



**APEGA
DISCIPLINE COMMITTEE**

DECISION

Hearing Dates: March 19 & 20, 2025

Date of Decision: June 16, 2025

APEGA Discipline Case No.: 24-07

**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 Konstantin Ashkinadze, P.Eng.

INTRODUCTION AND SUMMARY OF DECISION

Introduction

1. This matter concerns disciplinary proceedings regarding Mr. Konstantin Ashkinadze, P.Eng., Member #58725 (the “**Member**”). The proceedings were conducted pursuant to Part 5 of the *Engineering and Geoscience Professions Act* (“**EGP Act**”). The hearing took place on March 19 and 20, 2025, before a Hearing Panel of the Discipline Committee (the “**Hearing Panel**”) constituted in conformity with s. 45 of the *Engineering and Geoscience Professions General Regulation*, AR 150/99 (the “**Regulation**”).

Summary of the Decision of the Hearing Panel

2. After considering the evidence and materials adduced in the hearing, the Hearing Panel has concluded that the Member engaged in unprofessional conduct. Allegation 1 was found to be supported and resulted in a finding by the Hearing Panel that the Member had engaged in unprofessional conduct. The Hearing Panel further determined that Allegation 2.f) b., c., d., and f. were supported and resulted in a finding that the Member had engaged in unprofessional conduct. The Hearing Panel determined that Allegations 2.f) a. and e. were factually proven but did not constitute unprofessional conduct.
3. The Hearing Panel directs the Investigative Committee (the “**IC**”) and the Member to provide written submissions on the matter of sanction as directed below:
 - a) The IC will provide submissions on sanctions and costs orders, if any, within two weeks of receipt of this decision;

- b) The Member will provide submissions on sanctions and costs orders, if any, within two weeks of receipt of the Investigative Committee's submissions;
- c) The IC may provide a written Reply to the Member's submissions on sanctions and costs within one week of the Member's submissions;
- d) The Parties may submit a request to discipline@APEGA.ca to vary the above timelines or to make submissions before the Hearing Panel;
- e) If the Member does not provide a response to the IC's submissions within the time directed, the Hearing Panel may choose to proceed and make its decision on sanctions and costs based on the IC's submissions.

ALLEGATIONS AGAINST THE MEMBER

- 4. A notice of hearing was issued on January 14, 2025. Attached to the notice of hearing were the allegations against the Member.
- 5. The allegations consisted of two charges arising out of interactions with the Complainant and her mother when the Member was retained to provide an engineering opinion regarding proposed renovations to a house the Complainant and her mother had recently purchased.
- 6. The particulars of the two charges are as follows:
 - 1. In and about October and November 2023, the Member engaged in unprofessional conduct in relation to the proposed renovation of a residential home and communications with the Complainant, particulars of which include the following:
 - a) In October 2023, the Member was retained to complete an engineering report for structural modifications being contemplated by the Complainant on her Edmonton home, which included the construction of new window openings and the potential removal of interior, load-bearing walls;
 - b) On October 11, 2023, the Member conducted a site inspection. The Complainant understood that the Member would complete his resulting report within approximately two weeks. The Complainant paid the Member's fee in full the same day;
 - c) On October 24, 2023, the Complainant initiated an email exchange with the Member to inquire about the report and to express concerns about its timing. The Member responded via email and stated the following:
 - a. On October 25, 2023, at 1:07 pm, the Member wrote in part:

“I am sorry to get on a barrage of your flogging messages when I really need time to continue working. As I say, I have clients who are in a queue since way earlier than you – what should I tell them? That because I have active ladies who cannot wait for two weeks, you will have to keep waiting for 2 months? That they are being penalized for having consideration for my situation while you are being rewarded for having no such consideration? They all have ‘special situations’ and reasons to be urgent ...”

- b. On October 27, 2023, at 12:56 pm, the Member wrote in part:
 “I was very surprised to hear how you feel about our dealings. ‘Patronizing, insulting and rude’? No way. I feel I was actually quite patient with you, understanding that some women handle this new stage of their life differently and some find it increasingly difficult to stay reasonable. Physiology is hard to battle. Over my years in business, I’ve served more than 1000 clients and I have certainly encountered such situations before and understand your challenges. ...”
 - c. On October 27, 2023, at 3:34 pm, the Member wrote in part:
 “Please do not treat my statements as misogynistic. All I was trying to do was give a rational explanation for your behaviour and actions. Which go beyond absurd at times. Formulating hypotheses that explain facts and observations is an integral part of engineering and scientific work. ...”
2. In and about October and November 2023, the Member engaged in unskilled practice, or alternatively unprofessional conduct, in relation to the proposed renovation of a residential home, particulars of which include the following:
- a) In October 2023, the Member was retained to complete an engineering report for structural modifications being contemplated by the Complainant on her Edmonton home, which included the construction of new window openings and the potential removal of interior, load-bearing walls;
 - b) On October 11, 2023, the Member conducted a site inspection. The Complainant understood that the Member would complete his resulting report within approximately two weeks. The Complainant paid the Member’s invoice in full the same day;
 - c) The invoice description stated: “This is our invoice for the on-site inspection of your residence at [REDACTED], Edmonton, Alberta for the proposed miscellaneous renovations”;
 - d) On November 22 and 23, 2023, the Member issued two engineering reports to the Complainant pertaining to the removal of load-bearing walls and the construction of new window openings;
 - e) The Complainant’s mother expressed a number of concerns respecting those reports in an email dated November 27, 2023;
 - f) The Member engaged in unskilled practice, or alternatively unprofessional conduct, by engaging in or more of the following:
 - a. Failing to provide a sufficiently precise scope of work, whether detailed in his invoice or otherwise;
 - b. Failing to follow-up to confirm the work being proposed by the client and what his report would cover;
 - c. Relying on imprecise notes and recollections to produce his reports;

- d. Offering an imprecise timeline for the completion of his reports;
- e. Failing to issue a draft report to the Complainant to ensure satisfaction with the final professional work product;
- f. Failing to issue a revised report when the Complainant pointed out concerns.

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

ISSUES BEFORE THE HEARING PANEL

7. These proceedings are focused on two issues that arise from the allegations against the Member. The issues before the Hearing Panel are:
 - a. What alleged facts have been established on a balance of probabilities; and
 - b. Do the facts proven establish conduct by the Member that constitutes unskilled practice, or in the alternative, unprofessional conduct, under s. 44(1) of the EGP Act and/or a breach of the Rules of Conduct set out in the Code of Ethics?

These issues are addressed below after a summary of the hearing process and the evidence adduced through that process.

SUMMARY OF THE HEARING PROCESS

Appearances

8. The members of the Hearing Panel of the Association of Professional Engineers and Geoscientists of Alberta ("**APEGA**") were:
 - Alex Bolton, P.Geo. – Panel Chair
 - Christine Neff, P.Eng.
 - Paul Kavanagh, P.Geo.
 - Kim Maddin, P.Eng.
 - Bill Gaudette, Public Member
9. Independent Legal Counsel for the Hearing Panel was Emma F. Banfield of Reynolds Mirth Richards & Farmer LLP ("**Independent Counsel**").
10. The Hearing Panel was assisted by Discipline Committee staff members ("**Staff**").
11. Mr. Paul Vogel attended the hearing on behalf of the Investigative Committee of APEGA (the "**IC**"). The IC was represented by its legal counsel, Mr. Derek Cranna of Field LLP.
12. The Member represented himself throughout the hearing.

Preliminary and Procedural Matters

13. The hearing proceeded virtually, and all parties confirmed they were attending from a private space with no one else in the room with them.
14. Both parties confirmed there were no objections to the constitution or the jurisdiction of the Hearing Panel.

Summary of Evidence and Submissions

Exhibits

15. A number of documents were admitted as exhibits during the course of the hearing. These are listed in Appendix "A".

Summary of Opening Statements of the IC and the Member

Opening Statement of the IC

16. The IC noted that there were two charges before the Hearing Panel arising from interactions between the Member and the Complainant in relation to the Member providing a report regarding the performance of structural engineering work. One charge related to communication, the other to the quality of the Member's practice.
17. With respect to the first charge, the IC noted that the Complainant was unhappy with some of the emailed communication with the Member which arose out of a disagreement about timing of the engineering report. The IC suggested that the Member's communications in this context breached the APEGA guidelines with respect to communicating in a respectful manner and demonstrated a failure to treat others with fairness, dignity and respect. In particular, the IC pointed to the gendered nature of the language used toward the Complainant and her mother.
18. The IC noted that although the Member has asserted that he did not intend the comments the way the Complainant received them, in the IC's submissions, the Member's intentions do not absolve him from the responsibility of making remarks that diminished the Complainant's concerns on the basis of her gender.
19. The IC stated that the second allegation centred on unskilled practice, or in the alternative, unprofessional conduct. The IC suggested that while the Member may have performed the appropriate technical engineering work, he did not do so on the basis of the client's renovation intentions. The lack of clarity as to the what the Complainant required and the work he was engaged to perform was the basis of the allegation.
20. The IC indicated it would call two witnesses: the Complainant and her mother.

Opening Statement of the Member

21. The Member opened his statement by refuting the allegations against him. The Member summarized his educational and employment history, including his history as a member of

and volunteer for APEGA. He stated he continues to educate himself on matters of ethics and professional conduct, as shown in his completed CPD course certificates.

