



APEGA Discipline Committee Decision

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 of Decision: June 8, 2022
Date of Hearing: April 13, 2022
Discipline Case Number: 20-004-FH

**IN THE MATTER OF A HEARING OF THE DISCIPLINE COMMITTEE OF THE
ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF
ALBERTA**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of Paul Aldridge, P.Eng.

Introduction

Under the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11, (the “EGP Act”) a hearing into this matter was held by a Hearing Panel of the Discipline Committee on April 13, 2022. The hearing addressed the conduct of Paul Aldridge, P. Eng. (the “Mr. Aldridge”). It was held remotely via Microsoft Teams. The hearing proceeded by agreed statement of facts, admission, and a joint submission on sanction.

1. The Director, Enforcement welcomed all in attendance to the hearing and provided some general housekeeping guidelines. The Director, Enforcement indicated there was a court reporter in attendance who would produce the official record of the proceedings.
2. The Chair called the hearing to order and proceeded to confirm that each participant was in a private space.

Preliminary Matters

3. The parties advised the Hearing Panel that there were no objections to the constitution of the Hearing Panel and no objections of a jurisdictional nature.
4. Counsel to the Investigative Counsel (“IC Counsel) advised that there were a couple amendments to the Notice of Hearing.



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5. In the interest of being able to highlight the proposed changes, the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct¹ was marked as Exhibit 1.
6. IC Counsel outlined the amendments to IC 18-29 which included correcting a date, the name of the building that was the subject of IC 18-29, and several typographical errors and withdrawing particular (e) to Charge 1.
7. Counsel to Mr. Aldridge (“Member Counsel”) confirmed there were no objections to these changes from Mr. Aldridge.
8. The Hearing Panel accepted the amendments to the Notice of Hearing.

Submissions by the Investigative Committee

9. IC Counsel advised that the conduct at issue in the hearing arose from two separate complaints and two separate investigations. They then reviewed Exhibit 1 and highlighted the history that led to the charges:
 - a. Mr. Aldridge graduated with a civil engineering degree in 1981 and became a registered member with APEGA in March 1986.
 - b. He was employed as a structural engineer with Company A until early 2018.
 - c. In 2018, he started Black Dog Engineering Ltd., an APEGA Permit Holder, and performed contract work for various employers.
 - d. APEGA received a complaint regarding the structural engineering services provided for Client B (the “First Complaint” or “IC 18-29”)
 - e. During the investigation of the First Complaint, Mr. Aldridge entered into a voluntary undertaking that prohibited him from providing structural engineering services unless he was supervised by an approved engineer and that engineer needed to act as the responsible member for Black Dog Engineering Ltd. (the “Voluntary Undertaking”).
 - f. When requested, Mr. Aldridge did not provide a response to the First Complaint.
 - g. Once the First Complaint investigation was complete, the Investigative Committee determined there was sufficient evidence to refer to the matter to a hearing.

¹This document was later amended to be called the “Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct and Unskilled Practice” by consent of the parties, and IC Counsel provided an amended copy.



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- h. Before a Notice of Hearing relating to the First Complaint was issued, APEGA received a complaint that Mr. Aldridge was acting contrary to the Voluntary Undertaking. (the “Second Complaint” or “IC 21-01”).
 - i. After some initial investigation and submissions from Mr. Aldridge, the investigative panel recommended an interim suspension be imposed on Mr. Aldridge.
 - j. The Investigative Committee accepted that recommendation and imposed an interim suspension on Mr. Aldridge on March 29, 2021.
 - k. The Second Complaint was investigated and the Investigative Committee also referred it to hearing.
10. There are four charges from both investigations:
- a. Charge 1 of IC 18-29 is a matter of unskilled practice and unprofessional conduct and alleges that Mr. Aldridge designed and authenticated structural plans for the Building B that were deficient and unsafe.
 - b. Charge 2 of IC 18-29 and Charge 1 of IC 21-01 both allege a failure to comply with the conditions of Mr. Aldridge’s voluntary undertaking.
 - c. Charge 3 of IC 18-29 alleges a failure to cooperate with the Investigative Committee in the investigation of the First Complaint.
11. IC Counsel then reviewed the content of Exhibit 1 as they related to each of the charges:

Charge 1 of IC 18-29

- a. Client B hired Company A to design Building B and Mr. Aldridge was the structural engineer of record.
- b. Company A issued a set of drawings for construction on September 28, 2017, that included structural engineering drawings that Mr. Aldridge authenticated and designed. Those drawings were revised, and a second set was issued on October 29, 2018. The new drawings were also authenticated by Mr. Aldridge.
- c. When construction began in May 2018, the construction team became concerned about the stability of the structure and safety of the workers, as a tall steel column was bowing out under the load of the steel frame. Construction was stopped while the client investigated the issue.



