

**IN THE MATTER OF
THE ENGINEERS AND GEOSCIENTISTS ACT
R.S.B.C. 1996, CHAPTER 116 AS AMENDED**

- and -

IN THE MATTER OF Randall W. Hartford, P.Eng.

DISCIPLINE COMMITTEE PANEL:

Roy Wares, P. Eng., Chair
Darryl Chambers, P. Eng.
Chris Newcomb, P.Eng.

Counsel for the Association;

Robert W. Hunter
Meagan Lang

Randall W. Hartford, Appearing on his Own Behalf

DETERMINATION

INTRODUCTION

- [1] A Discipline Committee Panel (the Panel) of the Association of Professional Engineers and Geoscientists of British Columbia (the Association) under authority of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, C. 116, (the *Act*), held an inquiry to examine the alleged contraventions of the *Act* by Randall W. Hartford, P.Eng.
- [2] Mr. Hartford was a member of the Association under the Professional Engineer (Geotechnical) designation at all times relevant to the matters herein in question.
- [3] The allegations against Mr. Hartford are:
- .. contrary to the Act, you have demonstrated unprofessional conduct by your failure to provide the Association's Investigation Committee with the information or records in your possession or control, as required by section 30(4) of the Act, as requested by the Association in:*
- (a) a letter to you dated September 8, 2006;
- (b) an e-mail message to you dated September 21, 2006; and

(c) a fax to you dated September 21, 2006

- [4] The Panel convened on Friday December 8, 2006 at 9.30 am. Mr. Hunter informed the Panel that he had been contacted by Mr. Hartford that morning and that Mr. Hartford was attempting to locate a document to fax to both the Association and Mr. Hunter. After an adjournment and receipt of part of the document, the Panel agreed, after a teleconference with Mr. Hartford, to adjourn to Wednesday December 13th, 2006 to allow Mr. Hartford to seek legal counsel, if he so chose, and provide relevant documents. The Panel and Mr. Hunter stressed to Mr. Hartford that the Panel was only addressing the substance of the allegation by the Investigation Committee, not the underlying technical issues that gave rise to the original complaint by a member of the public.
- [5] The Panel reconvened on Wednesday, December 13, 2006 at 9.00 am. Mr. Hartford was present. When asked by the Panel Chair, Mr. Hartford made no objections to the inclusion of the members of the Discipline Committee and verbally stated that he accepted the jurisdiction of the Committee. Mr. Hartford was unrepresented by counsel and indicated he would proceed without counsel. Mr. Hartford denied the allegation.

BURDEN AND STANDARD OF PROOF

- [6] Mr. Hunter opened the hearing by informing the Panel of the rules of evidence, the burden of proof upon the Association and the standard of proof that the Panel must apply in reaching its decision. Mr. Hunter made clear that the burden of proof always rests upon the Association, and that the onus falls upon the Association to demonstrate that the charges had been proven to the appropriate standard of proof.
- [7] The Panel accepted that the standard of proof required is that stated by Madame Justice McLachlan in *Dr. William Jory v. The College of Physicians and Surgeons of British Columbia* (unreported December 13, 1985) which reads in part:

"The standard of proof in cases such as this is high. It is not the criminal standard of proof beyond a reasonable doubt. But it is something more than a bare balance of probabilities. The authorities establish that the case against a professional person on a disciplinary hearing must be proved by a fair and reasonable preponderance of credible evidence ... The evidence must be sufficiently cogent to make it safe to uphold the findings with all the

consequences for the professional person's career and status in the community."