22. The Member reviewed his recollection of the events as they pertained to the Complainant. He stated no timeline was initially requested. He stated that when the Complainant realized that he would not be providing the inspection report in her expected timeframe, she panicked and sent emails which were demanding and insulting, both to him personally and to his professional knowledge. The Member stated he responded with understanding and a willingness to cooperate, even offering a refund of \$200, which he assessed would be fair compensation for the work not yet done.
23. The Member objected to the Complainant's characterization of his remarks as misogynistic. He had intended to be sympathetic about her life situation. He stated that he was vulnerable himself due to an excessive workload, stress, and health issues. He submitted that he and the Complainant were equal in their vulnerability.
24. The Member stated that in this situation, he determined the professional thing to do would be to carry on with the reports, and ultimately, he delivered two reports. He indicated the Complainant had filed a report with APEGA only four weeks after their initial contact, and before allowing him to complete the reports as promised.
25. The Member disputed the allegation that he misunderstood the intent of the renovation. Rather, he stated that the evidence would show the Complainant's memory was not clear in the early days of the project.
26. The Member stated the evidence would show the Complainant and her mother never had any other reports done by engineers, and in fact applied for permits using his reports.
27. The Member stated that he had cooperated fully with the APEGA investigation, but was concerned the Complainant's version of events was accepted without proper consideration. He stated that the decision to refer the matter to a hearing panel was based on opinions, presumptions, and interpretations of his words and actions which he expected to be able to rebut through the course of the hearing.
28. Regarding the charge of an imprecise timeline, the Member stated he never provides firm commitments on timelines, as the workload in this type of work cannot be planned or predicted. He stated he would provide evidence to support his position that an initial project estimate is not required or expected to be precise.
29. Regarding some of the other charges, the Member asserted that none of the APEGA practice standards or guidelines expressly state they are enforceable, mandatory requirements against which to measure a professional's compliance. Finally, the Member stated his intent to show that his actions had not violated the APEGA rules of conduct, and requested the Hearing Panel dismiss the charges against him.

Summary of Witness Evidence Presented at the Hearing

Evidence of [REDACTED] (the “Complainant”)

30. As its first witness, the IC called the Complainant.
31. The Complainant provided some history about herself and how she and her mother had acquired the house the Member had inspected.
32. The Complainant stated that she and her mother wanted some renovations to their house, including removing a wall between the living room and kitchen, and adding an en suite on the main floor. In order to accommodate the second bathroom, they needed to add a window in one of the bedrooms. In the basement, she and her mother wanted to add another window to make it a legal basement suite.
33. The Complainant testified that although she and her mother had done cosmetic changes to other houses, they had never engaged in structural renovations previously and had never consulted an engineer before.
34. With the aid of a drawing¹, the Complainant confirmed the following were the changes she consulted the Member about:
 - (a) Removing a wall between the living room and kitchen;
 - (b) Adding a washer/dryer;
 - (c) Relocating a toilet;
 - (d) Adding a wall to make an en suite bathroom;
 - (e) Adding a door the en suite bathroom;
 - (f) Adding a window into the remaining smaller bedroom; and
 - (g) Adding an egress window to the basement.
35. When asked how she came to retain the Member, the Complainant stated she found him on Kijiji. He had excellent credentials and was pleasant on the phone. She stated they arranged for him to attend at the house, and that at their first meeting, he was “a bit brusque” but not unusually so. She stated she and her mother walked him through what they wanted, and then they waited in the living room while he went through the house. When he left, he gave her an invoice and told her he would not start the report until it was paid. The Complainant recalled that after he left, she and her mother returned to their rental home, and she immediately sent the Member the money.
36. When asked to recall how long the Member attended at the house, she could not recall exactly, but thought it was maybe a few hours. She remembered that she and her mother

¹ See p. 36, Exhibit 1

were relieved to get home sooner than they expected. She recalled that the walk through of the house took less than half an hour.

37. With the Member, the Complainant said they discussed the changes she and her mother wanted, including whether the wall between the living room and dining room that they wanted to remove was load bearing. She recalled they did not discuss any other walls coming down. The Complainant recalled that after the walk through, the Member asked her and her mother to wait in the living room. She thought he then spent maybe an hour on his own.
38. The Complainant could not recall discussing her personal situation with the Member, although she stated that with most people, she and her mother needed to explain why their phone numbers had BC area codes. She stated they had moved from BC a little over two years before they bought the house.
39. The Complainant confirmed that at the house she did not discuss any timing issues with the Member, nor did they discuss timing of any reports. The Complainant recalled that they had discussed it over the phone prior to his first visit, and she remembered that he said it would take about two weeks. The Complainant stated she did not feel any pressure to advise of time restraints because the timing the Member originally proposed did not create an issue. She believed that she and her mother would be able to move in by Christmas.
40. The Complainant stated the Member had not advised that the proposed work was unusually large or complex and he did not advise of any particular work pressures, time limitations due to other work, or health issues.
41. The IC reviewed email correspondence between the Member and the Complainant. Beyond the initial invoice, the Complainant testified that she did not receive any further documentation about the scope of the work.
42. The Complainant stated that the Member had never reached out to her to revise the expected timing for completion of the reports. She did not recall any statement from the Member indicating three weeks as an expected timeline.
43. The Complainant recalled that following the initial visit, the next time she and the Member communicated was slightly less than two weeks later. She stated she had some questions about installing windows in the basement and called the Member to see if he had information on the size and location to pass along to the installers. She remembered that during the phone call she asked, "how are you?" and he replied, "occupied." She asked if there was a better time to call, and he said no. She then proceeded to ask about the window, and he then became upset and started talking about how he had so many other important jobs and her report was not even on his radar yet. The Complainant recalled that she was shocked by this response, as she was expecting the report in a few days.
44. In reviewing the email correspondence, the Complainant stated the Member's email sent October 24, 2023, at 2:58 pm was the first indication he gave that the work required for the Complainant was massive. She found his advice regarding her leasing arrangements to be condescending and unnecessary. She hoped that if he understood she and her mother were under a time crunch, he might be willing to help so they could get a permit and get the

required work completed. She stated that once they realized the report would not be arriving as expected, they had to scramble.

45. The Complainant disagreed with the Member's characterization of her two emails on October 24 and 25, 2023, as "flogging." She viewed this remark as condescending and rude. She found his opinion on her ability to rent on a month-to-month basis and simply add the cost to the project unnecessary. She believed it was not his business and had no idea why he had provided her with unsolicited advice. She did not understand his rudeness and did not agree that she had been "prodding" him.
46. Following the email exchange on October 25, 2023, the Complainant felt she and her mother could no longer continue to work with the Member. She stated that every email he sent was disrespectful and not professional.
47. Regarding the Complainant's email of October 27, 2023, at 10:24 am, the Complainant stated that she was trying to communicate that they no longer trusted the Member or wanted to work with him. The Complainant described her shock at his response at 12:56 pm on October 27, 2023. She believed his reference to "some women handle this new stage of their life differently" was based on his assumption that she was going through menopause and had become unreasonable. She believed the Member had connected her "unreasonableness" to her gender and the entire email dismissed her based on her gender.
48. In reviewing the Member's email of October 27, 2023, at 3:34 pm, the Complainant believed he was again dismissing her concerns when he stated that he was trying to "give a rational explanation to your behaviour and actions which go beyond absurd at times." She testified that she did not respond to that email as she saw no point in doing so.
49. Regarding the first report of November 22, 2023, she stated it was not what she wanted at all. She reviewed Figure 2 in the first report and stated it was an inaccurate representation of what she and her mother had requested. Based on where he had situated the bedrooms, she was concerned he had confused her house with another. Regarding the removal of the wall between the living room and the kitchen, she stated his report required more work than they were prepared to undertake, so they decided not to remove the wall.
50. The Complainant stated she and her mother had expressed their concerns about the report to the Member, including that there had been a mix-up. Regarding the Member's response on November 27, 2023, at 5:18 pm, the Complainant stated she did not believe she had asked so many questions during the Member's site visit that he was unable to consider the basic layout of the home. She stated she was unsurprised that he had significant gaps in his inspection notes and photographic evidence, but was surprised that he had acknowledged these gaps in his email to her. However, it made more sense to her why he had not completed the report properly. She also questioned why, if he had significant gaps, he had not contacted her and her mother before completing the whole report.
51. The Complainant confirmed that she and her mother ultimately left the wall between the living room and kitchen in place. They did install a basement window, but the size recommended by the Member in his second report was the wrong size for an egress slider window. She stated the City of Edmonton (the "City") had given them the option of a hopper

window or having the engineer change the size, and they chose to go with the hopper window. She stated they also had to change the size of the window in the small bedroom after the en suite was installed.

