to the APEGA Practice Standard, Authenticating Professional Work Products (July 2019), in effect at the time of this project. The authentication of professional work products is also a requirement under sections 49 and 54 of *Engineering and Geoscience Professions General Regulation*.

14. The Registrant acknowledges that he failed to follow MOC protocol at the Company, failed to produce an authenticated design and admits that his conduct constitutes unprofessional conduct.

**(iii) Facts Relating to Allegation #2:**

**Whether the Registrant engaged in unprofessional conduct and/or unskilled practice relative to a boiler sight glass elevated platform project.**

15. The Registrant initiated the project in May 2021 which involved the construction of a steel, elevated platform to allow Company employees to gain access to boiler sight glasses.



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16. The Registrant was repeatedly asked by the Company MOC coordinator to follow established Company MOC protocol including conducting a risk assessment and submission of an authenticated design for review by the MOC committee. The Registrant ignored the MOC coordinator's requests.
17. The Registrant allowed partial construction of the platform to commence without following MOC protocol and without completing an authenticated design.
18. The Registrant produced an unauthenticated design only when OHS became involved following a complaint made by the Company's chief power engineer and steam chief regarding the project in question.
19. The Registrant failed to authenticate his design contrary to the APEGA Practice Standard, Authenticating Professional Work Products (July 2019), in effect at the time of this project. The authentication of professional work products is also a requirement under sections 49 and 54 of *Engineering and Geoscience Professions General Regulation*.
20. The Registrant acknowledges that he failed to follow MOC protocol at the Company, failed to produce an authenticated design and admits that his conduct constitutes unprofessional conduct.

**(iv) Facts Relating to Allegation #3:**

**Whether the Registrant engaged in unprofessional conduct and/or unskilled practice relative to an emulsion line repair project.**

21. The Registrant initiated the project in April 2020, which involved placing a temporary patch on an emulsion line.
22. The Registrant produced an authenticated design in April 2020, which was not validated by the Company's Responsible Member.
23. The Registrant's design calculations were inadequate for the design of a lap patch in the following areas:
  - a. The calculation and methodology were not appropriate for in-service piping. The calculation provided was a thickness calculation to ASME B31.3 (the American Society of Mechanical Engineers, Process Piping standard) which would be suitable for a new installation, but the lap patch should be designed to a post-construction standard such as ASME PCC-2-2018 (Repair of Pressure Equipment and Piping);



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- b. There was no lap patch blow off calculation or weld size calculations verifying weld strength per ASME PCC-2-2018;
  - c. The calculation provided did not reduce the weld joint efficiency based on the installation per ASME PCC-2-2018; and
  - d. The calculation provided did not reduce the allowable stress for the design temperature per ASME PCC-2-2018.
24. The Registrant acknowledges that there were deficiencies in his design, that he failed to demonstrate the necessary knowledge or experience to complete the correct calculation and admits that his conduct in issuing the design with these deficiencies constitutes unskilled practice.

**(v) Facts Relating to Allegation #4:**

**Whether the Company alone or through its Responsible Member:**

- a. **Failed to ensure that the Registrant complied with management of change protocol at its facility;**
  - b. **Failed to ensure that the Registrant authenticated professional work products; and**
  - c. **Failed to ensure that the Responsible Member validated the Registrant's professional work products.**
25. Concerns regarding the conduct of the Registrant were raised by Company employees in 2020 and 2021. These concerns culminated in complaints to APEGA and OHS in July 2021.
26. The Company's Responsible Member was also in the role of site operations manager.
27. The Company COO acknowledged in his APEGA declaration pursuant to the permit to practice that the Company and its Responsible Member:
- a. "must ensure that all engineering and geoscience work performed on behalf of this company [...] is appropriately reviewed and authenticated in accordance with the *EGP Act*, *General Regulation* and *Bylaws*, policies, standards and bulletins by APEGA."



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- b. “remain fully accountable to ensure that all engineering and geoscience work associated with this company abides by all applicable statutes, regulations, bylaws and standards which include those that APEGA enforces.”
28. The Company’s Responsible Member also signed an APEGA declaration pursuant to its permit to practice. This declaration states, in part:

“I will ensure that all engineering and geoscience work performed on behalf of this company, whether the individual or company is based inside or outside Alberta, is appropriately reviewed and authenticated in accordance with the EGP Act, General Regulation and Bylaws, policies, standards and bulletins by APEGA.”

“I will contact APEGA immediately should I no longer be acting as a Responsible Member in association with this company’s APEGA Permit.”

