



Professional Engineers and Geoscientists of BC

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COMPLAINT INVESTIGATION PROCEDURE

The complaint investigation procedure described below is designed and operated to be fair to both our members and complainants. All information about complaints and investigations is kept strictly confidential until a Notice of Inquiry has been served, except where public duty requires earlier disclosure. In case of any discrepancy between this document and the Engineers and Geoscientists Act (the “Act”) or the Bylaws passed under the Act, the Act and the Bylaws shall govern. Full details of the procedure can be found in sections 28 through 39 of the Act.

Investigations of members can also be initiated by the Association’s Investigation Committee pursuant to its powers under subsection 30(3) of the Act. The procedures set out below from paragraph 10 onwards are generally applicable to an investigation under subsection 30(3).

Any person wishing to make a complaint (a “complainant”) about the professional conduct or behaviour of a member can do so through the following procedure:

1. A complaint initially must be reviewed by the designated member (the “Designated Member”) appointed by the Registrar of the Association. The Designated Member is assisted in information gathering, processing and analysis by the Associate Director, Regulatory Compliance (the “Associate Director”).
2. A letter setting out the circumstances on which the complaint is based is sufficient, but copies of relevant documents should be included. Complaint letters and enclosures should be mailed to the Associate Director and should be reproducible quality.
3. The Associate Director will write to the complainant to acknowledge receipt of the complaint. The Associate Director may request further information or clarification from the complainant. In appropriate cases, the file may be referred at this stage to the Designated Reviewer, who may determine that it would not be appropriate to proceed with the complaint. Typically this occurs where there is a lack of jurisdiction or where the complaint letter and documents do not disclose a potential breach of the Act or Bylaws.
4. In cases where the complaint concerns common strata property and the complainant is not the duly designated representative of the Strata Council, the Associate Director will require written confirmation from the Chair of the Strata Council that the complaint is being made on behalf of all of the owners. In the absence of this, the complaint file will be closed.

5. Once the required information has been received from the complainant, the Associate Director will write to the member, enclosing a copy of the complaint materials and request a written response to the complaint. A time limit will be set for receipt of the member's response by the Association.
6. Upon receipt of the member's response, the Associate Director will forward the member's response to the complainant and ask if the complainant wishes to make any comments on the member's response.
7. The Associate Director may also request or obtain documents from other sources, as necessary. Once the Associate Director has all the required documents and information, the file is given to the Designated Member to review the complaint documents and any report by the Associate Director.
8. If after the review the Designated Member considers that further investigation of the complaint is not warranted, the complainant and the member are informed, in writing, of the reasons.
9. If the Designated Member considers that further investigation of the complaint is warranted, the Designated Member will submit a report to the Investigation Committee recommending further investigation.
10. The Investigation Committee will consider the report from the Designated Member and may then conduct a further investigation and request additional information from the complainant, the member or others with knowledge of the circumstances relating to the complaint. Failure by a member to respond to a request for information from the Investigation Committee is a breach of the *Engineers and Geoscientists Act*.
11. If the Investigation Committee determines that the complaint should not go to an inquiry before the Discipline Committee and that the file should be closed with no further action, the complainant and the member are informed, in writing, of the reasons why an inquiry will not be held. The Investigation Committee may also make recommendations to the member.
12. If the Investigation Committee determines there are reasonable and probable grounds to believe that the member has breached the Act (including failure by the member to respond to a request for information) or Bylaws or Code of Ethics, or has demonstrated incompetence, negligence or unprofessional conduct, the Investigation Committee will ask the Association's lawyer to review the file materials and, if there is sufficient evidence to proceed, draft a Notice of Inquiry for consideration by the Investigation Committee.
13. After approval of the Notice of Inquiry by the Investigation Committee as its recommendation for an inquiry, a member of the Discipline Committee signs the Notice of Inquiry and it is served on the member. The Notice of Inquiry sets out the allegations and the date for a hearing before a panel of the Discipline Committee.

14. Prior to the inquiry hearing, a Stipulated Order is offered to the member by the Association to resolve the complaint voluntarily without having to proceed to an inquiry. The Stipulated Order is prepared by one or more members of the Discipline Committee, the reviewing member(s), who review the file materials and determine an appropriate penalty. The Stipulated Order is not negotiable: if the member refuses the Stipulated Order an inquiry hearing must be held.
15. If the member decides to accept the Stipulated Order, liability for the allegations contained in the Notice of Inquiry is acknowledged and the penalty determined by the reviewing member(s) is imposed. The Stipulated Order is signed by the member and the reviewing member and is published by the Association on its website. Notice of the Stipulated Order is distributed to municipalities throughout the Province, to engineering and geoscience regulators across Canada, and is published in the Association's magazine, on its website, and in local newspapers.
16. If the Stipulated Order is rejected by the member, an inquiry hearing is held before a Discipline Committee panel (the "panel") comprised of at least three members of the Discipline Committee.
17. The inquiry hearing is conducted in a formal manner generally following the procedures used in a Court. The inquiry hearing is open to the public and there is a court reporter present during the inquiry hearing to transcribe the proceedings
18. If the member is found liable for any of the allegations in the Notice of Inquiry, the panel may do one or more of the following:
 - (a) reprimand the member;
 - (b) impose conditions on the membership of the member;
 - (c) suspend the membership of the member;
 - (d) revoke the membership of the member;
 - (e) impose a fine of not more than \$25,000 on the member to be paid to the Association.
19. In addition, if the member is found liable the panel may direct that the costs of the investigation and the inquiry hearing be paid by the member. Similarly, if the member is found not liable, the panel may direct that the Association pay the member's costs.
20. If the member is found liable, the panel's decision is published on the Association's website, and notice of the decision is published in the Association's magazine, and in local newspapers. Municipalities throughout the Province and engineering and geoscience regulators across the country are also notified of the disciplinary action against the member.
21. The member or the Association has 42 days to appeal the panel's decision to the Supreme Court of British Columbia. (There is no statutory appeal from the decision of the Designated Member or the Investigation Committee to close a file).

Further information on the complaint process and on preparing and filing a complaint can be obtained from Beverley Mitovic, Compliance Officer, at 604-412-4869 (toll free at 1-888-430-8035 ext. 272) or email bmitovic@apeg.bc.ca.

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