52. Regarding the decision to file a complaint with APEGA, the Complainant stated she did so because the Member's tone in his emails was completely unacceptable, and she felt there should be some civility in correspondence. She stated she did not file the complaint in anger, but rather from concern that he was treating her in a certain way and might treat others in the same fashion.
53. In cross-examination, the Complainant stated that she did not believe she had discussed her move to Edmonton or her rental situation with the Member. She stated the Member sent the invoice after the inspection but also told her at the inspection how much she owed. She did not agree that the Member had told her two or three weeks for the completion of the report.
54. The Complainant reviewed the timelines she anticipated for the renovations. She testified that she had not tried to get the City permitting process to go faster. She stated she believed they had budgeted plenty of time, but that they were uncertain if they would need a contractor to remove the wall until they received the report.
55. The Complainant disputed that she had called the Member to ask if the report was ready or to say it was overdue. She stated she had called with questions about the basement window. Regarding her reaction to his information that the report was not on the Member's radar, she stated she was shocked. She stated she did not react when informed he had other clients before her and that he was overwhelmed. She stated she did not have a backup plan and had to scramble. The Complainant stated she eventually received a permit, but not until after Christmas 2023. She could not recall what type of permit it was, but it addressed the window openings.
56. The Complainant stated that she inferred the Member was referring to her hormonal state when he referred to "women at this time" and "your physiology".
57. Regarding hiring another engineer, the Complainant stated her mother had looked at this, but eventually decided to go with his report as they understood it would eventually be provided. Regarding filing the complaint with APEGA, the Complainant stated her complaint was not about the report, but rather about how the Member had treated her. When she received the Member's reports, they were not what she had asked for. She was not aware of additional aspects of APEGA's investigation, but her complaint was always about the Member's treatment of her.
58. The Complainant testified that they moved into the house at the end of January 2024. She stated she was able to extend her lease, but it was a huge inconvenience. The Complainant indicated she and her mother were continuing to renovate the house.
59. In redirect, when asked whether the Member had asked her about any impending pressures or deadlines, including permit deadlines, the Complainant advised she had not discussed this with the Member during their initial meeting at the house.

60. The Hearing Panel asked the Complainant to elaborate on the installation of the basement window and the change of the type of window. The Complainant indicated she and her mother had asked the Member to provide his opinion on the feasibility of a basement window. She stated they did not specify the size, but told him they wanted it for egress. The existing windows were all sliders, and they spoke to the Member about having something similar. She stated the City later told them the size the Member had included in the report was not large enough for egress using a slider window, but they could use a hopper window. She stated they chose to use the hopper window option rather than getting a new engineering report.
61. The Hearing Panel asked the Complainant to clarify when and on what basis she and her mother had decided they would not remove any load bearing walls. The Complainant stated that while they were waiting for the report, they expected it would only be about one wall, identified as wall number 4 in figure 2 of the report. When they received the report, they decided it was too much work to request revisions and given other inaccuracies in the report they decided not to proceed.
62. Regarding the drawing attached to the Complainant's email to the Member on November 27, 2023, at 9 am, the Hearing Panel asked if it was provided to the Member at the inspection. The Complainant confirmed it was not, indicating that they thought a walkthrough of the house would be sufficient.

Evidence of [REDACTED] (the "Complainant's mother")

63. As its second witness, the IC called the Complainant's mother.
64. The IC began by asking what kind of renovations the Complainant's mother was considering in October 2023. She recalled that they were considering removing a wall between the kitchen and living room, adding an en suite bathroom on the master bedroom, and putting in a window on the main floor and another in the basement. When shown the drawing of the floorplan of the house², the Complainant's mother thought it might have been created sometime prior to the Member attending at the house. She stated the drawing reflected the proposed changes, other than the addition of the bedroom in the basement.
65. The Complainant's mother recalled that the Complainant found the Member on Kijiji. Regarding his visit to the house, she stated that she and the Complainant had walked the Member through the house showing him where they wanted the changes. She believed the walk through would have been about 20 minutes. The Member had then asked her and the Complainant to wait in the living room while he went outside and looked around the house more. She thought they might have waited in the living room for approximately half an hour. She stated that she recalled the Member was not particularly friendly, but that she and her daughter still decided to hire him. She stated she was not involved in paying his invoice.
66. The Complainant's mother recalled that the Member had stated the report would be ready in about two weeks, which they thought they could work with. She stated the Member did not mention any health or medical issues, nor any work pressures, nor did he mention the

² Exhibit 1, p. 36

project was large or complex. She did not recall that they had discussed any timelines from her and the Complainant's perspective, but they were happy with a two-week timeframe.

67. The Complainant's mother recalled the Complainant had called the Member near the end of the two-week timeframe. She stated all emails were sent jointly by her and the Complainant. She stated that the Member's response at 2:58 pm on October 24, 2023, was the first indication the Member gave that the work was massive. The Complainant's mother stated she was upset by the Member's suggestion in the same email that they consider extending their lease. She did not believe he was in a position to tell them what to do. She found his suggestion that they "breathe normally" to be snippy.
68. Regarding the Member's email of October 25, 2023, at 1:07 pm, the Complainant's mother stated she was only aware of two emails sent to the Member prior to him referring to "a barrage of your flogging messages." Regarding his reference to active ladies, she found it confusing but agreed that they were active ladies. She recalled being frustrated by his continued advice about extending their lease when they had already told him they were having problems trying to extend their lease agreement. She stated this email was the first indication of any medical issues raised by the Member.
69. Regarding the Complainant's email sent October 27, 2023, at 10:24 am, the Complainant's mother stated she and the Complainant had constructed the email together. She testified that the reference to the Member being patronizing, insulting, and rude was a reference to the Member's prior emails. She stated they had decided not to continue with him because they were looking for someone more professional, respectful, timely and knowledgeable. She stated the request for a refund was because he had not provided the report within the expected timeframe, and he had been rude.
70. Regarding the Member's email of October 27, 2023, at 12:56 pm, the Complainant's mother recalled being shocked by his reaction. She was confident his comments were directed at her daughter as a woman. She did not think his comment "understanding that some women" could be misconstrued. This email confirmed to her that they could not work with the Member.
71. Regarding the Member's email of October 27, 2023, at 3:34 pm, the Complainant's mother disputed the characterization that the Complainant had been irrational. She found the Member's remarks uncalled for and frustrating.
72. Regarding figure 2 in the first report, the Complainant's mother pointed out the inaccuracies of the drawing, noting that it did not at all represent what they had requested. She confirmed her concerns were outlined in her email of November 27, 2023, at 9:00 am to the Member. When she received the Member's response of November 27, 2023, at 5:18 pm, she disagreed with his contention that there was no major mix-up, and that they had riddled him with questions because they had waited for him in the living room. She stated his comment that "men are terrible multitaskers" was of no relevance, and that his admission that he had to restore the picture from his memory, notes, photographs, and common sense did not lead her to feel confident. She disagreed that they no longer needed the report.
73. The Complainant's mother indicated she did not think the reports were particularly helpful as they ended up having to put a special window in the basement because the one he

included was not large enough for a legal egress window, and he had not properly addressed their other requests regarding the proposed addition of an en suite.

74. Regarding her final thoughts, the Complainant's mother stated she wished they had not retained the Member and would certainly not recommend him or return to him. She characterized the experience as "a bit of a nightmare."
75. In cross-examination, the Complainant's mother stated that she was not certain when the drawing found at page 36 of Exhibit 1 was created, but thought it might have been created before the inspection.
76. The Complainant's mother again reviewed figure 2 from the report, noting that it did not represent the changes she and her daughter were seeking. In particular, it did not show the proposed modifications for the addition of the en suite, or note the correct wall they proposed to have removed.
77. The Complainant's mother disagreed that the inspection had lasted three hours. She believed all her questions at the time were answered during the inspection and it was only after receiving the report that they realized the Member had not addressed their concerns. She indicated the only change to their original plans that she and the Complainant made following the Member's inspection was that they decided not to remove the wall between the kitchen and the living room. She disagreed that she and the Complainant had made suggestions. She indicated they decided not to remove the load-bearing wall because it was too big a job for them to do.
78. Regarding considering hiring other engineers, the Complainant's mother stated she had two engineers who were available to come to the house, but prior to them coming, the Member had indicated he would still provide the report. They did not realize at the time that the report would not reflect what they wanted. She agreed that after receipt of the report, she and the Complainant did not hire any other engineers but indicated that they had worked closely with the City to ensure they had proper permits and inspections.

Evidence of the Member

79. The Member began his direct evidence by reviewing the charges against him. In relation to 1.a), he agreed that in October 2023, he had been retained to complete an engineering report regarding structural modifications contemplated by the Complainant on her Edmonton home, which included the construction of new window openings and the potential removal of interior, load-bearing walls.
80. In relation to 1.b), the Member concurred that on October 11, 2023, he had conducted a site inspection and the Complainant had paid his fee in full the same day. He agreed that the Complainant understood he would complete the resulting report within two weeks, but noted this was only her understanding, not what he had relayed to her. He stated that the Complainant had not told him about any time constraints. When he spoke with the Complainant over the phone, he had provided a ballpark estimate of two to three weeks for completion of the report, which was his usual time frame.