BACKGROUND

- [8] We wish to emphasize that in coming to this Decision, only the evidence put before the Panel during the hearing was considered. We emphasize that the subject matter of the complaint is not at issue in this venue. The chronology of events, which gave rise to this matter being brought to the attention of the Association is summarized below:
- A) A complaint, dated May 03, 2006 was filed with the Association regarding Mr. Hartford in relation to construction of a house and sewage system at Nanoose Bay, BC. The complainant was not a client of Mr. Hartford.
 - B) On May 25, 2006 a letter was sent to Mr. Hartford by Mr. Geoff Thiele, LL.B, Associate Director, Regulatory Compliance, APEGBC requesting a response within three weeks from Mr. Hartford regarding the May 03, 2006 complaint.
 - C) On June 19, 2006, S. Ross Rettie, P.Eng., Director Professional Practice and Ethics, APEGBC wrote Mr. Hartford making a second request for a response and extending the deadline for a response for a further two weeks. Mr. Hartford was advised that if he did not provide a response, the Association would assess the complaint on the basis of the file material.
 - D) On July 12, 2006, Mr. Rettie again wrote to Mr. Hartford, making a third request for a response and extending the deadline for a response to July 27, 2006. Mr. Hartford was also advised that in the absence of any response, the file would be turned over to the Investigation Committee, APEGBC.
 - E) On August 24, 2006, Mr. Rettie, as the Designated Reviewer under Section 29 of the *Act*, wrote a memo to the Investigation Committee detailing Mr. Hartford's failure to respond and recommending that the Investigation Committee demand a response from Mr. Hartford.

- F) On September 8, 2006, Mr. Thiele wrote Mr. Hartford advising him of the Investigation Committee resolution pursuant to Section 30(4) of the *Act*, demanding a response from Mr. Hartford about the original complaint. Mr. Thiele also advised Mr. Hartford that pursuant to Section 30(4), Mr. Hartford must deliver his response to the Investigation Committee by September 19, 2006.
 - G) On September 21, 2006, Ms. Beverley Mitovic, Compliance Officer, APEGBC, sent a fax to Mr. Hartford with a copy of the September 8, 2006 letter.
 - H) On September 21, 2006, Ms. Mitovic also sent an e-mail to Mr. Hartford enclosing another copy of the September 8, 2006 letter.
 - I) On September 21, 2006, Mr. Thiele sent an e-mail to Mr. Hartford warning Mr. Hartford that if he did not respond to the Investigation Committee's request, contrary to Section 30(4) of the *Act*, the Investigation Committee would consider whether a disciplinary inquiry should be held.
 - J) On October 7, 2006, a Discipline Committee member, on behalf of the Discipline Committee, signed a Hearing Notice of Inquiry.
 - K) On October 28, 2006, a process server delivered a Notice of Inquiry, a letter and a summary of Discipline Procedure Information to Mr. Hartford. The process server swore an affidavit to this effect on October 31, 2006.
 - L) On December 8, 2006, on the morning of the Hearing, Mr. Hartford telephoned and faxed a letter to Mr. Hunter.
- [9] When the Panel reconvened on December 13, 2006, Mr. Hunter, on behalf of the Association, stated that there was no written opening statement. Mr. Hunter described the chronology of events that led the Investigation Committee to recommend that a Disciplinary Hearing be held.
- [10] Mr. Hartford then made an opening statement that he had received the initial document, had drafted a reply, but that he was unaware that it had not been received by APEGBC. He also stated that he had not received any of the subsequent documents from APEGBC until he was served with

the Notice of Inquiry on October 28, 2006. Further, the problems were attributable to domestic problems in his personal life.

