

**APEGA
DISCIPLINE COMMITTEE
DECISION**

Date of Decision: July 31, 2025
APEGA Discipline Case Number: 23-11

**IN THE MATTER OF A HEARING OF THE DISCIPLINE
COMMITTEE 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 Devendra Bhandari, P.Eng.
(the “Member”)**

INTRODUCTION AND SUMMARY

- 1 This decision of a hearing panel of the Discipline Committee (the “**Hearing Panel**”) of the Association of Professional Engineers and Geoscientists of Alberta (“**APEGA**”) addresses
 - (i) alleged conduct of the Member,
 - (ii) the findings made by the Hearing Panel regarding that alleged conduct, and
 - (iii) the ultimate outcome ordered by the Hearing Panel.
- 2 In making this decision, the Hearing Panel considered the initial allegations made against the Member and the subsequent revisions thereto (see **Appendix “A”**), the jointly submitted Agreed Statement of Facts signed by the Member and the Investigative Committee (the “**ASOF**”, attached hereto as **Appendix “B”**), and the written and oral submissions of both the Member and the Investigative Committee (the “**IC**”).

- 3 In summary, the Hearing Panel has concluded that the amended charges against the Member of unskilled practice and unprofessional conduct have been established, and it has ordered sanctions to be imposed on the Member.

APPEARANCES

- 4 The members of the Hearing Panel were:

Dr. Jeffrey Pieper, P.Eng., Discipline Panel Member Chair
John McDonald, P.Eng., Discipline Committee Panel Member
John Lee, P. Eng., Discipline Committee Panel Member
Douglas Cox, P.Eng., Discipline Committee Panel Member

- 5 Others in attendance were:

Derek Cranna, Legal Counsel to the IC (April 15, 2025 hearing date)
F. Ghossein, Associate
Gregory Sim, Legal Counsel to the IC (June 20, 2025 hearing date)
S. Beckett, APEGA Investigator
Mr. Jespersen, APEGA Director of Investigations
The Member
Shauna Finlay, Independent Legal Counsel to the Hearing Panel

- 6 There were several observers from APEGA staff attending. Present were Jason Kalapurakal, P. Eng., Discipline Manager, and Jenny Seibel and Neetu Dodd, Discipline Co-ordinators.

THE HEARING – MERIT HEARING AND SANCTIONS

Merit Hearing

- 7 The first hearing day proceeded virtually via video conferencing on April 15, 2025.
- 8 The chair of the Hearing Panel welcomed all in attendance to the hearing and Mr. Kalapurakal provided some general housekeeping rules. The Court Reporter was acknowledged, and it was communicated to the parties that the transcript produced would be the official and only recording of the proceedings.
- 9 The hearing proceeded in a summary fashion as the Hearing Panel had been provided in advance with a copy of the ASOF.
- 10 The following exhibits were ultimately accepted in the hearing:

Exhibit 1 – Notice of Hearing and Charges

Exhibit 2 – Hearing Index Records

Exhibit 3 – Submissions of Member

Exhibit 4 – Updated Charges

Exhibit 5 – Agreed Statement of Facts, executed

11 The updated charges by the IC alleged the following:

1. *On or between October 5, 2022, and November 26, 2022, Devendra Bhandari, P.Eng. (“Bhandari”) authenticated professional work products (“**PWPs**”) without those PWPs being reviewed by his supervisor, contrary to the terms of a Recommended Discipline Order (“**RDO**”) and a voluntary undertaking given to APEGA by Bhandari, the particulars of which include but are not limited to the following:*
 - a. On June 30, 2022, a Discipline Committee case manager approved an RDO respecting Bhandari’s conduct;*
 - b. In the RDO, Bhandari acknowledged that he failed to identify a structural engineering safety concern in a residence, and also failed to adequately address the homeowner’s safety concerns, all of which comprised unprofessional conduct and/or unskilled practice;*
 - c. One of the sanctions imposed by the RDO included the requirement for Bhandari to only engage in the practice of structural engineering under the supervision of a qualified and eligible Professional Engineer, as follows:*
 - *The Registrant may engage in the practice of structural engineering only under the supervision of a qualified and eligible Professional Engineer who practices structural engineering; who agrees to assume the role of supervisor; and who has been approved in advance, in writing, suggested by the Investigative Committee but confirmed by the Director, Enforcement;*
 - *Any professional Work Products (PWPs) that the Registrant has been retained to complete, must be reviewed by the Supervisor prior to the PWP being authenticated by the Registrant;*
 - *The Supervisor shall review the PWP to ensure that it complies with any building code requirements. Should the PWP be deficient, the Registrant shall be informed of the deficiencies and make the necessary changes until the PWP meets the approval of the Supervisor.*

- d. *On or about October 5, 2022, Bhandari authenticated drawings for a project located at [REDACTED], Calgary, AB. Those drawings had not been reviewed by his supervisor, [REDACTED], in accordance with the RDO and voluntary undertaking;*
 - e. *On or about October 20, 2022, Bhandari authenticated drawings for a residential renovation project located at [REDACTED], Calgary, AB. Those drawings had not been reviewed by his supervisor, [REDACTED], in accordance with the RDO and voluntary undertaking;*
 - f. *On or about October 20, 2022, Bhandari authenticated drawings for a residential renovation project located at [REDACTED], Calgary, AB. Those drawings had not been reviewed by his supervisor, [REDACTED], in accordance with the RDO and voluntary undertaking;*
 - g. *On or about November 26, 2022, Bhandari authenticated drawings for a project located at [REDACTED], Calgary, AB. Those drawings had not been reviewed by his supervisor, [REDACTED], in accordance with the RDO and voluntary undertaking;*
 - h. *On or about October 21, 2022, Bhandari authenticated drawings for a project located at [REDACTED], Calgary, AB. Those drawings had not been reviewed by his supervisor, [REDACTED], in accordance with the RDO and voluntary undertaking;*
2. *On and between March 2022 and January 2023, Bhandari failed to correctly authenticate 51 professional work products, and therefore breached APEGA's professional practice standard respecting the authentication of professional work products ["PWPs"] in effect at the relevant time, the particulars of which include but are not limited to the following:*
- a. *Each of the PWPs that were incorrectly authenticated are described in Appendix "A" to these Charges;*
 - b. *The deficiencies in authentication include the use of electronic copies with no authentic handwritten signature; or the failure to include Bhandari's APEGA identification number.*
3. *On or about October 20, 2022, Bhandari designed and/or authenticated PWP for renovations to a residential property located at [REDACTED], Calgary, Alberta, that failed to meet acceptable standards of engineering practice in Alberta, the particulars of which may include but are not limited to the following:*
- a. *The drawing for the basement of the home contained the addition of a beam to replace the midspan support of the main floor's joist system;*
 - b. *The drawing failed to provide typical details such as connection details, information about the original structure, and existing support details;*
 - c. *The drawing failed to include sufficient information (notes and details) that would allow someone to review the accuracy of the drawing; and, or in the further alternative,*