81. Regarding 1.c), the Member stated that less than two weeks after the site inspection, the Complainant started sending repeated messages. The Member stated this was the first time he became aware of any time crunch. He stated this presented a challenge for him, as he was already significantly behind on a number of overdue projects, and he could not afford to continue an exchange in relation to a project for which the report was not even due yet. The Member stated he then attempted to reason with the Complainant using common sense and fairness.
82. The Member reviewed emails sent between himself and the Complainant on October 24, 2023. He stated he explained his circumstances, reminded them the time was not yet up, and asked them to wait. He testified the Complainant and her mother continued to put pressure on him. He suggested they consider a month-to-month lease. He considered the clients were not manageable and felt he owed a duty to his other clients. He did not feel the pressure the Complainant was putting on him entitled her to preferential treatment. He felt he needed to send her a clear message to stop pressuring him and let him finish her project within the time frame he had promised. The Member indicated this motivated the subject and style of his message sent October 25, 2023, at 1:07 pm. The Member did not accept the Complainant had any real emergency, merely an inconvenience.
83. The Member stated his email sent October 27, 2023, at 12:56 pm was his explanation of his position. He rejected any characterization of his email as misogynistic and submitted this was a voluntary and far-reaching interpretation. He stated his understanding of the Complainant's *personal circumstances* based on his understanding that she had moved to Edmonton abruptly. He stated that what drove his writing was that she had probably been through a painful divorce, which is why she was disturbed. He felt that it was a reasonable assumption to explain her behaviour.
84. When referring to physiology, the Member stated he was attempting to be conciliatory. Although physiology can refer to hormones, he testified it is a branch of biology dealing with the normal functions of living organisms and their parts, including neurofunctions and emotions. He did not intend to be offensive or mean. The Member disputed any implication that he had a systemic problem dealing with female clients. The Member stated the Complainant's assumption that he was referring to menopause went beyond the evidence. He stated that the Complainant being female had no role in this.
85. The Member sought to enter as an exhibit a reference letter from a subsequent client. The IC objected to it being entered as an exhibit stating firstly, there was no allegation of a systemic problem either from the Complainant or the IC, and secondly, the proposed exhibit had no bearing on the truth of the current allegations. In response, the Member stated the proposed exhibit was relevant because it spoke to the allegation that there was a need to protect future female clients.
86. The Hearing Panel considered the submissions of both parties and found that the proposed exhibit was not directly related to the charges, which were confined to interactions with the Complainant. The Hearing Panel decided not to admit the proposed exhibit as they did not believe a letter from another client was relevant and material or would assist the Hearing Panel in considering his conduct in the current allegations.

87. Further, the Hearing Panel determined the letter writer had not been tendered as a witness and was therefore unable to be cross-examined or to answer questions of the Hearing Panel.
88. The Member continued his direct evidence by stating that the difference between the circumstances of this case and his interactions with other clients was that other clients asked, rather than demanded, completion of reports. Other clients accepted his explanations, waited patiently until reports were complete, and did not disrupt the Member, allowing him to finish his work. The Complainant in this case chose not to do these things. As a result, in other circumstances, he finishes assessments within the two-to-three-week time frame.
89. The Member gave evidence as to the volume of work he completed in the relevant time frame, indicating that between August and November 2023, he closed 45 invoices. He stated all clients have special situations and reasons for requesting urgent completion of reports. The Member stated he had several clients calling to ask when their reports would be completed when they were overdue. He had to apologize and come up with ways to complete his work without compromising quality.
90. The Member testified that when he received a call from the Complainant, whose report was not even due yet, he was at a noisy job site and could barely hear her. He stated the noise could easily have made him sound abrupt. He may have raised his voice, as he could barely hear himself. When asked about the status of the report, he stated it was not on his radar yet, which was true because he had other reports to complete before hers. He knew he was not in trouble, because he still had at least another week before it was due and only needed three days to complete the report.
91. The Member stated that in the days that followed he found himself shivering when opening the Complainant's escalating emails. The Member stated it is only possible to manage client expectations if the client cooperates and is willing to listen and look for solutions.
92. Referring to charges 2.a) and 2.b), the Member stated that these mirrored charges 1.a) and 1.b), which were already admitted.
93. Regarding 2.c), the Member stated the invoice was generated before meeting the client, and he saw no reasons to rectify the scope without actually seeing the site.
94. Regarding 2.d), the Member agreed that he had provided two engineering reports to the Complainant pertaining to the removal of load-bearing walls and the construction of new window openings on November 22 and 23, 2023. The delay relative to the initially contemplated time frame was due to the fallout in the relationship and the impact on his health due to the stress. The Member tendered notes from two doctors to support his evidence regarding his health. The Member contended that the reports were still provided prior to the November 30, 2023, expiration of the Complainant's lease.
95. Regarding 2.e), the Member agreed that the Complainant's mother had expressed a number of concerns respecting his reports in an email dated November 27, 2023.

96. Regarding the charges in 2.f), the Member responded to each. For allegation 2.f)a., the Member stated that it was not customary to provide a formal proposal and contract for small-scale residential inspections. A simple verbal agreement is usually sufficient. He agreed that preparing a full summary of a phone call would be a useful improvement to his practice and planned to incorporate it going forward.
97. For allegation 2.f)b., the Member stated this was also a valuable suggestion for future projects, but stated that prior to November 27, 2025, there were no disagreements as to the scope of the project. He believed the Complainant and her mother had inaccurate memories and had changed their minds. In reference to the drawing of the house included at page 36 of Exhibit 1, the Member testified this was created after his inspection. He stated that the reason he was able to rely on his interpretation was because he followed through on the load-bearing path for each wall. He relied not just on his memory, but also his engineering sense.
98. Regarding allegation 2.f)c., the Member stated that relying on his extensive experience, preparing precise notes was not practical in the inspection time frame. Further, inspection notes are not a deliverable, but rather a shorthand record of what he observed. The only reason he included his notes was to demonstrate that he made them and they were sufficiently detailed. When working on the report, he did not mark which walls were being removed, which was unusual and regretful. His only explanation was that he was distracted by something the Complainant said at that moment, and it slipped his mind. He thought it was also possible he was not entirely clear on what the Complainant wanted at that moment, so he only sketched the load-bearing walls. The Member stated he tried his best to restore the walls that were not measured and not load-bearing. He was of the view they were not essential from an engineering standpoint, although they were essential for presentation.
99. Regarding allegation 2.f)d., the Member stated that the workload in his field cannot be planned or predicted, and he therefore does not provide firm commitments on timelines. He referred to information on his website, found at Tab 17 of Exhibit 1, which he stated he had also pointed out to the Complainant. He indicated that he tried to convey to the Complainant that there are extenuating circumstances on most projects, but this does not necessarily equate to an emergency for him.
100. Regarding allegation 2.f)e., the Member stated that issuing a draft report to a client is optional, not mandatory. He indicated a stamped report is still open for discussion if a client believes something has been misstated or omitted, as occurred in this case. The Member stated that to him, a stamped report merely means the recipient can rely on a report, but if they don't want to, they are not required to.
101. Regarding allegation 2.f)f., the Member stated that when the Complainant and her mother replied to him by email on November 27, 2025, they did not simply point out their concerns with the report. He indicated that had they told him only to work with non-bearing walls, he would have told them right away that they did not require an engineer. He stated in these circumstances, he usually charges only half as much to write a report detailing how he determined the walls were not load-bearing. He was of the view that the Complainant and her mother did not understand the City permitting process or requirements.

102. The Member provided his view that the Complainants did need and use his reports. The reports helped the Complainant and her mother realize their intended renovation was too involved to be practical. They ultimately based their permit application on his reports, and never hired another engineer. He stated there was no reason to issue a revised report because by then there was no need.
103. Regarding alleged breaches of the Code of Ethics, the Member stated his view that he had upheld the health, safety, and welfare of his client and the general public in relation to Rule of Conduct 1 of the Code of Ethics.³
104. The Member also believed he had behaved with integrity, honesty, fairness, and objectivity as required by Rule of Conduct 3 of the Code of Ethics. This involved telling the clients that the walls they wanted to remove were load-bearing. Their proposed project would be possible, but difficult, and the project would be longer and more technically complex as a result. In behaving this way, he had subjected himself to a massive assault by the Complainant and her mother.
105. Regarding Rule of Conduct 4 of the Code of Ethics, the Member stated he had followed all applicable statutes, regulations, and bylaws.
106. Regarding Rule of Conduct 5 of the Code of Ethics, the Member maintained he had upheld the honour, dignity, and reputation of his profession and its ability to serve the public interest. He indicated that despite interference, he had remained true to his obligations to complete the project. He did so without compromising his duty of care and the technical standards of practice. He had offered a partial refund to the clients, which they declined.
107. The Member indicated that although he had decided not to call the IC Investigator as a witness, he wanted to address some of the elements of the investigative process. He indicated the interviewing process was interrupted by conflicting appointments and technical malfunctions. One member of the panel had to leave early, and another missed 20 minutes due to technical problems. He was of the view this had prevented their opportunity to ask him questions and form their own opinions.
108. The Member stated his disagreement with the panel's conclusion that it saw no evidence that the Complainant acted unethically, inappropriately, or unreasonably toward the Member.
109. The Member was of the view that the Complainant had escalated the conflict between them and jumped to unreasonable conclusions regarding the meaning and intent behind his email correspondence. In reviewing the Complainant's emails of October 2023, he noted instances where he disagreed with her characterization of events. He pointed to examples of places where he was of the view that she immediately jumped to conclusions, was insulting and threatening and where he had to respond sternly.
110. The Member was cross-examined by counsel to the IC.

³ Schedule to the *Engineering and Geoscience Professions General Regulation*, Alta Reg 150/1999.