EVIDENCE

- [11] The first witness for the Association was Geoff Thiele, LL.B, Associate Director, Regulatory Compliance, APEGBC, with the staff responsibility of dealing with complaints from members of the public. Mr. Thiele has been with APEGBC for two years. Mr. Hunter took us to Exhibit #1 (Notice of Inquiry, Affidavit of Process Server, letter from Messrs. Hunter to Hartford dated October 17, 2006 and relevant excerpts from APEGBC by laws).
- [12] The Panel was also shown Exhibit #2 (a copy of the complaint about Randall Hartford, dated May 3, 2006) and Exhibit #3, a copy of the letter dated May 25, 2006. In this letter, written by Mr. Thiele to Mr. Hartford, the letter advised Mr. Hartford of the nature of the complaint made against Mr. Hartford, a copy of the APEGBC complaint procedure and requested Mr. Hartford's response within three weeks of the date of the letter. Mr. Thiele testified that he had double checked the addresses on the letter to Mr. Hartford but that the Association had not received any response to the May 25, 2006 letter.
- [13] The Panel was shown Exhibit #4, the APEGBC file document, File T06-017, written by Ross Rettie, P.Eng. Director, Professional Practice and Ethics, APEGBC, on August 24, 2006. Mr. Rettie, as the Designated Reviewer under Section 29 of the *Act*, wrote the memo to the Investigation Committee detailing Mr. Hartford's failure to respond and recommending that the Investigation Committee demand a response from Mr. Hartford.
- [14] The Panel was shown the September 8, 2006 letter from APEGBC to Mr. Hartford (Exhibit #5). This letter, a professional conduct complaint, formally advises Mr. Hartford that the matter is now under the direction of the Investigation Committee and pursuant to Section 30(4) of the *Act*. Mr. Hartford was now required to provide complete answers to the complaint filed against him. The Panel was also shown Exhibit #6, a copy of the September 21, 2006 e-mail from Ms. Mitovic to Mr. Hartford. The e-mail advises Mr. Hartford that unless APEGBC formally hears from Mr. Hartford by September 28, 2006, the matter will be referred to the Investigation Committee. The same copy of the document, also includes an e-mail from Mr. Thiele to Mr. Hartford, dated September 21, 2006 and noting that the recommendation to the Investigation Committee for the Committee's

September 28, 2006 meeting would be for institution of a disciplinary inquiry.

- [15] Mr. Thiele testified that there had been no "bounce back" from the ISP provider to show that the e-mails had not been received or that the e-mail address was not valid. Mr. Thiele also testified that APEGBC kept track of member information in a data base that tracks address and contact changes. The member records for Mr. Hartford, Exhibit # 7, shows that the contact address for Mr. Hartford had not changed since October 16, 2004, the fax number had not changed since April 30, 2003 and the e-mail address (rhart2004@hotmail.com) had been last updated in the APEGBC records on December 28, 2005. Mr. Thiele testified that this e-mail address, current as of December 28, 2005, was the e-mail used by APEGBC to send material to Mr. Hartford and that there had been no 'bounce back' from this address. Mr. Thiele testified there was no cell phone number on the APEGBC records for Mr. Hartford. The APEGBC records show that Mr. Hartford operated under a business name of Geo-Force Engineering.
- [16] Mr. Thiele also testified that the telephone and fax numbers in the APEGBC records match that of numbers listed on Mr. Hartford's September 13, 2005 letter listed in the material provided by the member of the public in the original complaint. Mr. Thiele also testified that when Mr. Hartford faxed material to both Messrs. Hunter and Thiele on December 8, 2006 (Exhibit #8a, b), the only change in the Geo-Force Engineering letterhead was the addition of the cell phone number, a number not previously provided by Mr. Hartford to APEGBC. Mr. Thiele testified that the phone and fax numbers listed on the covering page in Exhibit #8, dated December 8, 2006 were identical to the numbers in APEGBC records.
- [17] In cross examination by Mr. Hartford, Mr. Thiele testified that he had tried to telephone Mr. Hartford but only could access an answering machine whose mailbox was full. Mr. Thiele also testified that he had tried to reach Mr. Hartford through a Mr. Lukowitz, Mr. Hartford's former employer, but he also did not know how to reach Mr. Hartford.
- [18] In response to a Panel question, Mr. Thiele clarified that the home and business address for Mr. Hartford were identical.
- [19] The Association's second witness was Ms. Beverley Mitovic, Compliance Officer. Ms. Mitovic, testified that among her duties, was preparing documents for Messrs. Thiele and Rettie, assisting Mr. Thiele and sending APEGBC documents.