- d. There were posts missing in the original October 20, 2022, design authenticated by Bhandari;*
- 4. On or about January 12, 2021, Bhandari provided an authenticated letter of assurance for renovations to a residential property located at [REDACTED], Calgary, Alberta, that failed to meet acceptable standards of engineering practice in Alberta in that it was not technical in nature, and did not contain sufficient detail or relevant information to justify the conclusion that had been made.*
- 5. On or about October 20, 2022, [REDACTED] and/or authenticated PWP for renovations to a residential property located at [REDACTED], Calgary, AB, that failed to meet the acceptable standards of engineering practice in Alberta, the particulars of which may include but are not limited to the following:*
 - a. The drawings were missing details relating to piles;*
 - b. Bhandari did not provide the cross-section drawings demonstrating the connection between the piles and the footing;*
 - c. The existing home had a cantilevered section on the right elevation of the home which was not reflected in the roof truss drawing;*
 - d. The drawing is for a two-storey addition but there is no information on how it is going to be closed in around the addition;*
 - e. The roof trusses in the drawing only came out 9' whereas the actual addition extends out to 10/7";*
 - f. The roof design is not correct for the house;*
 - g. There are connection details missing for the areas between the piles; and, or in the further alternative;*
 - h. The drawings do not contain information required by the Alberta Building Code related to foundation drawings, such as the factored soil bearing pressures, factored loads, design loads and connection details.*
- 6. On or about November 26, 2022, [REDACTED] authenticated PWP for renovations to a residential property located at [REDACTED], Calgary, AB, that failed to meet acceptable standards of engineering practice in Alberta, the particulars of which may include but are not limited to the following:*
 - a. The stability of the posts along the dwelling is unclear;*
 - b. The connection between the new ledger and the existing exterior wall is missing;*
 - c. The connection between the wood posts and the existing concrete wall below is missing;*

- d. *The type and details of the stud wall between posts and at the back side of the canopy are lacking.*
7. *On or about October 21, 2022, Bhandari designed and/or authenticated PWP's for renovations to a residential property located [REDACTED], Calgary, AB, that failed to meet acceptable standards of engineering practice in Alberta, the particulars of which may include but are not limited to the following:*
- a. *The grade of the built-up column is missing;*
 - b. *The fastening/nailing of the built-up column is not provided;*
 - c. *The connection detail(s) between built-up columns and the supporting concrete foundation is not shown;*
 - d. *The nailing pattern of the built-up Microllam LVL beam is missing;*
 - e. *It is unclear how lateral stability of the beam and columns is achieved;*
 - f. *The elevation is missing, which is needed to provide clarity on jack and king studs and how the header is connected to the rest of the framing;*
 - g. *The connection detail(s) between the built-up column and the built-up beam is not shown;*
 - h. *[deleted]*
 - i. *The connection and interface between existing roof trusses and built-up beam is missing;*
 - j. *The middle post is being placed at the opening in the foundation wall below.*
8. *On or about October 5, 2022, Bhandari designed and/or authenticated PWP's for renovations to a residential property located [REDACTED], Calgary, AB, that failed to meet acceptable standards of engineering practice in Alberta, the particulars of which may include but are not limited to the following:*
- a. *Connection between the new ledger board and the existing exterior wood stud wall is missing;*
 - b. *Pile reinforcement is missing including dowels to footing below;*
 - c. *The concrete properties are not defined;*
 - d. *Connection between wood posts and piles are missing;*
 - e. *Stability along the length of the new spice kitchen is not clear;*
 - f. *Connection between roof trusses and the existing exterior wall is missing;*

- g. *Depth of the footings is not indicated;*
 - h. *Reinforcing of existing lintel below the new roof trusses has not been addressed;*
 - i. *Modification of existing balcony framing at new space kitchen has not been addressed;*
 - j. *Demolition details are missing.*
9. [added] On or about September 28, 2022, Bhandari designed and/or authenticated PWP's for renovations to residential property located at [REDACTED], Airdrie, AB, that failed to meet acceptable standards of engineering practice in Alberta, the particulars of which may include but are not limited to the following:
- a. The design and materials specification notes and details are missing;
 - b. The code and standards used in the design were not referenced;
 - c. The design loads were not provided;
 - d. The cross section perpendicular to the door is missing;
 - e. The effect of new construction on existing weeping tiles was not addressed;
 - f. There are no details on excavation and backfill associated with the new concrete wall and access stairs;
 - g. The length of the top landing was not provided;
 - h. The soil bearing capacity used in the design was not provided;
 - i. There is no information on the lateral earth pressure that the wall was designed for.

IT IS FURTHER ALLEGED that the above-referenced conduct constitutes unprofessional conduct as set out in section 44(1) of the Engineering and Geoscience Professions Act, and contravenes one or more of Rules of Conduct 1, 2, 3, 4 and 5 of APEGA's Code of Ethics.

