



APEGA Recommended Discipline Order

APEGA members and permit holders are required to practise engineering and geoscience skillfully, ethically, and professionally. They must meet all prescribed requirements and follow all applicable legislation and regulations, such as the [Engineering and Geoscience Professions Act, General Regulation, Code of Ethics, and APEGA bylaws](#). Investigation and enforcement—followed by, when necessary, judgment based on a fair hearing of the facts—are requirements of ours in service to the public interest. For more information, please visit www.apega.ca/enforcement/discipline-decisions.

Date: March 13, 2023

Discipline Case Number: 23-003

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF [AN APEGA MEMBER]**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of [An APEGA Member]

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of [Name Withheld] (“the Registrant”) with respect to a complaint initiated by [Name Withheld] (“the Complainant”).

A. THE COMPLAINT

The Complainant filed a complaint alleging the Registrant engaged in unprofessional conduct as defined at section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*) with respect to the misuse of the Complainant’s professional stamp.

The Investigative Committee’s investigation focused on the following allegation:

Whether the Registrant applied the Complainant’s professional stamp and signature to a professional work product without the Complainant’s knowledge or consent which was then sent to a client.

The Investigative Committee also investigated four other allegations outlined in the complaint. The Investigative Committee determined that there was insufficient evidence of unprofessional conduct in relation to these other four allegations.



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II. AGREED STATEMENT OF FACTS:

(i) Background:

1. The Registrant holds a Bachelor of Science degree in mechanical engineering (1995) from the University of Alberta and a Master of Business Administration (2002) from the University of Calgary. They have been a professional member of APEGA since 1998.
2. The Registrant last took the National Professional Practice Examination (NPPE) in 1997.
3. The Registrant was the Complainant's supervisor.
4. The Registrant is one of four Responsible Members at the company.
5. The Registrant has cooperated with the APEGA investigation.

(ii) Facts Relating to the Allegation:

Whether the Registrant applied the Complainant's professional stamp and signature to a professional work product without the Complainant's knowledge or consent which was then sent to a client.

6. In June 2022, the Complainant was working on revision 8 of a professional work product (PWP) relating to a fault tree analysis.
7. The Registrant informed the Complainant that revision 7 of the PWP in question, held on the company's network, was the next revision of the document for the Complainant to review and authenticate.
8. The Registrant, in their role as the Complainant's supervisor and the company's primary person submitting documents to the client, intended to release revision 7 to the client.
9. The Complainant refused to authenticate revision 7 citing that they could not confirm what changes had been made to the document. The Complainant further stated that they were working on revision 8 which, once completed, should be sent to the client.



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10. The Registrant conducted a comparison of revision 6, 7 and 8. They assumed that the Complainant had accepted several changes throughout all three of the revisions. The Registrant determined that two changes relating to the tag names for power supply were the only material differences between revision 7 and revision 8. The Registrant made the requisite change and high-lighted it as a red-line change. The Complainant had refused to authenticate those changes as the Complainant claimed that they had not made the changes to the tag numbers. The Registrant also high-lighted as red-line changes, all of the changes made by the Complainant in revision 8 to reflect the changes from revision 6.
11. The Registrant applied the cover page for revision 8, which the Complainant had authenticated, to the revision 7 document. The Registrant modified the cover page to reflect that the attached document was revision 7. The Registrant then applied the company's permit to practice stamp and sent the document (revision 7) to the client.
12. Company practice is to have the next available revision, based on the revision sequence, latest to most recent, held on the company's network, be released to the client.
13. The Complainant later became aware that the Registrant had applied the digital image of the Complainant's professional stamp and signature to the revision 7 document, without the Complainant's knowledge or consent.
14. The Registrant inappropriately manipulated the cover sheet for revision 8, which contained a digital image of the Complainant's professional stamp and signature, applied the cover sheet to revision 7, which the Registrant then sent to the client.
15. Section 49 of the *Engineering and Geoscience Professions General Regulation* (2014) (the *General Regulation*), states, in part:

Signing and sealing of documents:

When the practice of engineering or geoscience is carried on by a partnership, corporation or other entity pursuant to a permit under section 48, all final plans, specifications, reports or documents of a professional nature must

- (a) *be signed by and stamped or sealed with the stamp or seal of*
 - (i) *the professional member or licensee who prepared them or under whose supervision and control they were prepared.*



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16. Section 54 of the *General Regulation*, states, in part:

Use of stamps and seals issued to members

(1) A stamp or seal issued to a professional member or licensee must at all times remain under that person's direct control and must be applied by the professional member or licensee or by a person acting under the professional member's or licensee's immediate and direct control to all final plans, specifications, reports or documents of a professional nature

- (a) that were prepared by the professional member or licensee or under the professional member's or licensee's supervision and control.*

[...]

