

## Complaints Against Former Members

*Improved Public Interest*

To better protect the public, APEGA must be able to investigate and discipline individuals and companies for unskilled practice or unprofessional conduct that occurred while they were licensed with APEGA.

- |                                |   |
|--------------------------------|---|
| Background                     | <ul style="list-style-type: none"><li>• Currently, complaints against a Professional Member, Licensee, Permit or Certificate Holder whose registration has been cancelled “must be dealt with” within two years of the date of cancellation.</li><li>• APEGA has the authority to regulate complaints against former Members only within that timeframe.</li></ul>  |
| Why it is important            | <ul style="list-style-type: none"><li>• The length of time for issues to surface relating to work by Professional Engineers and Professional Geoscientists may often be longer than two years.</li><li>• It is in the public interest that a former Member or Permit Holder be accountable for the same time periods for conduct that occurred while they were a Member.</li><li>• The current wording that a complaint “must be dealt with” within two years is confusing and could mean the entire investigation, discipline, and appeal process related to the complaint must be completed within two years; or it could mean that as long as APEGA receives the complaint within 2 years APEGA has jurisdiction over the former member.</li></ul> |
| Proposed legislative changes   | <ul style="list-style-type: none"><li>• It is recommended the legislation be amended to clarify that a complaint against a current or former member or permit holder may be commenced within the limitation periods provided for under the Alberta <i>Limitations Act</i>.</li></ul>  |
| Effect of the proposed changes | <ul style="list-style-type: none"><li>• The <i>Limitations Act</i> limitation would be comparable to construction and other engineering or geoscience related limitation periods.</li><li>• The proposed wording does not contain a specified number of years but instead refers to the <i>Limitations Act</i>. The reason is that if the time periods in the <i>Limitations Act</i> change in the future, the corresponding time limits under the Act will automatically change to match.</li></ul>  |