- 12 The hearing proceeded with a review of the amended charges (see Appendix "A") followed by a review of the facts agreed to in the ASOF (see Appendix "B"). The Member was given an opportunity to address the ASOF. Following the submissions by both parties, the Hearing Panel members were given an opportunity to ask the parties questions. One Hearing Panel member sought to clarify paragraphs 62 to 64 of the ASOF and the reasons for not including a mention of unskilled practice. Counsel for the IC responded that these paragraphs are to be understood in the context of the overall allegations which arose when the Member was already subject to a RDO and Voluntary Undertaking ("VU") that were to address the previously identified lack of skill. The Member also provided submissions on this point. Subsequently, allegation 10 from the original charges was

withdrawn and paragraphs 62 and 63 of the ASOF were withdrawn. Revised documents were provided to the Hearing Panel after the lunch break, which are the documents ultimately found in the Appendices hereto.

13 Counsel for the IC ultimately clarified that allegation 1 was to be characterized as unprofessional conduct and allegations 2-9 were to be characterized as unskilled practice. At the hearing, the Hearing Panel accepted the ASOF signed by the IC and the Member, which is attached hereto as Appendix “B” in relation to the amended allegations. The amended allegations are attached hereto as Appendix “A”.

14 In summary, the ASOF established the following:

1. The Member was a professional engineer based in Calgary, Alberta whose work involved the preparation of drawings for residential renovations and permitting.
2. APEGA received a complaint with respect to the Member in October of 2020. After an investigation into that complaint, the Member agreed he had engaged in unprofessional conduct and/or unskilled practice. The IC entered into a RDO with the Member which included a VU entered into by the Member.
3. The VU provided that the Member could only practise structural engineering under the supervision of a qualified and eligible professional engineer who practises structural engineering. Any professional work product had to be reviewed by the supervisor prior to being stamped by the Member. The Member had a supervisor that met the requirements of the VU (the “**Supervisor**”).
4. The RDO and VU came into effect June 30, 2022.
5. The Supervisor advised APEGA on February 12, 2023 that the Member had potentially breached his VU and the RDO.
6. As of March 1, 2023, the Supervisor advised that he could no longer supervise the Member.
7. APEGA investigated the initial allegations arising from the Supervisor’s concerns, and on March 27, 2023, initiated a further complaint and investigation based on the breach of the RDO and VU. The Member was advised of the further complaint and was advised of the potential to be suspended on an interim basis.
8. Ultimately, the Member was suspended on an interim basis. Following this, the Member was to provide APEGA with a list of all projects during a particular time frame, identifying which projects were supervised by the Supervisor, and on which projects he had submitted authenticated work that was not approved by the Supervisor. The Member did so.
9. Subsequently, in September 2023, the City of Calgary contacted APEGA about a concern that they had received work products from the Member in connection with a permit application while he was suspended.

10. The Member was advised in January 2024 that the investigation had been broadened to address new allegations, and he was asked to respond to these new allegations. The investigation included statements and information from the Member, interviews from other witnesses and complainants, and an expert report from a third party. The expert report concluded that there were numerous examples of unskilled practice evident in the work of the Member, alongside non-compliance with authentication standards.
11. Ultimately, the IC referred the matter to the Discipline Committee for a hearing.
12. A revised total of nine (9) allegations were referred, dealing with the numerous projects that the Member had provided work for, the failure to ensure approval of his work by the Supervisor, addressing deficiencies in the work product submitted in connection with those projects, and the deficient authentication of the Member's work.

15 The Member was asked by the Chair whether he specifically acknowledged and admitted the facts alleged in the allegations and admitted that such conduct constituted unskilled practice and unprofessional conduct (see Appendix "A"). The Member confirmed he did.

16 On the basis of the ASOF and the conduct admitted and agreed to as unskilled and unprofessional, and on the basis of the Hearing Panel's own evaluation of the conduct admitted, the Hearing Panel found the Member had engaged in unprofessional and unskilled conduct as alleged in the revised charges set out in Appendix "A." The Hearing Panel found the revised charges were proven.

The Sanction Hearing

JURISDICTION

17

The Hearing Panel's jurisdiction in sanctioning conduct is found in s. 63 and 64 of the *Engineering and Geoscience Professions Act*, R.S.A. 2000, c. E-11, as amended ("EGPA"), which address sanctions and costs:

Powers of the Discipline Committee

63 *If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:*

- (a) *reprimand the investigated person;*
- (b) *suspend the registration of the investigated person for a specified period;*
- (c) *suspend the registration of the investigated person either generally or from any field of practice until*
 - (i) *the investigated person has completed a specified course of studies or obtained supervised practical experience, or*
 - (ii) *the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;*

- (d) *accept in place of a suspension the investigated person's undertaking to limit the investigated person's practice;*
- (e) *impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person*
 - (i) practise under supervision,*
 - (ii) not engage in sole practice,*
 - (iii) permit periodic inspections by a person authorized by the Discipline Committee, or*
 - (iv) report to the Discipline Committee on specific matters;*
- (f) *direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;*
- (g) *direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;*
- (h) *require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;*
- (i) *direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;*
- (j) *cancel the registration of the investigated person;*
- (k) *any other order that it considers appropriate in the circumstances.*

1981 cE-11.1 s60

Order to pay costs or a fine

64(1) *The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay*

- (a) all or part of the costs of the hearing in accordance with the bylaws,*
- (b) a fine not exceeding \$10,000 to the Association, or*
- (c) both the costs under clause (a) and a fine under clause (b),*

within the time fixed by the order.

(2) *If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.*

(3) *A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.*

18 As it relates to costs, section 36 of the EGPA Bylaws provides:

Where the Discipline Committee, Practice Review Board or the Appeal Board orders an investigated person to pay the costs of the hearing, or the costs of the appeal, or both the costs of the hearing and the costs of the appeal, those costs may include all or any of the following costs and expenses:

- (a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;*
- (b) costs of any transcripts of evidence taken in the proceedings;*
- (c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;*
- (d) witness fees;*
- (e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;*
- (f) fees payable to the solicitor acting on behalf of the Association in the proceedings;*
- (g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it.*

- 19 The IC and the Member were not able to agree on sanctions. Therefore, the IC and the Member were requested to provide the Hearing Panel with written submissions on sanctions, followed by a one day oral hearing during which the Hearing Panel would hear from both the IC and the Member. Therefore, the hearing reconvened virtually via video conference on June 20, 2025, to hear the parties' submissions on the appropriate sanction order.