111. In cross-examination, the Member agreed that the invoice was the only document he produced to the Complainant and her mother before issuing the reports, and it was prepared before he met with them. He agreed that he did not go back and change the invoice to reflect a different or more precise scope of work, nor was there any other documentation available that showed he had defined the scope of work more precisely than miscellaneous renovations.
112. The Member agreed that he was unaware of any specific time constraints on the Complainant's side. He agreed that he also did not ask, but had since learned and now does. He agreed that he had not asked the Complainant about project milestones at the site visit. He agreed that timelines for the delivery of the reports were only ever discussed verbally and not documented anywhere. The Member agreed that he believed the Complainant and her mother either misheard or misremembered their discussions about the timelines for the completion of the reports. He did not agree that his memory could be similarly faulty because this was just one of many projects for him.
113. The IC reviewed the sketches created by the Member and included in his response to the Complaint.⁴ The Member agreed he made no other notes or sketches during the site visit. He stated that he usually scratched out walls to be removed, but did not recall he had not done so for this project until he went to do the report. He recalled he also had 42 photographs, the most informative of which were included in the report. He agreed that the two sketches and the photos were the complete documentary output from the site visit.
114. The Member agreed that he had been doing this kind of work for almost 30 years during which time he had hundreds of clients with site visits like this one. When asked if he was particularly put off by the questions from the Complainant, the Member stated he was not put off. It was a combination of the number of questions and the number of things he needed to pay attention to. He stated it was merely a slip of attention in this case. He agreed he had some time by himself without the clients, but stated it was not enough time.
115. The Member agreed that he did not communicate with the Complainant between the site visit on October 11, 2023, and roughly the day before her email on October 24, 2023. He agreed he had the Complainant's email address and phone number, had he needed to contact her again.
116. The Member did not recall that the Complainant's phone call on October 23, 2023, was particularly about some of the basement window issues. He recalled that she was asking where his report was and if it was ready. He stated he did not provide an estimate of time to provide the report because he felt they were still within the original time frame. He stated he did discuss the time frame, and indicated the report was not due for another week. He indicated his view that this led to the panic expressed in her emails beginning on October 24, 2023.
117. The Member reviewed the Complainant's email of October 24, 2023, and stated that although that particular email was not disrespectful, he would characterize it as harassing or flogging. He defined flogging as what one does to a horse to try to get it to move faster. He

⁴ Pages 59-60 of Exhibit 1.

did not find the email comforting and stated that the reference to factoring in the City permits set him off. He stated that his reply on October 24, 2023, was not the first time he had indicated his view that the project was massive. He stated he had told the Complainant and her mother during the inspection. He recalled that when he was leaving the inspection, he told them he would not have the report ready in two weeks but would strive to have it done in three. He viewed this as in keeping with his prior statement when he initially told them two to three weeks.

118. The Member stated he did not know what the concern was with the wall, as he had already provided the Complainant with this information. He agreed that when he replied to her email, he did not provide the answer about the wall, because that would have required him to give them the entire design. He also agreed that in his email of October 23, 2023, at 2:58 pm he did not tell the Complainant and her mother the report would be completed in three weeks.
119. When asked why he closed the email with “breathe normally” he stated this was intended to reduce the mounting tension, and specifically their premature request for information. He stated that he did not think he needed to tell the clients specifically about the time frame, as he believed the report would be provided within the initial time frame communicated.
120. Regarding his email of October 25, 2023, at 1:07 pm, the Member confirmed that he had only received two emails from the Complainant at that time. He stated that he had previously received emails from clients on consecutive days, but only when his reports were past due. In this case, he felt the persistence was unwarranted and premature. They simply needed to wait. He reiterated his view that the call followed by two emails constituted a barrage of messages.
121. The Member stated that in a different circumstance, he would refer to active men who could not wait two weeks, rather than active ladies. When asked why he continued to push the idea of a lease extension, he stated he believed they should have explained why it was not an option, given that they were trying to have a reasonable discussion. He stated his proposed solution would alleviate pressure from not just him, but also on the project.
122. In the context of his suggestion that they simply add the additional rental cost to the overall project cost, he agreed that he had not discussed the construction cost with the Complainant, but had a sense of the magnitude of the project, and “we are not talking millions here.” He agreed that he had made assumptions based on orders of magnitude and a guess about construction costs.
123. Regarding his own work, he agreed that he was responsible for his own practice and client management, but did not agree that the amount of work he takes on is within his control. He agreed that it was his view that his clients controlled his practice. He had all the responsibility but no rights.
124. In reviewing the Member’s email of October 27, 2023, at 12:56 pm, he stated his statements were intended to be conciliatory based on what assumptions he made about her personal circumstances.

125. The Member stated his view that women are typically more emotional than men. He stated that when he referred to a new stage in a woman's life, he did not feel any professional responsibility to consider the consequences of sending that to a client, because he was trying to talk to her on a personal level, not professionally. He agreed that when referring to "physiology", he was referring to the Complainant's emotional responses and that women who go through painful circumstances may be overcome by emotion and not be able to reason clearly or hear what he is trying to tell her.
126. The Member stated that by the Complainant's email of October 27, 2023, at 2:46 pm, he had not revised his initial estimate. He stated he did not provide a firm deadline because the completion of this report depended on his other work. He stated it depended on how he managed clients before her, which is why he always gives ranges. He believed their insistence stemmed from impatience, and not an emergency. He agreed that in the emails he did not provide a range for completion of the report.
127. The Member did not agree that he told the Complainant she was unreasonable because she was a woman. He stated he saw it as a factor that might have affected her condition. He stated it was the only factor he knew about, as he did not know her temper, character, or anything else.
128. Regarding his statement that "Men are terrible multitaskers," the Member stated he made this remark because he is a man, and that should show he is not singling out women. He stated that men are challenged when faced with having to do several things at once: it is their neuro-emotional wiring. He stated he usually addresses client questions and then he asks them to leave him alone so he can his work. In some cases, including this one, he cannot fend the client off, both men and women, and they follow him around and will not let him concentrate.
129. The Member disagreed that he would not have a precise memory of a single home. He stated he was blessed with a remarkable memory, especially for locations and positions. When asked if it was appropriate engineering practice to rely on his memory to recreate the gaps in his reference materials, the Member stated that with his memory, he relied less on documentation and more on memory, which allows him to finish inspections in a reasonable time. He stated that he only writes down what he cannot remember, which allows him to finish inspections faster. He stated that regarding the sketches in this case, his memory did not entirely fail him, because he had the ability to restore the information he missed. The Member referred to the Complainant and her mother's memory lapses as an important factor in evaluating the differences between their views at the inspection and when they read the report. He speculated that they might have changed their opinions or reduced the expected scope of the project.
130. The Member agreed that he did not issue a draft report in this case. He stated that in circumstances where the full fee was not collected, but merely a retainer, he would often issue an unstamped report with the final invoice indicating that when it was paid, he would issue the stamped reporting.
131. Regarding provision of the report, the Member agreed that although his estimated timeline for delivery of the report was three weeks, he ultimately provided the reports 42 days later.

132. In his reply evidence, the Member stated that he wanted to provide an explanation for how the three-week timeline turned into 41 or 42 days. He stated that after the Complainant and her mother fired him and severed ties with him, he felt timelines were no longer an issue, and he would do the reports as soon as he could because they had paid for them. He needed some time to recover from the “emotional emptiness” caused by their arguments and the aggravation of his health conditions. He also was pre-scheduled to teach a four-day engineering seminar, and then he had to catch up on previous work. As a result, he adjusted his target deadline to November 30 and issued his reports a whole week in advance, which in his view gave the Complainant and her mother time to read the reports, make their decisions, and make a useful application of them.
133. The Hearing Panel determined it would receive written closing submissions from the parties.

Summary of Closing Arguments of the IC

134. The IC began by providing background, including referring to statements made by the Member in emails. The IC submitted that the Member’s subjective intent in sending the emails was immaterial. The IC then outlined the charges.
135. In considering the first allegation, the IC reviewed the Member’s October 2023 emails to the Complainant, and argued the statements contained therein were inappropriate and unprofessional. In referring to section 4.3.1 of the APEGA Ethical Practice Guideline, the IC stated the Member’s emails showed the Member had not acted fairly or objectively in his dealings with the Complainant and her mother and that he had failed to communicate in a respectful manner with them.
136. Referring to section 4.5.1 of the APEGA Ethical Practice Guideline, the IC stated that in communicating with the Complainant and her mother, the Member was acting in his professional capacity. Even if he was not, which the IC denied, he was still required to treat them with fairness, dignity, and respect. The IC stated the Member had displayed an intent to discriminate, if not actual discrimination, against the Complainant and her mother. The IC pointed to the Code of Ethics and APEGA Ethical Practice Guideline as requiring compliance from professional members in all circumstances. The IC submitted that the Member’s attempts to excuse or justify his communications were unsuccessful. The IC submitted that regardless of the client’s communications, the Member had failed to respond fairly, respectfully, and with regard for the personal dignity and human rights of the Complainant and her mother.
137. The IC stated that the Member had breached Rule of Conduct 3 by failing to demonstrate the required fairness and objectivity in his communications with the Complainant and her mother. The IC stated he had similarly breached Rule of Conduct 5 and had not upheld and enhanced the honour, dignity, and reputation of the profession and the profession’s ability to serve the public interest because he had communicated with a client in a demeaning manner, without regard for her personal dignity, and in a discriminatory way.
138. In considering the second allegation, the IC submitted only two pieces of paper were produced during the site visit. The first was the invoice, which the IC stated did not contain

a scope of work for the proposed renovations, and the second was a two-page sketch of the Complainant's home, which did not indicate the work the Complainant sought, or which might be required based on the Complainant's wishes.

