



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: May 17, 2023

Discipline Case Number: 23-007

**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) by engaging in inappropriate communication through the Registrant's Twitter account.

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

Whether the Registrant, on or about October 22, 2022, used inappropriate language while communicating through the Registrant's Twitter account.

B. AGREED STATEMENT OF FACTS

(i) Background:

1. The Registrant holds a Bachelor of Science degree in mechanical engineering (1995) from the University of Alberta. They have been a professional member of APEGA since 1997.



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2. The Registrant last took the National Professional Practice Examination (NPPE) in 1997.
3. The Registrant has cooperated with the APEGA investigation.

(ii) Facts Relating to the Allegation:

Whether the Registrant, on or about October 22, 2022, used inappropriate language while communicating through the Registrant's Twitter account.

4. In October 2022, the Complainant discovered Twitter communications posted online by the Registrant.
5. The Registrant identified himself on their Twitter home page as a mechanical engineer located in Alberta.
6. The Complainant confirmed via the APEGA member public directory that the Registrant was a practicing member of APEGA.
7. The Complainant found the Twitter postings to be inappropriate and demeaning.
8. The Registrant's Twitter postings can generally be described as reflecting the Registrant's displeasure with COVID-19 public health measures, the leader of the federal NDP party, and the prime minister of Canada.
9. Some of the Twitter postings sent by the Registrant were a direct response to Twitter accounts held by the federal NDP party leader, and a Calgary based emergency physician.
10. In one of the Registrant's most egregious Twitter postings, the Registrant accused the prime minister of Canada of being a pedophile.
11. The Registrant's Twitter account and postings were publicly available to anyone searching on the internet.
12. The Registrant has since deactivated their Twitter account.
13. The Engineering and Geoscience Professions General Regulation, Preamble to the Schedule, Code of Ethics, states:



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“Professional engineers and geoscientists shall recognize that professional ethics is founded upon integrity, competence, dignity and devotion to service. This concept shall guide their conduct at all times.”

14. APEGA's Professional Practice Guideline (August 2022), states, in part, the following:

Definition of Unconscious Bias:

“Social stereotypes about certain groups of people that individuals form outside their conscious awareness. Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from the tendency to organize social worlds by categorizing (APEGA Women in the Workplace: A Shift in Industry Work Culture report, 2021). These biases include assumptions, beliefs, perceptions, attitudes, and stereotypes about different groups of people, including characteristics such as race, skin colour, ethnic origin, age, religion, family status, ancestry, political beliefs, linguistic and cultural background, gender, sex, sexual orientation, and physical and mental disability.”

Section 4.2.4, Providing Advice:

That Registrants “should not use their title or designation to bolster their views in areas in which they do not have competence, including in areas not related to engineering or geoscience. Using designations in social media posts, for example, should be carefully considered.”

Section 4.3.4, Expressing Opinions in Public:

That Registrants “should clearly distinguish between facts, assumptions, and opinions in their professional work and also in public articles and comments (including social media) with respect to their professional work. When expressing opinions or taking part in public discussion, (Registrants) should disclose on whose behalf they are giving opinions or statements and use their professional titles and designations appropriately.”

That Registrants “should avoid bias due to political, economic, or other factors.”

That Registrants “can hold personal or political interests, but they should separate their personal views from their professional activities....”

15. The Registrant acknowledges that they failed to adhere to APEGA's Ethical Practice Guideline, August 2022.



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16. The Registrant further admits that the conduct described in the allegation constitutes unprofessional conduct.

C. CONDUCT BY THE REGISTRANT

17. 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.
18. The Registrant acknowledges and admits that their conduct as described in Section B of this Recommended Order amounts to unprofessional conduct as defined in section 44(1) of the EGP Act:

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; displays a lack of knowledge of or a lack of skill or judgment in the practice of the profession or;*
- (d) 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;*
- (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.

19. 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.



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20. The Registrant admits that their conduct was also contrary to Rules of Conduct 3, 4 and 5 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.
5. Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions and, thus, the ability of the professions to serve the public interest.

D. RECOMMENDED ORDERS:

21. 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 he has reviewed the following APEGA publication, and that the Registrant will comply with the requirements therein:

Ethical Practice Guideline (August 2022)

- c. The Registrant shall provide the Director, Enforcement, within twelve (12) months of the date this Order is approved by the Discipline Committee Case Manager, proof of successful completion (passing grade) of a post-secondary level course, in-person or online, in equity, diversity, inclusion and unconscious bias, that is satisfactory to the Director, Enforcement, such as, 'Introduction to Equity, Diversity and Inclusion – XBUS 3600' offered through Norquest College.

The course shall be completed at the Registrant's expense. If the course is no longer available on approval of this order, at the discretion of the Director, Enforcement, another course in equity, diversity, inclusion and unconscious bias may be substituted.



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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 19 (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 19 (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.
22. 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 their 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]

SHERMAN CHAN, P.Eng.
Panel Chair, APEGA Investigative Committee

RALPH TIGNER, P.Eng.
Case Manager, APEGA Discipline Committee

Date: May 17, 2023