WRITTEN SUBMISSIONS ON SANCTIONS

IC's Written Submissions

- 20 The IC requested that the Hearing Panel make the following order with respect to the Member:
- 1) That the Member's registration be cancelled and he not be eligible for reinstatement until he has successfully completed the National Professional Practice Exam and he successfully makes an application for reinstatement in accordance with section 75 of the EGPA and section 47 of the General Regulation¹.
 - 2) Upon reinstatement, the Member would be restricted from practising structural engineering or, alternatively, would be restricted from the practice of structural engineering for a period of at least one year and be required to successfully complete, at his own cost, the following examinations:
 - a. 16-Civ-A1, Elementary Structural Analysis;
 - b. 16-Civ-A2, Elementary Structural Design;
 - c. 16-Civ-B1, Advanced Structural Analysis;
 - d. 16-Cov-B2, Advanced Structural Design; and
 - e. 16-Cov-B11, Structural Materials.
 - 3) The Member, upon successful completion of the requirements set out above, would be subject to a one year period of supervised practice;
 - 4) The Member would pay half of the hearing costs;

¹ *Engineering and Geoscience Professions General Regulation*, AR 150/99 promulgated under the EGPA.

- 5) The sanctions decision would be published and circulated on the APEGA website in a manner that identified the Member, a full copy of the decision would be placed on the APEGA website and, if any member of the public inquired with APEGA as to whether the member was the subject of a discipline hearing or was found guilty of any charges under the EGPA, APEGA would be at liberty to provide a full copy of the Hearing Panel's decision.

21 The IC submitted that the foregoing sanctions were appropriate considering the following (and based on the factors outlined in the *Jaswal v Newfoundland (Medical Board)*² decision):

1. Nature and Gravity of Allegations

The IC highlighted the serious nature of the charges, particularly since they involved breaching an existing RDO and VU, which the IC suggested raised the issue of the Member's governability. The IC also pointed out that the allegations related to issues with skills and practice which were identified previously and which the Member had previously had the opportunity to rectify.

2. Age and Experience

The IC noted that the Member had been registered since 2012 and, therefore, was not a new or junior member of the profession.

3. Prior Complaints or Convictions

The allegations arose in the context of an existing RDO and VU and, therefore, represented a continuation of conduct that had been sanctioned previously.

4. Number of Times of Offence

The IC pointed out that this appears to be a recurring pattern of conduct.

5. Acknowledgement/Accountability

The IC noted that the Member had cooperated in the investigation and hearing process and acknowledged that his conduct was unprofessional conduct, which is a mitigating factor.

² 1996 CanLII 11630 at para. 35 (NL SCTD).

6. *Financial and Other Consequences of Allegations*

The IC noted it did not have any information about the financial consequences on the Member as a result of the charges.

7. *Deterrence*

The IC noted that sanctions are to achieve two types of deterrence. Firstly, sanctions are to specifically deter the Member whose conduct has been found wanting. The sanction should deter that party from engaging in unprofessional or unskilled practice again. Secondly, sanctions are to provide general deterrence to all regulated members from engaging in the same or similar conduct as the Member.

Therefore, the IC submitted that the sanctions in this case must be sufficiently serious to communicate the significance of the Member's continued unprofessional and unskilled practice, including his attempts to circumvent the previously agreed to RDO and VU. Further, the IC argued the sanctions must be serious enough to denounce this type of continued unskilled practice and behavior, particularly where it seeks to thwart APEGA's oversight of practising professionals. The IC emphasized the Member's failure to abide by the previous disciplinary order and supervised practice requirement were aggravating factors.

8. *Public Confidence in Integrity of the Profession*

Given the continued actions of the Member, and the concerns regarding the Member's competence, the IC submitted that the sanctions proposed were appropriate and would engender confidence in the regulation of the Member. The IC submitted that the Member's return to practice in any capacity would undermine the public's confidence in the profession and APEGA's ability to regulate it.

9. *Degree to Which Conduct was Outside Range of Permitted Conduct*

The IC submitted that the Member's departure from the conduct and level of skill expected of an engineer is significant. The IC submitted that (i) professional members are expected to abide by RDOs and VUs; (ii) authentication standards are explicit and clearly explained on APEGA's website and are readily available, and (iii) repeated and consistent failures to meet skilled practice requirements for structural engineering cannot occur.

10. *Range of Sentences*

The IC cited three cases that it suggested be referred to when considering the sanctions it has requested:

- (a) *Douglas Mackie* (from 2017 – sanctions issued 2019) 17-015-FH
 - i. In this case, the member breached conditions imposed by the Practice Review Board in circumstances that are somewhat similar to the proven conduct of the Member, namely there was no appropriate supervision and the member inappropriately reviewed and stamped 34 documents. However, in that case, the member failed to comply with a duty to cooperate with the investigation;
 - ii. \$2,500 fine and 100% of hearing costs (about \$31,000) payable in equal installments over 24 months.
- (b) *Association of Professional Engineers and Geoscientists of Ontario v Domineco Cugliari P.Eng.*, Ontario 2020
 - i. Unskilled practice of structural engineering and signed off on field review without proper review. This resulted in the death of a worker;
 - ii. Result was cancellation (voluntary resignation) and a fine and 100% of the hearing costs.

The Hearing Panel notes that the Cugliari case involved both Cugliari and a company for whom he was the responsible engineer, Construction Control. No fine was levied against the Member, only Construction Control, and the maximum fine was issued, being \$5,000. The matter went entirely by agreement. Further, in fact there was no order for costs against either the member or Construction Control. In the Cugliari case, the member resigned immediately after the incident and Construction Control went into insolvency proceedings. Due to the different circumstances in this case, the Hearing Panel does not find this case of assistance in determining an appropriate sanction for the Member.

- (c) *Ron Ackroyd, P.Eng.* August 2022 21-002-FH
 - i. In this case, the member failed in his responsibilities as a Coordinating Registered Professional and as a Registered Professional of Record and undertook work he was not competent to perform;
 - ii. The member lost his temper with the complainants;
 - iii. The member's registration was cancelled and a \$10,000 costs order made (actual costs were around \$40,000 to \$50,000).