- [20] In response to a question from Ms. Lang, for the Association, Ms. Mitovic testified that she had drafted a letter for signature by Mr. Rettie that was dated June 9, 2006 and sent to Mr. Hartford. This letter (Exhibit #9) gave Mr. Hartford a further 2 weeks to respond. Ms. Mitovic also sent out a letter dated July 12, 2006 (Exhibit #10) where Mr. Rettie, APEGBC, advised Mr. Hartford that unless there was a response by July 27, 2006, the matter would be turned over to the Investigation Committee.
- [21] Ms. Mitovic testified that she had sent a fax, on behalf of Mr. Thiele (Exhibit #11), to Mr. Hartford on September 21, 2006, including a copy of the September 8 letter to Mr. Hartford. The activity management report for APEGBC shows a three page transmission to 250 714 0126 at 16.00 hrs, September 21, 2006. The activity record shows this as a successful transmission lasting 1.03 minutes. The fax number is the fax number listed on APEGBC records for Mr. Hartford.
- [22] Ms. Mitovic also testified that she sent out an e-mail on September 21, 2006, at 3.33 pm to Mr. Hartford, with scanned copies of the previous documents and requesting a response by September 28, 2006. Ms. Mitovic wrote that unless there was a response by September 28, 2006, the matter would be referred to the Discipline Committee. Ms. Mitovic testified she had used the fax and e-mail numbers listed in the APEGBC records but that there had been no 'bounce back' indicating expired fax numbers or e-mail addresses.
- [23] In cross examination by Mr. Hartford, Ms. Mitovic testified the letters had not been sent by registered mail.
- [24] The third witness was the respondent, Randall W. Hartford. P. Eng. Mr. Hartford testified that his home and office address were the same. He testified that he received the May 25, 2006 letter from APEGBC. He testified that he works from the address listed on the Geo-Force letterhead, his former family home, but he now has a different personal residence. He testified he has had the same address since at least two years. He testified that he has had the same fax number (250 714 0126) for at least two years and the same phone number (250 754 5855) for at least two years. Mr. Hartford claimed that his e-mail address (rhart2004@hotmail.com) ceased a year ago and that his e-mail address changed in February 2006. He testified he believed his hotmail e-mail address expired sometime during the spring 2006. Mr. Hartford testified he had not updated APEGBC records with a new e-mail address.

- [25] Mr. Hartford testified he received the May 25, 2006 letter from APEGBC and met with his client to go over the complaint (which was not from a client), went over the design and the nature of the complaint. Mr. Hartford testified that his wife picked up the mail. He prepared a response to the complaint and provided this information to his wife and asked her to send it to APEGBC. Mr. Hartford explained that he had found it difficult to recover the document from computer files.
- [26] Mr. Hunter for the Association pointed out that the letter has the wrong address and postcode for APEGBC. Mr. Hartford had no explanation.
- [27] Mr. Hartford testified he had not received the June 19, 2006 letter from APEGBC. He explained mail goes to a 'Super Box' where it is picked up by his wife. He had no explanation why the June 19, 2006 letter had not been received.
- [28] Mr. Hartford testified he was in Hawaii from June 15, 2006 to July 29, 2006 but that when he returned, he had some mail awaiting him, but not the July 12, 2006 mail from APEGBC. He testified that his wife continued to receive mail, and continued to help out with the office. He stated he had not received the September 8, 2006 professional conduct complaint letter from APEGBC.
- [29] Mr. Hartford testified that he has a 'finicky' fax machine and did not see the faxes from APEGBC. He later admitted he can still receive faxes from clients. He admitted he did not advise APEGBC of the allegedly defective fax machine.
- [30] In response to a question from the Panel, he admitted he did not respond to APEGBC because he was depressed because of his marital dispute but said he was not under hospitalization or specific medical care.