139. The IC stated there was a dispute in the evidence as to how long the Member spent at the house during the inspection, whether they had pestered him with questions, and how long he had spent reviewing the property on his own. The IC stated there was no dispute that he had been alone for a lengthy period of time during which he could have prepared more detailed notes or sketches.
140. The IC stated that after receiving the two reports, the Complainant's mother had emailed the Member to point out a "mix-up" in their requests and his proposed work, as shown in Figure 2 of his November 21, 2023, report. The IC submitted that the Member's response on November 27, 2023, showed that he did not approach his analysis or his report with the rigour required of a professional member. The IC submitted the lack of documentation showed the Member was reliant on his memory, which was inadequate.
141. The IC reviewed the APEGA Guideline for Contract Employees and Independent Contractors, which was published when the Member was on the Practice Standards Committee. The IC stated he ought to be very familiar with its requirements as a result. The IC submitted the Member's invoice lacked a precise or clearly defined scope of service. It did not include a description of renovations, any steps or tasks, the eventual provision of any reports, a timeline for the completion of work, or what any report might encompass.
142. The IC submitted that the eventual report, produced after 6 weeks, not the 2-3 he testified he had estimated, was completed with inadequate information. The Member took no steps to inquire or confirm the scope but relied instead on his memory and "common sense." The IC submitted this reliance was not appropriate, and did not replace scientific analysis or engineering skill.
143. The IC pointed to the lack of a draft report. The stamped final report did not reflect the Complainant's requirements and could not be relied on by the Complainant due to her lack of confidence in its contents. The IC submitted this showed a failure to follow APEGA guidelines, including preparing adequate notes and drawings, and bring the requisite engineering analysis to the project at hand.
144. Taken together, the IC submitted the Member had displayed a lack of judgement in the carrying out of his duties and obligations undertaken in the practice of the profession and has therefore breached s. 44(1)(e) of the *Engineering and Geoscience Professions Act*.

Summary of Closing Arguments of the Member

145. The Member began by reviewing his unblemished career as an APEGA member, before reviewing the charges and evidence.

146. Regarding the first charge, the Member submitted it consisted of two components. First, a claim of intemperate and demeaning tone in communication and second, a claim of discrimination based on gender.
147. In response to the allegation that the tone of his communications was intemperate and demeaning, the Member stated that review of the emails would show the Complainant did not ask any questions other than about removal of asbestos, which he stated he answered immediately. He stated no other questions were asked, but the Complainant created a false emergency regarding her expiring rental contract, which had never previously been raised with him.
148. The Member submitted that the evidence showed the Complainant's emails were flogging and assaultive, that she refused to consider cooperative solutions he posed, and that her proposed solution put the entirety of the problem on him. The Member rejected the IC proposition that a client is entitled to have a project delivered on a particular date. The Member submitted the evidence showed that when the Complainant realized he would not provide the report in two (2) weeks, her correspondence degraded from demands to insults to him personally and professionally. He submitted his response was appropriate, and there was nothing more professional he could have done in the circumstances.
149. The Member submitted that the evidence showed the Complainant was offensive and unreasonable. Referring to APEGA professionalism guidelines, as asserted by the IC, the Member stated it is only possible to manage client expectations where a client cooperates, listens, and is willing to look for solutions. He submitted that his conduct throughout his dealings with the Complainant and her mother demonstrated his integrity, honesty, fairness, and objectivity.
150. In response to the allegation that he had discriminated against the Complainant on the basis of gender, the Member stated there was no basis to find his use of the words "men," "women," or even "ladies" was discriminatory. He disputed that his intention was immaterial, arguing that in fact, it was of the utmost importance. He referred to dictionary definitions of terms including "physiology" and "discrimination," noting his view that professionals need to recognize the diverse needs of their clients in order to properly serve them.
151. The Member submitted the evidence showed that his statements were never intended to belittle the Complainant, but rather were intended to be conciliatory, and to demonstrate sympathy and understanding. He submitted his reference to challenges men, including himself, face shows he does not discriminate against one gender. He stated that his evidence as to how he has behaved in other situations demonstrated that there is no basis for a finding in relation to this allegation.
152. Regarding the second charge, the Member stated it consisted of three components. First, an allegation that he did not issue a sufficiently precise scope of work. Second, that he did not follow up to confirm the work proposed by the client. Third, a dispute about project timing.
153. As an introductory matter, the Member submitted that the Complainant and her mother's evidence should be approached with caution. He submitted the Complainant and her

mother were not credible, and their testimony should be given less weight because they were emotional and unfair, had exaggerated facts, and had been overly sensitive to his comments. He asked the Hearing Panel to approach their testimony with a high degree of caution, particularly in relation to matters regarding timing, sequence of events, emotional reactions, and accusations. He submitted their recollection about communications on timelines was unreliable and the Hearing Panel should find they were not credible when they say he ordered them to stay in the living room during the inspection. He argued that the evidence, including the length of the final reports and his own memory, showed that the site visit was three hours long.

154. The Member also stated both the Complainant and her mother agree he answered their questions satisfactorily, but did not recall aspects of their conversation, including the Complainant sharing aspects of her personal life, and that he had said the renovation would be massive. He admitted he had not documented the scope of the renovation with proper vigour, but this was because he was multitasking. He stated the drawing created by the Complainant was not available at the inspection visit, or he would have made use of, or at least photographed, it.
155. In response to the allegation that he did not issue a sufficiently precise scope of work, he stated the Complainant's recollection of the scope had changed over time, and although he agreed that he should have documented it better in his own notes, he could not contact them to confirm after they fired him. He used his memory, notes, and measurements to form his conclusions, which were based on engineering sense, not merely common sense. He argued the evidence supported his version of their conversations during the inspection visit.
156. In response to the allegation that he did not follow up to confirm the work proposed by the client, he submitted that ordinarily he might have followed up with the client, but in his case that was out of the question. He further submitted that issuing an unstamped draft report was not necessary in this case.
157. Regarding the project timing, he submitted it was appropriate to provide a range for the completion of the reports, rather than a precise deadline. He referred to the APEGA Guideline for Contract Employees and Independent Contractors (September 2007), arguing that an estimate is sufficient. He referred to the decision of *Kidd v Mississauga Hydro-Electric Commission et al.* (1997), 97 DLR (3d) 535 (ONCJ) to support his position that his estimate was not "wildly inaccurate" and it was clear to the client that his timing estimate was only approximate.
158. Regarding an alleged breach of the APEGA Rules of Conduct, he argued the IC had failed to show he had breached Rules 3 or 5, and that the evidence showed he had behaved with integrity, honesty, fairness, and objectivity, as required by Rule 3, and had upheld and enhanced the honour, dignity, and reputation of his profession and its ability to serve the public interest, as required by Rule 5. The Member noted several lessons he had learned and that he accepted suggestions for improvements in his practice, as articulated in the charges against him. He did not agree, however, that they constituted unprofessional conduct or unskilled practice.

159. The Member closed by cautioning the Hearing Panel that finding against him would produce a demoralizing effect on the profession as a whole. It would deter other engineers from serving the general public and harm the profession by prioritizing expediency over quality and due diligence.

Reply Submissions of the IC

160. The IC responded to the Member's submissions that APEGA practice guidelines are only intended to serve as guidance, not mandatory requirements, pointing to the APEGA website, which states that "APEGA statutory boards may assess a permit holder's or licensed professional's practice and conduct against practice guidelines." The IC reiterated that it asked the Hearing Panel to assess the Member's conduct against the guidelines, as outlined in its initial submissions.
161. The IC emphasized that the Member's intentions in sending the email were immaterial, but his alleged intentions did not withstand scrutiny. The IC submitted that the Member's characterization of himself as a victim and the Complainant as assaultive was not credible and noted he was never under any obligation to take work but was rather expected to manage his work and any medical conditions he had.
162. The IC refuted the Member's reference to definitions of "discrimination" and "psychological functions." The IC submitted that even if differences between men and women are accepted, this does not permit the Member to characterize the Complainant as unreasonable solely on the basis of her gender.
163. Regarding Allegation 2, the IC submitted the Member attempts to undermine the credibility of the Complainant and her mother was ineffective. The IC stated their evidence was substantially corroborated, but that in any event, the Member was required to clarify any confusion. The IC submitted the Member had an obligation to describe his scope of work and to demonstrate through documentation that he had an adequate engineering basis to produce his professional work products. The IC submitted he had failed to do so and had therefore engaged in unprofessional conduct. The IC asked the Hearing Panel to find that both allegations had been proven.

Proposed Surrebuttal of the Member

165. The Member proposed to put forward a surrebuttal to the IC reply submissions. The Hearing Panel asked the Member to provide submissions on why he should be given the opportunity to make surrebuttal submissions and provided the IC an opportunity to respond.
166. The Member wrote that the IC had added new emphasis to certain issues not previously submitted, including the assertion that guideline documents can be interpreted as mandatory, an objection to a dictionary definition of "discrimination," an objection to a similar situation raised by the Member, a statement about the purpose of human rights legislation, and an assertion that clients owe him no loyalty or consideration. He also submitted the IC had argued for the first time that the testimony of the Complainant and her mother corroborated each other, when they were clearly not independent of each other.

167. The IC submitted the Member should not be allowed the opportunity for a surrebuttal, arguing that surrebuttals are only intended to be evidentiary, not argumentative. The IC submitted that as the Member had pointed to no additional evidentiary issues, there would be no unfairness to the Member in denying a further surrebuttal. The IC asked that concerns about the nature of arguments are not sufficient to justify surrebuttal, and that to allow it would lead to inefficiency and undermine finality, as emphasized in case law.
168. The Hearing Panel, having reviewed the closing submissions of both parties, as well as the submissions of both parties on the proposed surrebuttal, determined that the Member would not be permitted to provide a surrebuttal. The Hearing Panel determined there were no new evidence or issues not previously alluded to in the reply submissions of the IC. Further, and having regard to the submissions of the IC, the Hearing Panel found both parties had an opportunity to put their arguments forward, and the process would benefit from expediency and finality.