In the Hearing Panel's view, this case is less similar to the Member's circumstances because this case was an isolated incident, as opposed to recurring conduct.

- 22 The IC reviewed the relevant factors summarized in Alberta cases to consider when determining a costs award:
- (a) success or failure at the hearing;
 - (b) conduct of the parties at the hearing;
 - (c) seriousness of charges;
 - (d) reasonableness of amounts.
- 23 The IC also noted the following from the recent decisions of the Alberta Court of Appeal in *Tan*³ and *Zuk*⁴ that:
- (a) costs orders must be sensitive to a member’s financial circumstances;
 - (b) costs orders dealing a “crushing financial blow” must be scrutinized carefully; and
 - (c) routinely ordering “exorbitant” costs to the regulator may deny an investigated party a fair chance to dispute allegations.
- 24 In reviewing these factors, the IC noted that (a) it had been successful as evidenced by the ASOF, (b) the charges were serious, (c) the Member had cooperated and (d) the amounts are reasonable (fifty per cent (50%) of the hearing cost). The IC also emphasized that this is the second time that the Member’s conduct has been investigated and found to be substandard.
- 25 The IC also referred to the *Jinnah v Alberta Dental Association and College*⁵ decision. In this decision, the Court held that self regulating bodies should be responsible for the costs of such regulation, unless there are compelling reasons to impose a more significant portion of costs on the member. It identified circumstances where this may be appropriate. However, the IC also pointed out that this decision arose in the context of a profession governed under the *Health Professions Act* and, therefore, it may be distinguished from these proceedings.
- 26 Therefore, the IC suggested that its recommended sanction order was appropriate and reasonable.

Written Submissions of the Member

- 27 The Member’s position was that he agreed to the following sanctions:
- (i) The Member’s registration be cancelled (the Member notes that his registration has already been cancelled for non-payment and he is applying for reinstatement) and agreed he not be eligible for reinstatement until he successfully completed the National

³ *Dr. Ignacio Tan III v Alberta Veterinary Medical Association*, 2022 ABCA 221

⁴ *Zuk v Alberta Dental Association and College*, 2018 ABCA 270

⁵ 2022 ABCA 336

Professional Practice Exam and successfully makes an application for reinstatement in accordance with section 75 of the EGPA and section 47 of the General Regulations;

- (ii) Upon reinstatement, the Member agreed he would be restricted from practising structural engineering or alternatively would be restricted from the practice of structural engineering for a period of at least one year and be required to successfully complete, at his own cost, the following examinations:
 - a. 16-Civ-A1, Elementary Structural Analysis;
 - b. 16-Civ-A2, Elementary Structural Design;
 - c. 16-Civ-B1, Advanced Structural Analysis;
 - d. 16-Cov-B2, Advanced Structural Design; and
 - e. 16-Cov-B11, Structural Materials.

The Member has confirmed that he would be responsible for registering and for any fees and costs associated with completing the above requirements.

- (ii) The Member proposed that upon successful completion of the requirements set out above he would be subject to a one year period of supervised practice.

- 28 The Member stated that he would agree to pay \$1,000 of hearing costs because he has had no income for more than two years during his interim suspension although the Hearing Panel notes that the Member did not provide any independent documents to support or verify these submissions.
- 29 In terms of the *Jaswal* factors, the Member submitted that his failure to abide by the RDO and VU was not intentional and that he had relied upon the City of Calgary to advise when the drawings were not sufficient or correct (but now realizes that was improper). Therefore, the Member submitted that he should not be considered a senior engineer but should be considered like a more junior engineer. He insisted that he did not intend to breach the RDO and VU.
- 30 The Member also argued that he has suffered financial consequences due to the interim suspension, although he did not provide independent verification or other evidence of such harm. The Member also contended he had always followed APEGA's direction and had been reviewing APEGA practice standards and professional development webinars while under the interim suspension. In other words, he asserted he had been working on addressing his knowledge gaps.
- 31 The Member also commented on the comparable cases referred to by the IC. The Member suggested that the case examples cited by the IC were not comparable to his circumstances. Instead, the member pointed to two additional cases as comparable. These are described below.

(a) *APEGA Discipline Case No. 23-015-FH*

The Member noted that in this case, the member engaged in unskilled practice by failing to include sufficient design details in the repair/replacement of balcony posts at a condominium. He notes that there was a fine of \$2,500 and no cost of the hearing and the member's name was not disclosed.

The Hearing Panel notes, however, that in this case, there is an *ongoing* concern that relates to *multiple* projects.

(b) *APEGA Discipline Case No. 20-004-FH, Paul Aldridge, P.Eng.*

The Member notes that in this case the member breached the voluntary undertaking and did not co-operate with the investigation. In this case there was interim suspension for a year. The outcome was a fine of \$5,000, \$2,500 in costs. The member voluntarily resigned. The Member notes that in this case he has already been subject to an interim suspension for more than two years.

The Hearing Panel does recognize that the Member has been subject to an interim suspension for the past two years, which is distinct from this case and the Member in this case has co-operated with the investigation. That said, it is the second investigation that has been necessary.

32 The Member also noted additional education that he has pursued, including three courses at SAIT relating to building codes, mass timber products and moisture control and residential construction fundamentals.

33 Finally, the Member requests confirmation that he can undertake design and drafting related jobs that do not require a professional engineering designation. This is related to an earlier point made by the Member that many of the projects he was working on did not require someone with a professional designation. However, in the Hearing Panel's view, this is beside the point because the Member was offering services as a professional engineer and stamping drawings as a professional engineer. In this way, the level of services he was providing may be scrutinized and compared to an acceptable professional engineering standard of practice.

Reply Submissions of the IC

34 The IC made a number of points in reply. These are summarized below:

- The repetitive nature of the charge justifies the request for fifty per cent (50%) of the hearing costs.
- There is no independent evidence of the Member's financial position, although it is not denied that his interim suspension would likely have had some financial impact.