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- d. Part of the investigation included having a second engineer look at the concerns, which is how the Complainant became involved. Client B retained the Complainant to provide an independent review of the structure. After reviewing the project, the deficiencies were significant enough to prompt a complaint to APEGA.
- e. The Investigative Committee engaged an independent expert to review the drawings and provide an opinion on whether there were deficiencies or safety issues. The expert concluded that the design was deficient, that the drawings lacked sufficient information to properly construct the building, and if it were constructed as presented, the building would not meet applicable codes and would be unsafe. The expert further concluded that the structural engineering in the project drawings did not meet the current acceptable standards of engineering practice in Alberta.

Charge 2 of IC 18-29 and Charge 1 of IC 21-01

- f. During the investigation of the First Complaint, the investigative panel was concerned about risk to the public and considered recommending an interim suspension. After receiving Mr. Aldridge's written response to the proposed suspension, the Investigative Committee decided to proceed by voluntary undertaking, to which Mr. Aldridge agreed on August 13, 2019. Mr. Aldridge was required to provide the name of a qualified engineer to act as the responsible member for Black Dog Engineering Ltd. and to supervise any structural engineering services that Mr. Aldridge provided, including authenticating documents.
- g. Mr. Aldridge failed to provide APEGA with the name of a responsible member and supervisor per the Voluntary Undertaking.
- h. Despite the Voluntary Undertaking, Mr. Aldridge accepted an assignment to provide structural engineering services for an application to build a bridge over a creek and created and authenticated two structural drawings related to that application on January 19, 2021.

Charge 3 of IC 18-29

- i. On September 26, 2019, the investigative panel requested that Mr. Aldridge provide a written response to the First Complaint. There was a list of specific questions with a deadline of October 11, 2019.
- j. On October 7, 2019, Mr. Aldridge responded stating he would try to meet the deadline, but Mr. Aldridge did not ultimately respond.



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- k. On October 16, 2019, staff followed up with Mr. Aldridge who indicated he would provide the written response by the end of the week.
- l. On October 21, 2019, staff again followed up with Mr. Aldridge. Having not heard anything, staff followed up again on October 28, 2019.
- m. On November 5, 2019, the investigative panel sent a Notice to Produce, which outlined their attempts to obtain a response and set a deadline to respond by November 18, 2019.
- n. On November 26, 2019, Mr. Aldridge was notified of the expansion of the investigation, which included a response request for the initial complaint and the investigation into his failure to respond. Mr. Aldridge was to respond by December 17, 2019.
- o. There were no further responses from Mr. Aldridge.

Other facts of note

- p. Mr. Aldridge admitted that the Building B design was deficient and unsafe, that he failed to abide by the Voluntary Undertaking in 2019, that he failed to cooperate with the investigation of the First Complaint, that there was a breach of the Voluntary Undertaking in January 2021, and that his conduct constitutes unprofessional conduct and unskilled practice within the meaning of *Engineering and Geoscience Professions Act* ("the EGP Act")
- 12. Based on these facts, the Investigative Committee submitted that the allegations against Mr. Aldridge were factually proven on a balance of probabilities.
 - 13. IC Counsel then went on to outline how the proven conduct constituted unprofessional conduct and unskilled practice.
 - 14. Relating Charge 1 of IC 18-29, she submitted that the conduct:
 - a. meets the definition of unskilled practice outlined in section 2.1 of the Guidelines for Ethical Practice, as the design was deficient and unsafe. Both the expert concluded, and Mr. Aldridge admitted, that Mr. Aldridge's work failed to meet the minimum standards of practice or the Alberta Building Code;
 - b. contravenes section 4.2.3 of the Guidelines for Ethical Practice and Rule 2 of the Code of Ethics, as it was a demonstration of a lack of knowledge or skill or judgment in the practice of engineering;