SUBMISSIONS

- [31] In closing argument, Mr. Hunter for the Association noted that the letter which Mr. Hartford claimed had been sent to APEGBC on June 12, 2006 had an incorrect postcode and address for APEGBC. The first contact with APEGBC by Mr. Hartford was on the morning of December 8, 2006, the start of the hearing. Mr. Hunter questioned why Mr. Hartford could receive mail from other than APEGBC yet Mr. Hartford could claim that his wife just simply failed to put APEGBC correspondence on his desk. Mr. Hunter argued that Mr. Hartford's explanations were tenuous. When APEGBC sent the relevant faxes, the activity record shows a transmission and the e-

mails were not rejected by the server. When Mr. Hartford was personally served on October 28, 2006, Mr. Hartford should have finally realized the significance of what was happening, yet there was no response until December 8, 2006.

- [32] The Association argues that the Panel must assess the credibility of Mr. Hartford by using events after September 21, 2006 as indicators of credibility, specifically the lack of response to APEGBC. Mr. Hunter argues that Mr. Hartford is using his wife as an excuse for the missing documents when the evidence shows that the e-mail account was receiving mail, and the phone answering machine was indicating 'mail box full'.
- [33] The Association argues that it took reasonable steps to notify Mr. Hartford of the charges with the letters, faxes and e-mails of September 8 and September 21, 2006. Mr. Hunter stated that if we accepted Mr. Hartford's testimony that he had not received any of the correspondence, then we should find him not liable but if we rejected Mr. Hartford's testimony, then we should find him liable. It is a matter of credibility.
- [34] In his closing statement, Mr. Hartford said he was not contacted by APEGBC and if he had known of the problem he would have responded. Mr. Hartford said that he was not in control of the correspondence but had relied on others at a time of intense emotional stress. Mr. Hartford said that had he known of the missing correspondence, he would have corrected the deficiency.

ANALYSIS AND FINDINGS

ANALYSIS

- [35] The panel is faced with two issues in reviewing the evidence:
- a) was Mr. Hartford's testimony credible ?
 - b) did Mr. Hartford take reasonable steps to respond to the Association's requests ?

Issue (a): Was Mr. Hartford's testimony credible?

- [36] Mr. Hartford testified that he had received the May 25, 2006 letter from the Association regarding a complaint. Until his facsimile transmission to Mr. Hunter and to Mr. Thiele on the morning of December 8, 2006, the opening

of the hearing, there was no direct evidence that Mr. Hartford had directed any communication, written, verbal or electronic to the Association.

- [37] Mr. Hartford claimed he had prepared a written summary of the facts of the complaint and sent it to the Association on June 6, 2006. Mr. Hartford claimed that the December 8, 2006 facsimile was a copy of this letter. We found Mr. Hartford's testimony in this matter not credible. He could not explain why the letter was never received by the Association. Further, the copy we received was a paper recreation from a computer data base of the purported June 6, 2006 letter, was not an original letter and had been signed and stamped by Mr. Hartford as if this was an original letter. Mr. Hartford took no steps to show that the December 8, 2006 facsimile letter was a true copy of the June 6, 2006 letter by reference to data base records, mail records, or by affidavit. We are troubled why Mr. Hartford had the wrong address and post code for the Association and why he was indifferent to checking what is, on the face of it, an important legal document. We are perplexed why Mr. Hartford would stamp and seal on December 8, 2006, what he claimed was a copy of an original letter dated June 6, 2006 without certifying that his professional stamp was placed on a copy of an original document. We find his explanation evasive.
- [38] Mr. Hartford testified he was away from Nanaimo from mid June to late July 2006. We are troubled by Mr. Hartford's insistence that any correspondence during that period from the Association, be it paper, facsimile or electronic was never received, yet the May 25, 2006 letter was received. We are also troubled why Mr. Hartford made no effort to locate and provide facsimile or e-mail records to support his assertion that nothing was received. His explanation that he could not access the e-mail account was evasive. The Association e-mails sent to Mr. Hartford's last known e-mail account were not bounced back to the Association, showing that the account was evidently still current and receiving mail. Mr. Hartford provided no credible explanation or documentation from the server, of why the account was active yet he could not access it or if he took any steps to access the account.
- [39] Mr. Hartford testified that he had a 'finicky' facsimile system that could store facsimile messages in the computer when unattended. We find that Mr. Hartford's explanation of why the key facsimile messages from the Association were neither received as paper copies or stored electronically barely credible. We were surprised that Mr. Hartford could not take us to any data base records or the receipt of the facsimile transmissions on September 21, 2006 when the Association records show them as having been sent.