- The Member cannot unilaterally limit himself to certain types of projects. As a structural engineer, he is required to be competent in that area.
- The IC challenged the suggestion that the Member misunderstood the terms of the RDO and VU and reviewed a document memorializing a meeting that APEGA had held with the Member when his supervisor expressed concerns regarding the Member's work after the RDO and VU had been entered into. The IC submitted that, at that time, the requirement for supervision and review of any drawings prepared was explained to the Member. Therefore, the IC suggests that there could have been no mistake about what the RDO and VU required.
- Finally, at best the IC submits that the Member made assumptions about what was required for supervision, and he failed to confirm these assumptions were accurate — which he should have done given the issues that lead to the RDO and VU.

ORAL HEARING RE: SANCTIONS

35 The Hearing Panel convened an oral hearing on June 20, 2025, to hear from the parties with respect to sanctions.

Oral Submissions of the IC

36 The IC summarized the points it had raised in its written submissions and its reply submissions.

37 The IC reviewed the various sanctions it requested the Hearing Panel order. The IC submitted that cancellation of a Member's registration in a sanction order is necessary, even if the Member's registration is currently cancelled due to non-payment of fees. The IC explained that when cancelled pursuant to a discipline order, s. 75 of the EGPA and s. 47 of the General Regulations apply to prevent reinstatement from occurring until at least a year has passed. Therefore, the IC reiterated its request for an order restricting the possibility of reinstatement until the Member had passed the National Professional Practice Exam and a year or more had passed.

38 The IC argued that if the Hearing Panel was not inclined to cancel the Member's registration, the IC would request that, upon reinstatement:

- (i) the Member be precluded from engaging in the practice of structural engineering; or
- (ii) he be precluded from practising structural engineering for a minimum of one year and until he successfully completed the exams listed in para. 6(d) of the IC's Written Submissions; and
- (iii) he successfully completes two years of supervised practice.

39 The IC emphasized the seriousness of the unskilled practice and, importantly, the seriousness of breaching the RDO and VU.

- 40 The IC noted that failing to follow the previous RDO and VU was at least one indicia of a lack of governability. The IC submitted that the Member had already agreed to an RDO and failed to comply with those terms. That is why the IC suggested cancellation is appropriate.
- 41 The IC challenged the Hearing Panel to review the RDO and its terms and the VU the Member entered. The IC argued the documents were not ambiguous and the Member should have known that all work products had to be reviewed by the Supervisor before authentication.
- 42 In this way, the IC challenged the Member's assertion that his non-compliance was inadvertent. The IC suggested this does not make sense and should be rejected.
- 43 With respect to the Member's assertion that he is like a more junior or inexperienced member, the IC submitted the Member had been registered since 2012 and so had had plenty of time to understand the nature of his relationship with his regulator.
- 44 The IC emphasized that while the Member was suspended on an interim basis, this was his second time being subject to disciplinary proceedings. The IC acknowledged that the Member had made the hearing process as efficient as possible.

Oral Submissions of the Member

- 45 The Member summarized his written submissions. He indicated his willingness to learn and sit for any required examinations.
- 46 The Member reiterated that it was only through submitting plans to the City of Calgary that he learned about certain practices. The Member went through the courses and training he has undertaken over the last two years. He also outlined how challenging his financial circumstances have become during his interim suspension.
- 47 The Member also focused on the challenge of having effectively no senior mentors and being self employed.
- 48 The Member distinguished his case from the cases cited by the IC.
- 49 The Member reiterated that he was willing to work under supervision but wanted this supervision phase to be limited to six months.

Questions from the Hearing Panel

- 50 The Hearing Panel asked the Member about whether he would be prepared to take a university level engineering ethics course. The Member stated he would be prepared to do that. The Hearing Panel asked for the parties' comments on a one-year supervision term with some sort of evaluation by the supervisor at the end.

- 51 The IC submitted that the currently proposed sanction orders don't set out what conditions would be required in order to terminate the supervision proposed by the IC in para. 6(e) of its written submission. If the Hearing Panel was concerned that there should be a step, the IC suggested the Hearing Panel could specify that there be a minimum of one year supervision or until the supervisor (approved in advance in writing by the Discipline Manager) confirms in writing that the Member is competent to practice without supervision.
- 52 The Hearing Panel then asked the parties to address how a sanctions order could address the Member's failure to recognize the limits of his own structural engineering knowledge and the issues with continuing to practice.
- 53 The IC responded that these issues were why the IC was seeking cancellation. The IC reiterated that only if cancellation is found to be inappropriate would the IC recommend reinstatement with conditions. The IC reiterated that cancellation is appropriate, given the unacceptable conduct, the non-compliance with the RDO and VU and the failure to properly authenticate fifty one (51) professional work products.
- 54 The IC noted that the Member has not successfully regulated his own activities based on his competency, which the IC submitted is difficult to teach or instruct. The IC reiterated that effort had been made to have the Member gain this insight but it had been unsuccessful. Therefore, the IC was concerned about the Member's return to practice.
- 55 The Hearing Panel then asked about costs and the IC was able to advise that approximately seventy thousand (\$70,000) dollars were the costs to date of the hearing (which included both the IC and Hearing Panel costs).

Analysis and Sanction Order

- 56 The Hearing Panel's overriding concern in this case is that the Member not be in a position to provide engineering services to the public until he has demonstrated that he understands the privileges and responsibilities that come with being a regulated member and has addressed deficiencies in his skill and knowledge. The sanction order issued herein is written to address that overriding concern. In the Hearing Panel's view, the Member has demonstrated a lack of insight into what it means to be a professional and respect the limits of your own expertise and knowledge. The Hearing Panel also has concerns about the Member's knowledge and competence in structural engineering.
- 57 Therefore, the Hearing Panel has provided that, in the event the Member seeks to practice engineering, he first be required to take instruction on ethics and professionalism. Subsequently, he must demonstrate that he has successfully understood and completed that instruction. In the event the Member completes these steps to become a registered member and is permitted to re-register, the Member will be prevented from practising in the area of structural engineering until he

has completed a number of exams which would establish that he has addressed his lack of skill and competency in this area. The Member would still then be required to have a supervisor and successfully complete that supervised term and be evaluated by the Practice Review Board in advance of being able to independently practise structural engineering. Given the Member's conduct, and that these proceedings resulted from repeated occasions of unprofessional conduct and unskilled practice, the Hearing Panel's view is that the conditions it has put in place are both necessary and reasonable.