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- c. breaches Rule 1 of the Code of Ethics and section 4.1 of the Guidelines for Ethical Practice, as it failed to hold the health, safety, and welfare of the public paramount; and
 - d. breaches Rule 5 of the Code of Ethics, because a failure to comply with the minimum standards of practice undermines the reputation and the standing of the profession.
15. Further, the Guidelines of Ethical Practice, Code of Ethics and Alberta Building Code all serve to protect the public interest and therefore any breach of their terms are detrimental to the integrity of the profession and APEGA's mandate to protect the public interest, each which meet the definition of unprofessional conduct and unskilled practice in the EGP Act.
16. Relating to Charges 2 and 3 of IC 18-29, and Charge 1 of IC 21-01, IC Counsel submitted that the conduct:
- a. is detrimental to the best interest of the public;
 - b. harms the standing of the profession;
 - c. breaches Rule 3 of the Code of Ethics, as Mr. Aldridge failed to conduct himself with integrity, honesty, fairness, and objectivity, which includes cooperating with the regulator in a timely and professional manner;
 - d. breaches Rule 5 of the Code of Ethics, as Mr. Aldridge failed to uphold and enhance the honour, dignity, and reputation of the profession, which includes abiding by conditions imposed on a member; and
 - e. failed to follow section 2.1 of the Guidelines for Ethical Practice, as Mr. Aldridge failed to justify the trust engineers enjoy from the public, their clients, and their employers.
17. IC Counsel also noted findings in previous APEGA decisions that dealt with similar conduct:
- a. In *Mackie* (17-015-FH), the Panel found that the failure to cooperate with the investigation was conduct that fell below the standards required of an engineer and highlighted the importance of responding to communications from the regulator.
 - b. The Panel in *Mackie* also found that it was a basic professional requirement of the practice of engineering that a professional engineer will abide by any conditions placed on their registration. Conditions are a way for APEGA to protect the public, and if a member does not abide by conditions imposed on their registration, it is detrimental to APEGA's ability to protect the public and therefore detrimental to the public interest.



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- c. In *McLeod* (19-002-FC), the Panel found that the Act and the Code of Ethics serve to protect the public interest and therefore any breaches thereof are detrimental to the integrity of the profession and APEGA's mandate to protect the public interest.
18. In closing, IC Counsel submitted that there were sufficient facts contained in Exhibit 1 to prove the conduct and to establish that it constitutes unprofessional conduct and unskilled practice within the meaning of the EGP Act.

Submissions by Mr. Aldridge

19. Member Counsel confirmed for the Hearing Panel that the matter is proceeding by agreed statement of facts and that Mr. Aldridge has agreed that the conduct occurred and that it constitutes unprofessional conduct and unskilled practice.
20. Member Counsel clarified a few points, not to justify the conduct, but to provide some understanding surrounding the conduct:
 - a. When the First Complaint first came to light, Mr. Aldridge was aware that the investigator was interviewing everyone but him and he felt somewhat marginalized by the process. It was not until a year later that Mr. Aldridge was asked to provide a response. Mr. Aldridge felt that he had been left out of the process, which contributed to his non-response.
 - b. Black Dog Engineering Ltd. applied for and was granted a permit to practice in 2020. Mr. Aldridge misunderstood the significance of this granted renewal.
 - c. Mr. Aldridge was released from Company A due to a lack of work and the understanding was if they needed him to work, it would be on a contract basis; however, that never occurred.
 - d. At the time Mr. Aldridge authenticated the plans, there were discussions of changes being made, so Building B that was ultimately built in the spring of 2018 was not the same building that was in the plans Mr. Aldridge authenticated.

Reply by the Investigative Committee

21. IC Counsel clarified that:
 - a. Mr. Aldridge applied and was granted a renewed permit in 2020; however, he had received a Notice of Deficient Status for Black Dog Engineering Ltd. on December 2, 2020 that clearly identified that Black Dog Engineering Ltd.'s permit was deficient, so regardless of the renewal, Mr. Aldridge had notice of the deficient status.



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- b. The charges of unskilled practice and the expert's opinion were based on Mr. Aldridge's design and drawings, not the building that was built. While there may have been some changes between the design and drawing and what was built, there is nothing in evidence to suggest it was an entirely different building. Ultimately, the charge is still proven based on the expert opinion and the deficiencies noted.
- c. The investigative panel controls its investigation, including whom to interview, and the timing of those interviews, all which can vary depending on the investigation. This does not change that a response from Mr. Aldridge was requested, which he failed to provide.