“I understand that I am responsible for applying the Permit Number on professional documents, authenticating on behalf of the company and will abide by the APEGA Practice Standard for Authenticating Professional Documents.”
29. The Company, through its Responsible Member, failed to ensure that the Registrant’s designs relative to the MARP meters and the boiler sight glass elevated platform projects were validated, and failed to ensure that the Registrant followed Company MOC protocol.
30. As noted above, the Registrant authenticated a design for an emulsion line repair in April 2020. The Responsible Member had been temporarily laid off during this time and as such, no Responsible Member was in place to provide engineering oversight.
31. The Company COO acknowledged in his declaration as part of the permit to practice that the Company “must have at least one designated APEGA Professional Member to act as Responsible Member on behalf of the Company.”
32. The Company failed to ensure that a Responsible Member for engineering was in place in April 2020.
33. The Company acknowledges that corporately and through their Responsible Member, failed to follow the *EGP Act*, *General Regulation* and *Bylaws*, APEGA policies, standards and/or bulletins.
34. The Company further admits that the conduct described in allegation four above, constitutes unprofessional conduct.



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### C. CONDUCT BY THE REGISTRANT

35. The Registrant freely and voluntarily admits that at all relevant times he was a professional member of APEGA and was thus bound by the *EGP Act* and the *APEGA Code of Ethics*.
36. The Registrant acknowledges and admits that his conduct as described in Section B of this Recommended Order amounts to unskilled practice of the profession and/or unprofessional conduct (as noted in each allegation) as defined in section 44(1) of the *EGP 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 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 Committee or the Appeal Board finds.*

37. The Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public, contravenes a code of ethics of the profession, harms or tends to harm the standing of the professional generally, displays a lack of knowledge or lack of skill or judgement in the practice of the profession and 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.
38. The Registrant acknowledges and admits his conduct was also contrary to Rules of Conduct 1, 3, 4 and 5 of the *APEGA Code of Ethics*, which state:



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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.*
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. CONDUCT BY THE COMPANY**

39. The Company freely and voluntarily admits that at all relevant times the Company was an APEGA permit holder and thereby, was bound by the *EGP Act* and the *APEGA Code of Ethics*.
40. The Company acknowledges and admits that its conduct as described in Section B of this Recommended Order amounts to unprofessional conduct as defined in section 44(1) of the *EGP 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 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.*





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*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.*

41. 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 of profession, harms or tends to harm displays a lack of knowledge or lack of skill or judgement in the practice of the profession and 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.
42. The Company acknowledges and admits that its conduct was also contrary to Rules of Conduct 1, 3, 4 and 5 of the *APEGA Code of Ethics*, which 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.*
  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.*

### **E. RECOMMENDED ORDERS WITH RESPECT TO THE REGISTRANT**

43. 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 shall be reprimanded for his conduct and this Order shall serve as the reprimand.
  - b. The Registrant shall provide written confirmation to the Director, Enforcement, within three months of being notified that the Recommended Order has been approved by the Discipline Committee Case Manager, that he has reviewed the following APEGA publications, and that the Registrant will comply with the requirements therein:



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- i. Practice Standard, Authenticating Professional Work Products (January 2022);
  - ii. Ethical Practice Guideline (August 2022);
  - iii. Professional Practice (January 2013);
  - iv. Concepts of Professionalism (September 2004);
- c. The Registrant shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation of successful completion of the National Professional Practice Exam (NPPE). The Registrant shall be responsible for all costs associated with completing the NPPE.
- d. The Registrant shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation of successful completion (passing grade) of post-secondary level courses relating to management of change (MOC) in an industrial setting, and repair of pressure equipment and piping, that are satisfactory to the Director, Enforcement, such as, "MOC for Process Safety" offered through PrimaTech, and "Essentials - PCC-2 Repair of Pressure Equipment and Piping" offered through ASME. If the noted courses are no longer available on approval of this order, at the discretion of the Director, Enforcement, other courses in MOC and repair of pressure equipment and piping may be substituted. The Registrant shall be responsible for all costs associated with completing the courses.
- e. The Registrant shall pay a fine of \$2,500.00. This fine is a debt owing to APEGA and shall be paid within six months of the date this order is approved by the Discipline Committee Case Manager.
- f. 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 43(b), (c), (d), and (e). 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.



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If the Registrant fails to provide the Director, Enforcement with written confirmation / proof that he has completed the requirements noted above in paragraph 43 (b), (c), (d), and (e) 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 within six months of the suspension date (except for paragraph 43 (e)), the Registrant shall be cancelled. In the event the Registrant is cancelled he will bound by APEGA's reinstatement policy.