58 The Hearing Panel recognizes that the Member may not have benefited from the close supervision and mentorship that some members of the profession have had the benefit of. The Hearing Panel also recognizes the importance of practising one's chosen profession. However, the Hearing Panel wishes to emphasize that such practice is a privilege, and the public must be assured that registered members have a firm understanding of what it means to be a professional and have the skills and knowledge to competently deliver engineering services.

59 The Hearing Panel also reviewed the *Jaswal* factors and considered how those aspects should guide its decision.

Nature and Gravity of Allegations

60 The Hearing Panel agrees with the IC that these are serious charges and the failure to comply with an existing RDO and VU are aggravating factors. Therefore, the Hearing Panel agrees that cancellation is appropriate. While the Member did try to understate the seriousness of the competency issues identified, the Hearing Panel finds that the allegations of unskilled practice involved the design of structural components of residential construction and renovation. In the Hearing Panel's view, the proper design of structural components is a safety issue. Therefore, it does not consider the competency issues merely technical matters with no potential public safety consequence. Therefore, the Hearing Panel finds that the nature and gravity of the allegations justify a more severe sanction.

Age and Experience

61 The Hearing Panel recognized that while the Member had been registered since 2012, he has not had the benefit of proper training and mentorship. The Hearing Panel did not consider this a mitigating factor, but did recognize this aspect in the nature of the rehabilitative steps it has included in its order should the Member be permitted to be reinstated and seek to practise structural engineering.

Prior Complaints or Convictions

- 62 The Hearing Panel finds that the Member's non-compliance with an existing RDO and VU are aggravating factors which lead it to include additional requirements related to ethics and professionalism.

Number of Times of Offence

- 63 Similar to the factor of prior convictions, the Hearing Panel notes that not only were there prior complaints that lead to the RDO and VU, in this case, there were a significant number of allegations related to multiple projects. Therefore, this factor supports a more severe sanctions order.

Acknowledgement/Accountability

- 64 The Hearing Panel appreciates the Member's willingness to take accountability for his actions as evidenced by the ASOF. However, the Hearing Panel also notes how, in some ways, the Member did attempt to somewhat diminish the seriousness of his misconduct. Therefore, while the Member's acknowledgement of his wrongdoing is a mitigating factor, the Hearing Panel is concerned that the seriousness of the Member's misconduct be impressed upon him. So, the Hearing Panel's view is that a consideration of this factor does support the Hearing Panel's finding that cancellation is appropriate in this case.

Financial and Other Consequences of Allegations

- 65 The Hearing Panel notes the Member's oral submissions about his financial position. While not supported by any other documents, the Hearing Panel does recognize the impact that these proceedings and the interim suspension are likely to have had on the Member. Further, given the Member's age, the Hearing Panel does recognize that the interim suspension and the sanction order herein will have had, and will have, an impact on the Member's financial position and be a significant consequence of the sanction order.

Deterrence

- 66 The Hearing Panel considers that cancellation in this case will provide both the specific and general deterrence necessary to impress upon the Member and other members of the profession the privilege and responsibility of being a registered member. The privilege is one that requires cooperation and adherence to ones' own agreements and undertakings. The responsibility is to the public to whom you are providing a service to be competent and skillful in your delivery of those services. In this way, one also fulfills ones' duty to all members of the profession by upholding the standards and requirements that all engineers should be meeting or exceeding.

- 67 The Hearing Panel's order in this case includes a significant educational component that must be successfully completed prior to the Member being eligible for reinstatement. The Hearing Panel's view is that cancellation, along with the significant educational requirements in place should the Member seek to return to practice, reinforce to the Member and members generally how important professional and substantial knowledge is for members to have and maintain. The seriousness of the sanction order in this case communicates how a lack of professionalism and competence will not be tolerated.

Public Confidence in Integrity of the Profession

- 68 The Hearing Panel agrees with the IC that, given the continued actions of the Member, and the concerns regarding the Member's competence, cancellation is an appropriately serious sanction. Imposing such a sanction, along with the requirements in place should the Member seek to return to the practice of structural engineering, should provide the public with confidence that the Member will not be returned to practice unless they have successfully demonstrated their competence to do so.

Degree to Which Conduct was Outside Range of Permitted Conduct

- 69 The Hearing Panel has addressed this aspect throughout this analysis. In short, the Hearing Panel agrees with the IC that the Member's departure from the conduct and level of skill expected of an engineer is significant. The Hearing Panel agrees that (i) professional members are expected to abide by previous discipline orders and voluntary undertakings; (ii) authentication standards are explicit and clearly explained on APEGA's website and are readily available, and (iii) repeated and consistent failure to meet skilled practice requirements for structural engineering cannot occur. Therefore, in the Hearing Panel's view, the sanction order in this case is sufficiently severe to reflect that the Member's conduct was significantly outside the range of permitted conduct.

Range of Sentences

- 70 The Hearing Panel considered the previous cases cited by both the IC and the Member. However, it did not find any of these cases sufficiently similar to the Member's case to be instructive in terms of a range of sentence that would be appropriate for the Member. Instead, the Hearing Panel focused on the circumstances of this case, the repetitive nature of the issues and the failure of the Member to abide by the previously agreed to RDO and VU.

COSTS

- 71 The Hearing Panel has considered the parties' submissions on costs and its jurisdiction to order members found to have engaged in unskilled and/or unprofessional conduct to pay costs in relation to the costs incurred to address that conduct.