LEGAL PRINCIPLES THAT APPLY

Onus and Standard of Proof

169. In a discipline hearing, the onus is on the IC to prove the facts alleged in the Notice of Hearing. This means the IC must establish, on a balance of probabilities, that it is more likely than not that the facts alleged occurred.
170. If the alleged particulars are found to be established on a balance of probabilities, the Hearing Panel must determine whether the proven conduct constitutes unskilled practice, or in the alternative, unprofessional conduct.

Unprofessional Conduct

171. Unprofessional conduct is described in s. 44(1) of the EGP Act.⁵ Reference is also made to the Code of Ethics of the profession. The portions of the Code of Ethics alleged to be applicable in this case are Rules 1, 3, 4, and 5. These are titled “Rules of Conduct” and provide:
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.*

⁵ S. 44(1) of the EGP Act: 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 dishonourable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

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.*

Decision of the Hearing Panel as to Whether the Conduct is Factually Proven

172. Applying the foregoing legal principles and considering the evidence before it, the Hearing Panel finds the facts as laid out in Allegation 1, are established and were not in issue at the Hearing. The Member acknowledged that in October 2023, he was retained by the Complainant to complete an engineering report for structural modifications, that he conducted a site visit on October 11, 2023, that the Complainant understood his report would be completed in two weeks, and that he and the Complainant then exchanged emails including the emails he wrote as excerpted.

173. The facts as laid out in Allegation 2 a) through e) are established and were not in issue at the Hearing. The Member acknowledged that in October 2023, he was retained by the Complainant to complete an engineering report for structural modifications, that he conducted a site visit on October 11, 2023, that he issued an invoice with the description as stated, that on November 22 and 23, 2023, he delivered two engineering reports, and that the Complainant's mother then expressed a number of concerns in an email dated November 27, 2023.

174. The Hearing Panel then considered the elements of Allegation 2f) as follows:

Allegation (f) *[The Member] engaged in unskilled practice, or alternatively unprofessional conduct, by engaging in or more of the following:*

Allegation (f)a. *Failing to provide a sufficiently precise scope of work, whether detailed in his invoice or otherwise;*

175. The parties agree that the only description of the scope of the work to be performed can be found on the invoice which stated, "This is our invoice for the on-site inspection of your residence at [REDACTED], Edmonton, Alberta for the proposed miscellaneous renovations." The Hearing Panel has determined that the factual component of this allegation is established. The question of whether this description was sufficiently precise will be considered in the context of whether such conduct was unprofessional.

Allegation (f)b. *Failing to follow up to confirm the work being proposed by the client and what his report would cover;*

176. The Member agreed he did not follow up with the client following the site inspection to confirm the work being proposed and what his report would cover. Therefore, the facts of this allegation are established.

Allegation (f)c. *Relying on imprecise notes and recollections to produce his reports;*

177. The Member admitted the notes he prepared during the site visit were not as precise as what he would usually prepare. He further acknowledged that he relied on his notes, as well as photographs, common sense, engineering sense, and his memory in preparing the final reports. The facts of this allegation are established.

Allegation (f)d. *Offering an imprecise timeline for the completion of his reports;*

178. There is conflicting evidence as to the initial timeline agreed to between the Member and the Complainant. The Complainant recalls that it was two weeks, and the Member's evidence is that he initially provided a timeline of 2-3 weeks. The Member agrees he did not provide a precise timeline for the completion of his reports, and that the final reports were provided approximately six weeks after the site visit. The facts of this allegation are established.

Allegation (f)e. *Failing to issue a draft report to the Complainant to ensure satisfaction with the final professional work product;*

179. The Member acknowledges that he did not issue a draft report to the Complainant, but only a final, stamped report. The Member does not agree that this precludes ensuring satisfaction with a final professional work product. The facts of this allegation are established.

Allegation (f)f. *Failing to issue a revised report when the Complainant pointed out concerns.*

180. The parties agree that the Member did not issue a revised report following correspondence pointing out alleged issues with the reports provided. The facts of this allegation are established.

Is Such Conduct Unprofessional Conduct or Unskilled Practice

Allegation 1

181. The Hearing Panel considered whether the conduct it found had occurred was "unprofessional conduct" pursuant to s. 44(1) of the EGP Act.
182. The Hearing Panel reviewed the emails sent by the Member between October 24, 2023, and October 27, 2023. In particular, the Hearing Panel reviewed the messages sent on October 25, 2023, at 1:07 pm, on October 27, 2023, at 12:56 pm, and on October 27, 2023, at 3:34 pm, and finds that, taken together, the language contained therein is unprofessional.
183. The Member's emails to the Complainant, his client, were sent in the context of a professional engagement to provide engineering services. The emails are disrespectful of the client and contained gendered and potentially discriminatory language. The Hearing Panel agrees with the IC that the Member's intent in sending the emails is not material, and that the wording he used would generally be interpreted as belittling the Complainant based on her gender.
184. The Hearing Panel also finds that using the phrase "a barrage of flogging emails" is disparaging to women and stereotypes women as nagging and unreasonably demanding.

Referring to the Complainant and her mother as “active ladies,” writing “understanding that some women handle this new stage of their life differently and some find it increasingly difficult to stay reasonable. Physiology is hard to battle,” and referring to the Complainant’s behaviour as “beyond absurd at times,” are all derogatory portrayals of and references to the Complainant and her mother. The Hearing Panel considers that even if the gendered element of the language is removed, the Member’s communications are insulting and rude and not the kind of respectful communication expected of APEGA members in the course of their professional duties.

185. The Hearing Panel finds that the initial inquiries from the Complainant seeking information on the completion of the reports were reasonable. The Member’s response to those inquiries was wholly out of proportion and disrespectful. Notwithstanding any initial misunderstanding or miscommunication regarding expecting timing for the completion of the reporting, the Member did not provide an answer to the Complainant on his expected timing for completion of the reports, but instead reacted in a disproportionate and insulting manner intended to compel the Complainant to cease her inquiries and allow him to finish the reporting on his own timing.
186. Members of APEGA have an obligation to be clear and respectful in their communication with clients and to treat their clients with personal dignity and respect. The Hearing Panel finds that the Member breached Rule of Conduct 3 because in the course of his professional activities, he did not treat the Complainant with integrity, honesty, fairness, and objectivity. Further, the Hearing Panel finds that the Member breached Rule of Conduct 5 because his actions did not treat the Complainant in a respectful manner with due regard to the honour, dignity, and reputation of the profession.
187. Therefore, the Hearing Panel finds the Member did engage in unprofessional conduct under s. 44(1) of the EGP Act and in breach of Rules of Conduct 3 and 5 of the Code of Ethics.

Allegation 2

188. The Hearing Panel considered whether the conduct it found had occurred was unskilled practice of unprofessional conduct pursuant to s. 44(1) of the EGP Act.
189. The Hearing Panel considered the specifics of Allegation 2.(f).
190. Regarding Allegation 2.f)a., the IC argues that the Member ought to have provided more description of the work to be performed such as a description of renovations, any steps or tasks, the eventual provision of any reports, a timeline for the completion of work, or what any report might encompass. The Hearing Panel agrees that the invoice lacked specificity as to the nature of the work to be performed. However, it finds that in the context of a small residential project, more detail might have been desirable but was not required. The Hearing Panel agrees with the Member that an enhancement in this regard would be an improvement in the Member’s practice and encourages him to consider implementing this as part of his practice going forward.
191. As a result, the Hearing Panel does not find that that the conduct as proven constitutes unskilled practice or unprofessional conduct.

192. Regarding Allegation 2.f)b., the Panel finds that the Member's failure to follow up with the client following the site inspection to confirm the work and what his report would cover is below the standard expected of a regulated member of APEGA. The Member has admitted that his notes were incomplete and that he had a faulty recollection of the nature of the work to be performed. In reviewing the reports and the drawings, it is clear the Member did not adequately recall the scope of work the clients requested he provide an opinion on. The Member did not take reasonable steps to rectify an admitted gap in his record keeping.
193. The Hearing Panel considered whether the conduct, as proven in this case, amounted to unskilled practice, and is of the view that although the Member's response to a lack of clarity when he went to draft his reports is not exemplary, there is no evidence that he lacked the requisite engineering knowledge or technical skill. Rather, the Hearing Panel finds that the Member's conduct in failing to address the gaps in his knowledge of the project scope when it came to light demonstrates unprofessional conduct. When the Member knew his records were inadequate, he nevertheless chose not to take the steps to rectify the errors.
194. Connected to the same facts is Allegation 2.f)c., regarding the Member's reliance on imprecise notes and recollections to produce his reports. The Member admits the notes he prepared during the site visit were not as precise as what he would usually prepare. The Hearing Panel has reviewed the records produced during the October 11, 2023, site visit, the reports prepared by the Member and noted the Member's evidence that the most relevant photos taken during the site visit were included in the reports. The Hearing Panel has also considered the evidence of the Complainant and her mother as to inaccuracies in the reporting. The Hearing Panel determined that the IC has proved unprofessional conduct on the part of the Member in relation to this allegation.
195. The Hearing Panel considered whether the facts as proven are evidence of unskilled practice and finds that there is insufficient evidence to show his practice was unskilled in relation to this allegation. The evidence does not demonstrate that the Member lacked an understanding of the information that he required to complete his report but rather, the evidence shows that the Member relied on imprecise notes and memories to produce his reports and this is unprofessional conduct.
196. Regarding Allegation 2.f)d., the Hearing Panel does not find that it is unprofessional conduct for an engineer to issue an estimated time of completion for reporting, nor does the Hearing Panel make a finding regarding what the initial time frame provided was.
197. The Hearing Panel finds the initial estimate for completion, whether two weeks as the Complainant remembered, or 2-3 weeks as the Member recalled, is immaterial. The issue is that when the Complainant sought an answer as to when she could expect the final reporting to be completed, the Member failed to respond to those reasonable inquiries, leaving the Complainant with no idea when she could expect the reporting to be completed. The delivery of the final reports, approximately six weeks after the initial site visit, shows how imprecise the Member's estimate for the completion of his reporting was and it is this conduct which the Hearing Panel finds unprofessional. The failure to engage meaningfully with a client regarding the expected timeline for the completion of the report, even in the face of reasonable inquiries from a client, is unprofessional conduct.