- g. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

### **E. RECOMMENDED ORDERS WITH RESPECT TO THE COMPANY**

- 44. 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. The Company's Chief Operating Officer or designated senior officer shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation/proof of successful completion of the APEGA Permit to Practice Seminar in person or online.
  - c. The Company's Chief Operating Officer or designated senior officer, and the Responsible Member for engineering, shall provide the Director, Enforcement, within three months of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation/ proof that they have reviewed the following APEGA publications in consultation with the appointed Responsible Member for engineering, and that the Company will comply with the requirements therein:
    - i. Practice Standard, Authenticating Professional Work Products (January 2022);
    - ii. Ethical Practice Guideline (August 2022);



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- iii. Professional Practice (January 2013);
- iv. Concepts of Professionalism (September 2004);
- d. The Company's Chief Operating Officer or designated senior officer shall be a signatory to the Company's Professional Practice Management Plan and the Company's Management of Change Standard and shall provide the Director, Enforcement, within three months of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation/ proof, that their signature(s) have been applied to these documents, acknowledging their review of the contents therein.
- e. The Company's Chief Operating Officer or designated senior officer shall provide the Director, Enforcement, within six months of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation that the Company's management of change protocol was followed to complete both the MARP meter elevated platform project and the boiler sight glass elevated platform project. Written confirmation shall include copies of authenticated and validated designs, specifications, calculations, risk assessments, compliance with the Company's Professional Practice Management Plan, compliance with the Company's Management of Change Standard, and compliance with relevant standards and codes.
- f. The Company's Chief Operating Officer, or designated senior officer, or the Responsible Member for engineering, shall provide the Director, Enforcement, within one year of the date this Recommended Order is approved by the Discipline Committee Case Manager, written confirmation I proof of successful completion (passing grade) of post-secondary level course relating to management of change (MOC) in an industrial setting, that is satisfactory to the Director, Enforcement, such as, "MOC for Process Safety" offered through PrimaTech. If the above noted course is no longer available on approval of this order, at the discretion of the Director, Enforcement, another course in MOC may be substituted. The Company shall be responsible for all costs associated with completing the course.
- g. The Company shall pay a fine of \$5,000.00. The fine is a debt owing to APEGA and shall be paid within six months of the date this order is approved by the Discipline Committee Case Manager.



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- h. If there are extenuating circumstances, the Company may apply to the Director, Enforcement, for an extension prior to the noted deadline in paragraph 44 (b), (c), (d), (e), (f) and (g). The approval for extending a deadline is at the discretion of the Director, Enforcement. If such an application is made, the Company shall provide the Director, Enforcement, the reason for the request, a proposal to vary the deadline and any other documentation requested by the Director, Enforcement.

If the Company fails to provide the Director, Enforcement with proof that it has completed the requirements noted above in paragraph 44 (b), (c), (d), (e), (f) and (g) within the timelines specified, the Company shall be suspended from the practice of engineering until the Company has provided the Director, Enforcement with written confirmation or proof of successful completion.

If the requirements are not completed within six months of the suspension date (except for paragraph 44 (g)), the Company's permit to practice shall be cancelled. In the event the Company's permit to practice is cancelled, it will be bound by APEGA's reinstatement policy.

- i. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Company.

I, Andy Yu, confirm that I have authority to bind Everest Resources Corporation. I acknowledge that before signing this Recommended 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 Everest Canadian Resources Corporation agrees to the facts as set out above in this Recommended Order and the admissions set out in Section B, and that Everest Canadian Resources Corporation agrees with the Orders in Section F that are jointly proposed.

Further to the above, I acknowledge that I have reviewed APEGA's '*Good Standing Policy*.' I understand that the Company will not be considered to be a Company 'in good standing' until the Company has fully complied with the Orders set out above and the Company understands that good standing status may affect membership rights or benefits, the ability to appoint 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 Acknowledgment of Unprofessional Conduct in its entirety.



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I, Mr. Muhammad Azeem. P.Eng., acknowledge that before signing this Recommended 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 as set out above in this Recommended Order and the admissions set out in Section B, and that I agree with the Orders in Section E 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 Acknowledgment of Unskilled Practice and / or Unprofessional Conduct in its entirety.

Signed,

**MR. MUHAMMAD AZEEM**, P. Eng.

**EVEREST RESOURCES CORPORATION**

Per: Mr. Andy Yu, P.Eng.

**MR. GREG MEYERS**, P.Eng.

Investigation Panel Chair, APEGA Investigative Committee

**JEFF PIEPER**, Ph.D., FEC, P.Eng.

Case Manager, APEGA Discipline Committee

Date: April 4, 2023