- [40] Mr. Thiele testified that phone messages left at Mr. Hartford's phone number provided a message "mail box full". Mr. Hartford could provide no explanation of who listened or cleared the phone messages. Further, Mr. Hartford never provided the Association with his cell phone number and this further compounded the communication problem.
- [41] We know from the evidence, that Mr. Hartford was properly served notice of these proceedings on October 28, 2006. Regardless of whether paper, facsimile and electronic records had previously gone astray, we are surprised that Mr. Hartford made no effort at all between October 28th and December 8, 2006, after properly being served notice, to contact the Association, or Mr. Hunter, in order to address the matter, or seek an adjournment, or seek legal counsel or provide a credible explanation. Mr. Hartford provided no credible explanation for his indifference to the process or why he evidently chose to ignore the matter until the morning of December 8, 2006.
- [42] We find Mr. Hartford's testimony evasive and not credible.

Issue (b): did Mr. Hartford take reasonable steps to respond to the Association's requests ?

- [43] In assessing whether Mr. Hartford took reasonable steps to respond to the Association's requests, we are guided by the philosophy of what a reasonable member of the Association, knowing the serious professional implications of a complaint from a member of the public, and having the information in the member's possession, would do in the circumstances.
- [44] Mr. Hartford testified that he had received the initial May 25, 2006 letter from the Association regarding a complaint from a member of the public. He claimed he prepared a June 6, 2006 written response that he had sent to the Association. The alleged copy of this letter received on December 8, 2006, showed an incorrect address and post code for the Association. Even if the letter had been prepared on that date, and knowing of the serious nature of the inquiry from the Association, in our view a member should have taken reasonable steps to ensure that a copy was retained for file purposes, the letter was correctly addressed and that the delivery of the document be recorded. We find that Mr. Hartford did not take the reasonable, prudent steps that might be expected of a member in this circumstance.

- [45] Mr. Hartford testified that he had changed e-mail addresses early in 2006 and that he could not subsequently access the former e-mail address. The Association's member data base records show that Mr. Hartford did not inform the Association of this e-mail address change or explain why the address was evidently still active but that he could not access it. In our view, a member, acting reasonably and knowing of the importance of professional issues, might have advised correspondents of the new address or asked for retransmission of material sent to the old address. Mr. Hartford never advised the Association of his e-mail change.
- [46] Mr. Hartford testified that the reason for the missing correspondence related to differences with his wife. While we are sympathetic to the stress of domestic disputes, we note that Mr. Hartford continued to use his wife's residence as his business address, and he himself lived there sporadically. We are of the view that even if we were to accept Mr. Hartford's version of events, he has a continuing professional obligation to ensure, for the benefit of himself and his clients, that adequate records are maintained. We find he did not do so.
- [47] We have discussed above Mr. Hartford's troubling lack of response to the service of Notice. In our view, Mr. Hartford was indifferent to the process and, in our view, a reasonable member, knowing of the seriousness of the initial complaint and the Notice of Inquiry, would have responded forthwith and sought some resolution or explanation. We find that Mr. Hartford was neither reasonable or prudent in his total silence until the morning of the hearing.