198. Regarding Allegation 2.f)e., the Hearing Panel finds that in the context of a small, residential contract, the Member's approach of providing a stamped final report when the invoice has already been paid is reasonable. The Hearing Panel does not agree with the IC that it is necessary to provide a customer with a draft report in advance of the final, stamped version. Again, although this might be best practice, and the Hearing Panel encourages the Member to consider implementing this in his own work, the Hearing Panel does not find the failure to issue a draft report rises to a level demonstrating unskilled practice or unprofessional conduct.
199. Regarding Allegation 2.f)f., the Hearing Panel finds the failure to respond to the Complainant's mother regarding the problems in the reporting falls below the standard expected of an APEGA member and demonstrates unprofessional conduct. The Hearing Panel has considered that when on November 27, 2023, the Complainant's mother advised the Member of inaccuracies in his reports, he took no steps to revise the reports, or to address the concerns raised by the Complainant's mother. The Hearing Panel is of the view this failure to respond when inadequacies in his work were raised is unprofessional conduct. The Hearing Panel notes the Member provided an inaccurate technical report to lay people. Even if the parts of the reporting that were inaccurate were immaterial, once it was pointed out to him, the Member had a professional obligation to correct the errors and provide a revised report. The factual inaccuracies pointed out by the Complainant's mother were such that she and the Complainant could no longer rely on the Member's professional expertise. They chose to install a different type of window than they had originally planned, because they did not feel confident returning to the Member based on his inaccurate reporting.
200. The Complainant paid an engineer to provide his professional opinion and received two reports they could not rely on. The Hearing Panel considered whether this demonstrates unskilled practice and determined the errors related to the scope of the report, rather than to the technical engineering skill. As a result, the Hearing Panel does not find this conduct demonstrates unskilled practice. However, the Hearing Panel does find the failure to provide an accurate report, particularly in the face of the noted deficits, constitutes unprofessional conduct.
201. Having reviewed Allegation 2 in its totality, the Hearing Panel finds that the Member breached Rule of Conduct 3 of the Code of Ethics and, in particular, failed to conduct himself with integrity, honesty, fairness, and objectivity by failing to follow up to confirm the proposed work and what his report would cover, by relying on imprecise notes and recollections, by failing to respond to reasonable inquiries regarding the completion of the reporting, and by failing to issue a revised report when factual errors in it were pointed out to him.
202. The Hearing Panel further finds that the Member breached Rule of Conduct 5 of the Code of Ethics and in particular failed to uphold and enhance the honour, dignity, and reputation of his profession and thus the ability of engineers to serve the public interest by failing to follow up to confirm the proposed work and what his report would cover (Allegation 2.f)b.), by relying on imprecise notes and recollections (Allegation 2.f)c.), by failing to respond to reasonable inquiries regarding the completion of the reporting (Allegation 2.f)d.), and by failing to issue a revised report when factual errors in it were pointed out to him (Allegation 2.f)f.).
203. As a result, the Hearing Panel finds that the Member has breached s. 44(1) of the EGP Act in relation to Allegation 2.f)b., c., d., and f.

204. Finally, the Hearing Panel considered the Member's concerns regarding aspects of the investigative process. Without making any findings, the Hearing Panel is of the view that any flaws in the investigative process, caused by technical and timing issues which resulted in the investigative panel failing to ask all its questions and form its own opinion, were cured during the full contested hearing into the allegations. During the hearing process, the parties called witnesses, tested the evidence, and made fulsome submissions on the facts and the law. The Hearing Panel in turn was afforded the opportunity to consider each allegation and the evidence tendered by both parties.

CONCLUSION

205. For the reasons set out in this decision, the Hearing Panel finds the Member did engage in unprofessional conduct under s. 44(1) of the EGP Act.
206. The Hearing Panel has determined that Allegation 1 is made out and results in a finding the Member engaged in unprofessional conduct. The Hearing Panel has further determined that Allegation 2.f)b., c., d., and f. are supported and result in a finding that the Member engaged in unprofessional conduct. The Hearing Panel has determined that Allegations 2.f)a. and e. do not constitute unprofessional conduct.
207. As set out in the introduction, further submissions on sanction are directed to be provided as set out in paragraph 3 of this Decision.

Dated this 16th day of June 2025.

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

Alex Bolton

Signed with ConsignO Cloud (2025/06/19)
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Alex Bolton, P.Geo., Discipline Committee
Panel Chair

Paul Kavanagh

Signed with ConsignO Cloud (2025/06/19)
Verify with verifio.com or Adobe Reader.



Paul Kavanagh, P.Geo., Discipline Committee
Panel Member

William (Bill) Gaudette

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Bill Gaudette, Public Member, Discipline
Committee Panel Member

Christine Neff

Signed with ConsignO Cloud (2025/06/19)
Verify with verifio.com or Adobe Reader.



Christine Neff, P.Eng., Discipline Committee
Panel Member

Kim Maddin

Signed with ConsignO Cloud (2025/06/19)
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Kim Maddin, P.Eng., Discipline Committee
Panel Member

Appendix "A" – List of Exhibits

No.	Description	Date
1	Index of Documents provided by the Investigative Committee (21 documents - including the Notice of Hearing, Communications between the Member and the Complainant, Communications between APEGA and the Member, APEGA Investigative Committee Report, APEGA Guidelines, legislation and the Code of Ethics)	
2	Collection of emails marked KA-7	October 24, 2023, to October 27, 2023
3	Email from [REDACTED] to investigations@apega.ca marked KA-1	November 7, 2023
4	Medical statement of [REDACTED]	August 2, 2024
5	Medical statement of [REDACTED]	August 21, 2024
6	2023 Residential Permits and Fees	January 1, 2023, to December 31, 2023



The Association of Professional
Engineers and Geoscientists of Alberta

**APEGA
DISCIPLINE COMMITTEE**

DECISION ON SANCTIONS

Hearing Dates: Written Submissions
Date of Decision: October 9, 2025
APEGA Discipline Case Number: 24-07

**IN THE MATTER OF A HEARING OF THE DISCIPLINE COMMITTEE
OF THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND
GEOLOGISTS OF ALBERTA (“APEGA”)
Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000**

**Regarding the Conduct of Konstantin Ashkinadze, P. Eng.
(the “Member”)**

On June 16, 2025, a Hearing Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of Alberta (“APEGA”) found Konstantin Ashkinadze, P.Eng., guilty of unprofessional conduct in relation to emails sent by the Member to the Complainant and another individual in the context of providing engineering services. In addition, the Hearing Panel found Mr. Ashkinadze guilty of unprofessional conduct for failing to follow up to confirm the work being proposed by the client and what his reporting would cover; relying on imprecise notes and recollections to produce his reports; offering an imprecise timeline for the completion of his reports; and failing to issue a revised report when the complainant pointed out concerns.

The parties provided written submissions on sanction in accordance with the directions of the Hearing Panel. On August 28, 2025, the Hearing Panel met to consider the submissions and an appropriate sanction.

A Hearing Panel is an independent group of decision-makers made up of members of the Discipline Committee. The Hearing Panel in this matter was comprised of four regulated members and one member of the public.

DECISION OF THE HEARING PANEL

Pursuant to sections 63 and 64 of the *Engineering and Geoscience Professions Act*, the Hearing Panel issued the following orders on sanction:

1. Mr. Ashkinadze is reprimanded, with the decision of the Hearing Panel serving as the reprimand;
2. Mr. Ashkinadze shall pay a fine in the amount of \$1,500 within six (6) months of the sanction decision;
3. Mr. Ashkinadze shall provide confirmation that he has reviewed and will comply with the requirements of the APEGA publication *Professional Practice Guideline, Ethical Practice, 2022* within six (6) months of the sanction decision;
4. Mr. Ashkinadze shall complete an approved course within twelve (12) months of the sanction decision;
5. Mr. Ashkinadze shall provide a statement within three (3) months of the completion of the course describing what he learned from the course and reflecting on the Hearing Panel findings;
6. Mr. Ashkinadze shall pay \$10,000 towards the costs of the investigation and hearing; and
7. The matter and its outcome shall be published by APEGA with the name of the member identified.