- (3) When a stamp or seal is applied, the professional member or licensee to whom it was issued shall ensure that the stamp or seal is accompanied with that person's signature and the date on which the stamp or seal is applied.*

17. The APEGA Professional Practice Standard, Authenticating Professional Work Products, January 2022, states in part:

“For physical authentication, licensed professionals must apply their stamp, handwrite their signature, and insert their APEGA ID number and the date. They may also allow a person under their direct supervision and control - and who is authorized in writing to do so - to apply the stamp and insert their APEGA ID number, but licensed professionals must always personally sign and insert the date as the final step in authentication.”

“For digital authentication, licensed professionals must apply the digital signature themselves, including the date. The digital signature cannot be delegated, even to those under the licensed professional's direct supervision and control. They may allow a person under their direct supervision and control - and who is authorized in writing to do so - to insert images of the stamp, APEGA ID number, and the date, but licensed professionals must always apply their own digital signature as the final step in authentication.”

18. Disciplinary action was taken against the Registrant by the company.



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19. The Registrant acknowledges that they failed to adhere to sections 49 and 54 of the *General Regulation*, and the APEGA Professional Practice Standard, Authenticating Professional Work Products, January 2022.
20. The Registrant further admits that the conduct described in the allegation constitutes unprofessional conduct.

B. CONDUCT BY THE REGISTRANT

21. The Registrant freely and voluntarily admits that at all relevant times the Registrant was a professional member of APEGA and was thus bound by the *EGP Act* and the *APEGA Code of Ethics*.
22. The Registrant acknowledges and admits that his conduct as described in Section B of this Recommended Order amounts to unprofessional conduct as defined in section 44(1) of the *EGP Act*:

Section 44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board

- (a) *is detrimental to the best interests of the public;*
- (b) *contravenes a code of ethics of the profession as established under the regulations;*
- (c) *harms or tends to harm the standing of the profession generally;*
- (d) *displays a lack of knowledge of or a lack of skill or judgment in the practice of the profession or;*
- (e) *displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.*

whether or not that conduct is disgraceful or dishonorable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.



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23. The Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public, contravenes a code of ethics of the profession, and harms or tends to harm the standing of the professional generally.
24. The Registrant admits that their conduct was also contrary to Rules of Conduct 3 and 4 of the *APEGA Code of Ethics*, which state:
 3. *Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.*
 4. *Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.*

C. RECOMMENDED ORDERS:

25. On the recommendation of the Investigative Committee, and by agreement of the Registrant, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:
 - a. The Registrant shall be reprimanded for their conduct and this Order shall serve as the reprimand.
 - b. The Registrant shall provide written confirmation to the Director, Enforcement, within six (6) months of being notified that the Recommended Order has been approved by the Discipline Committee Case Manager, that they have reviewed the following APEGA publications, and that the Registrant will comply with the requirements therein:
 - i. Ethical Practice Guideline (August 2022);
 - ii. Authenticating Professional Work Products Practice Standard (January 2022).
 - c. The Registrant shall provide the Director, Enforcement, within six (6) months of the date this Order is approved by the Discipline Committee Case Manager, a letter of apology to the Complainant suitable to the Director, Enforcement, which shall include what the Registrant learned about the ethical and professional responsibilities of a professional engineer serving as a Responsible Member and how these learnings will affect their future practice.



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- d. If there are extenuating circumstances, the Registrant may apply in writing to the Director, Enforcement, for an extension prior to the deadlines noted above in sub-paragraphs 25 (b) and (c). The approval for extending a deadline is at the discretion of the Director, Enforcement. If such an application is made, the Registrant shall provide the Director, Enforcement, the reason for the request, a proposal to vary to deadline, and any other documentation requested by the Director, Enforcement.

If the Registrant fails to provide the Director, Enforcement with written confirmation / proof that he has completed the requirements noted above in sub-paragraphs 25 (b) and (c) within the timelines specified, the Registrant shall be suspended from the practice of engineering until the Registrant has provided the Director, Enforcement with written confirmation / proof of successful completion.

If the requirements are not completed within six months of the suspension date, the Registrant shall be cancelled. In the event the Registrant is cancelled he will bound by APEGA's reinstatement policy.

- e. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will not name the Registrant.
26. Although there is a presumption that Recommended Orders should be published in a manner that identifies the name of the Registrant who is the subject of the Recommended Order, publication without names is being recommended in this case. Among the considerations that weighed into the recommendation not to publish the name of the Registrant in this case was the following: the Registrant's actions did not compromise public safety, the Complainant's standing in the engineering and geoscience community did not appear to have been adversely impacted by the Registrant's actions, and, the Registrant has expressed a prompt acceptance of his professional responsibility.



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

Signed,

[REGISTRANT]

MR. IAN BUTTERWORTH, P.Eng.
Panel Chair, APEGA Investigative Committee

TOM GREENWOOD-MADSEN, P.Eng.
Case Manager, APEGA Discipline Committee

Date: March 13, 2023