FINDINGS

- [48] We find as a Panel, that Mr. Hartford's testimony was evasive and not credible. We do not find acceptable Mr. Hartford's explanation of missing written, verbal and electronic communications with the Association. Further, we find that Mr. Hartford did not take reasonable steps to address the ongoing matter of a complaint from a member of the public and was seemingly indifferent to the original complaint or to take reasonable steps to ensure a continuity of communication. While we do have some sympathy for Mr. Hartford's personal predicament which he claims as the cause of the problem, we do not accept his reasons for the failure to respond to the Association's informal and formal regulatory requests.
- [49] After careful consideration, the Panel finds that contrary to the *Act*, Randall W. Hartford, P.Eng., by a fair and reasonable preponderance of credible evidence, demonstrated unprofessional conduct by his failure to provide

the Association's Investigation Committee with the information or records in his possession, as required by section 30(4) of the *Act*, as requested by the Association in:

- a) a letter to Mr. Hartford dated September 8, 2006;
- b) an e-mail message to Mr. Hartford dated September 21, 2006; and
- c) a fax to Mr. Hartford dated September 21, 2006.

[50] Our findings have implications for members. As a self-governing profession, responsible, in the public interest, for regulating members, it is important that complaints from the public are addressed expeditiously in a fair and transparent manner. It is not in the public interest or in the interest of the Association, that the complaints procedure be stifled because, for whatever reason, a member declines to respond to legitimate regulatory requests or maintains such scant records, that documents cannot be retrieved or examined. Whatever the origin of a complaint about a member's work, members have a professional obligation to ensure that the Association's complaint process is credible, transparent and accountable and that each member has proper administrative procedures in place. Failure to do so, has professional consequences for the member and credibility issues for the Association.

CONCLUSION

[51] This Panel has unanimously determined that the Member, Randall W. Hartford, P.Eng. has demonstrated unprofessional conduct by his failure to provide the Investigation Committee with information and records in his possession as required by section 30(4) of the *Act*.

COSTS

[52] The Panel requests that the parties provide their submissions on penalty and costs in writing pursuant to the following schedule:

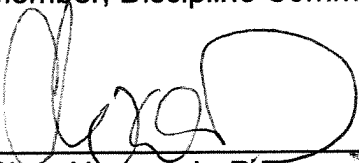
- 1) written submissions by the Counsel, APEGBC by the close of business, January 18, 2007.
- 2) opportunity for Mr. Hartford to make written submissions within ten days of delivery of the Association's written submissions.
- 3) An opportunity for Counsel, APEGBC to make a written reply to Mr. Hartford's written arguments, if any, within four days of receipt of the argument.

- 4) If the parties so wish, the hearing on sanction may be held by teleconference within a reasonable period after the Panel has received the submissions from the parties.

Dated, this 10th day of January, 2007, and signed in counterpart.

Roy Wares, P. Eng.
Panel Chair, Member Discipline Committee, APEGBC.

Darryl Chambers, P. Eng.
Member, Discipline Committee, APEGBC



Chris Newcomb, P.Eng.
Member, Discipline Committee

member's work, members have a professional obligation to ensure that the Association's complaint process is credible, transparent and accountable and that each member has proper administrative procedures in place. Failure to do so, has professional consequences for the member and credibility issues for the Association.

CONCLUSION

[51] This Panel has unanimously determined that the Member, Randall W. Hartford, P.Eng. has demonstrated unprofessional conduct by his failure to provide the Investigation Committee with information and records in his possession as required by section 30(4) of the *Act*.

COSTS

[52] The Panel requests that the parties provide their submissions on penalty and costs in writing pursuant to the following schedule:

- 1) written submissions by the Counsel, APEGBC by the close of business, January 18, 2007.
- 2) opportunity for Mr. Hartford to make written submissions within ten days of delivery of the Association's written submissions.
- 3) An opportunity for Counsel, APEGBC to make a written reply to Mr. Hartford's written arguments, if any, within four days of receipt of the argument.
- 4) If the parties so wish, the hearing on sanction may be held by teleconference within a reasonable period after the Panel has received the submissions from the parties.

Dated, this 10th day of January, 2007, and signed in counterpart.

"R. Wares"

Roy Wares, P. Eng.
Panel Chair, Member Discipline Committee, APEGBC.

"Darryl Chambers"

Darryl Chambers, P. Eng.
Member, Discipline Committee, APEGBC

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