- 72 In this case, the IC has asked that the Hearing Panel impose a costs order in the amount of fifty per cent (50%) of the hearing costs incurred by the IC and the Hearing Panel, which costs are around \$70,000. Therefore, the IC has effectively requested this Hearing Panel impose a costs order of around \$35,000.
- 73 In the Hearing Panel's view, it has determined that a lesser costs order is appropriate.
- 74 The Hearing Panel has considered that the IC was successful in these proceedings, the charges were numerous and serious and were the result of repetitive unprofessional or unskilled conduct. These factors weigh in favour of a cost award closer to that recommended by the IC. However, the Hearing Panel has also considered the Member's co-operation and the effect of the interim suspension on the Member's earning capacity and the Member's evidence of his financial circumstances and stage of life. The Member's co-operation significantly shortened the hearing and his participation was appropriate.
- 75 The Hearing Panel also considered the steps the Member will need to take to continue to practise engineering, and specifically structural engineering, and the cost of taking those steps. These will also have a cost which the Member is required to bear.
- 76 In that context, the Hearing Panel determined that \$18,000, which represents approximately a quarter of the total hearing cost, is an appropriate cost to order the Member to pay in connection with these proceedings.

ORDER

- 77 Based on the foregoing analysis, the Hearing Panel concluded that the following is the appropriate order to make in this case:
1. *That the Member's registration be cancelled and he not be eligible for reinstatement until he has successfully complied with the following:*
 - (a) *Complete, with a passing grade and at his own cost, the following:*
 - (i) *the National Professional Practice Exam; and*
 - (ii) *a University-level ethics course approved by the Discipline Manager, such as Ethics for Professional Practice (University of Calgary, ADL-213-XX).*
 - (b) *The Member successfully makes an application for reinstatement in accordance with section 75 of the EGPA and section 47 of the General Regulation⁶.*

⁶ *Engineering and Geoscience Professions General Regulation*, AR 150/99 promulgated under the EGPA.

(c) *If the Member is reinstated and has complied with the requirements in this section 1(a) and (b) that would permit him to practise engineering subject to the restrictions in section 2, the practice of any engineering discipline shall be subject to a continuous one (1) year period of supervised practice at the Member's cost. The identity of such supervisor, who is deemed competent to practise the discipline of engineering chosen by the Member, shall be subject to the written approval of the Discipline Manager. The supervision of the Member shall be in accordance with APEGA's procedure for enforcement and monitoring of a Restricted Practice discipline order (see attached Appendix "C"). The Member is also subject to the Orders indicated in section 2.*

2. *If, and when, the Member is reinstated, the Member shall be restricted from practising structural engineering:*

(a) *for a period of at least one year; and*

(b) *until he has provided the Discipline Manager with written confirmation/proof of successful completion (passing grade), at his own cost, of the following examinations:*

(i) *16-Civ-A1, Elementary Structural Analysis;*

(ii) *16-Civ-A2, Elementary Structural Design;*

(iii) *16-Civ-B1, Advanced Structural Analysis;*

(iv) *16-Cov-B2, Advanced Structural Design;*

(v) *16-Cov-B11, Structural Materials; and*

(vi) *the Fundamentals of Engineering (Civil only) administered by the National Council of Examiners for Engineering and Surveying.*

If within two (2) years (subject to any extensions granted by the Discipline Manager) of the Member's reinstatement he has failed to comply with the requirements of s. 2(a) and (b), the restriction from practising structural engineering shall remain in place.

3. *In the event that a course or examination listed in Section 1 or 2 is unavailable, an equivalent course or examination may be substituted where approved in advance in writing by the Discipline Manager.*

4. *If the Member is reinstated and has complied with the requirements in Section 2 that would permit him to practise structural engineering, the Member's practice of structural engineering shall be subject to a one year period of supervised practice at the Member's cost. The identity of such supervisor, who is deemed competent to practise structural engineering and shall be subject to the written approval of the Discipline Manager, shall*

supervise the Member in accordance with APEGA's procedure for enforcement and monitoring of a Restricted Practice disciplinary order (see attached Appendix "C").

- 5. Following the one year of supervised practice, if deemed successfully completed by the Practice Review Board, the Member shall undergo an APEGA Practice Review to the satisfaction of the Director, Professional Practice, and shall comply with any Findings of the Practice Review, which shall include compliance requirements and a compliance timeline.*
- 6. The Member shall pay hearing costs in the amount of eighteen thousand dollars (\$18,000) within twenty four (24) months of the date of this Sanctions Decision in accordance with a payment plan approved by the Discipline Manager.*
- 7. If there are extenuating circumstances, the Member may apply to the Discipline Manager for an extension prior to the noted deadlines. If such an application is made, the Member shall provide the Discipline Manager with the reason for the request, a proposal to vary the schedule or deadlines, and any supporting documentation requested by the Discipline Manager.*
- 8. If the Member fails to provide the Discipline Manager with proof that they have completed the requirements noted in paragraph 5 within the timelines specified, and/or fails to comply with the timelines for the practice review as set by the Director, Professional Practice or any extended timeline granted, the member shall be suspended from the practice of engineering for a minimum of thirty (30) days. If the requirements noted in paragraph 5 are not completed within six (6) months of the suspension date, the Member's registration shall be cancelled. In the event the Member's registration is cancelled, the Member shall be bound by APEGA's reinstatement policy.*
- 9. This sanctions decision shall be published and circulated on the APEGA website in a manner that identifies the Member, a full copy of the decision will be placed on the APEGA website and, if any member of the public inquires with APEGA as to whether the member was the subject of a discipline hearing or was found guilty of any charges under the EGPA, APEGA shall be at liberty to provide a full copy of the Hearing Panel's decision.*
- 10. This sanctions decision and the Member's identity shall be disseminated to all provincial and territorial engineering and geoscience regulators in Canada.*

CLOSING

78 The Hearing Panel thanks the Member for his co-operation and the parties for their submissions.

Dated this 31st day of July, 2025.

On behalf of the Hearing Panel of the APEGA Discipline Committee:

Jeff Pieper

Signed with ConsignO Cloud (2025/07/31)
Verify with verifio.com or Adobe Reader.



Dr. Jeffrey Pieper, P.Eng., Discipline Panel
Chair

John McDonald

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John McDonald, P.Eng., Discipline
Committee Panel Member

John Lee

Signed with ConsignO Cloud (2025/08/01)
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John Lee, P.Eng., Discipline Committee
Panel Member

Douglas Cox

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Douglas Cox, P.Eng., Discipline Committee
Panel Member