Questions from the Hearing Panel

- 22. The Hearing Panel adjourned to consider the evidence in Exhibit 1.
- 23. When the Hearing Panel returned, a Panel Member noted that IC Counsel's submissions referenced "unskilled practice", but that the title in section B of Exhibit 1 only referenced "unprofessional conduct". The Panel Member asked IC Counsel to clarify if the admission related to both unprofessional conduct and unskilled practice.
- 24. IC Counsel clarified that the title should not be seen as binding. The parties could have included "and unskilled practice", but rather used the umbrella term of "unprofessional conduct". It does not mean that the admissions do not include unskilled practice.
- 25. Another Panel Member noted that there were other references that only mentioned "unprofessional conduct" and asked whether "unskilled practice" should be added throughout the document.
- 26. IC Counsel clarified that that reference was to the name of the document and was not intended to mean that Mr. Aldridge was not admitting to unskilled practice. Member Counsel confirmed that was not the intent. However, both the Investigative Committee and Mr. Aldridge agreed to add in "and Unskilled Practice" wherever there were only references to "Unprofessional Conduct".
- 27. The Hearing Panel went through the documents and confirmed seven locations in Exhibit 1 where "and Unskilled Practice" was added. The title of the document was also changed to "Agreed Statement of Facts and Admission of Unprofessional Conduct and Unskilled Practice".²
- 28. The Chair sought clarification as to whether Mr. Aldridge was ever interviewed during the investigation.

²IC Counsel provided the Panel with a revised Exhibit 1 that incorporated these changes.



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29. Mr. Aldridge confirmed that he was never interviewed by the Investigative Committee, but that some of the blame lay with the pandemic. He confirmed he was invited to meet with the Investigative Committee three times. The first two times, they were cancelled and the third time, Mr. Aldridge did not show up.
30. IC Counsel confirmed that there were several witnesses that needed to be interviewed and the Investigative Committee started with the other witnesses. When it came time to get information from Mr. Aldridge, they sought a written response before an interview. Ultimately, the response was not provided and so they concluded the investigation. It was not a lack of intent to interview Mr. Aldridge, but rather that they took other investigative steps first and then never received a response.

Decision of the Hearing Panel on the Issue of Unprofessional Conduct and Unskilled Practice

31. After an adjournment to consider the submissions of the parties, the Hearing Panel reconvened the hearing and informed the parties that it accepted the evidence in Exhibit 1 as proof of the Charges as set out in the amended Notice of Hearing.
32. The Hearing Panel determined that Charge 1 of 18-29 constituted unskilled practice and unprofessional conduct and Charges 2 and 3 of IC 18-29, and Charge 1 of IC 21-01 constituted unprofessional conduct pursuant to section 44 of the EGP Act.
33. The Hearing Panel's reasons for determining the Charges were proven and constitute unskilled practice and unprofessional conduct are set out later in this decision.

Joint Submission on Sanction

34. IC Counsel provided the Hearing Panel with the Joint Submission on Sanction, which was signed by both parties and marked as Exhibit 2.³
35. The proposed penalties in the Joint Submission on Sanction were:
 - a. Mr. Aldridge shall be reprimanded for his conduct and the Discipline Committee's written decision (the "Decision") shall serve as the reprimand.
 - b. Mr. Aldridge shall pay a portion of the hearing costs in the amount of \$2,500 within **12 months** from service of the Decision or in accordance with a payment schedule approved by the Director, Enforcement of APEGA (the "Director").

³IC Counsel noted that the Joint Submission on Sanction contained reference to the "Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct", but in light of the earlier discussion, suggested it should be amended to include "and unskilled practice". Member Counsel agreed to that amendment and the Hearing Panel accepted the change.



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- c. Mr. Aldridge shall pay a fine of \$5,000 within **12 months** from service of the Decision or in accordance with a payment schedule approved by the Director.
- d. The fine and costs referred to in paragraphs b. and c. above are a debt owing to APEGA.
- e. Mr. Aldridge will not be eligible to apply for reinstatement with APEGA until he has complied with the following:
 - i. Complete, at his own cost, the following courses:
 - 1. A University-level ethics course approved by the Director, such as The Practice of Engineering Profession (University of Alberta, ENGG 400); and
 - 2. The National Professional Practice Exam.
 - 3. If the course or examination is unavailable, an equivalent course or examination may be substituted where approved in advance in writing by the Director.
 - ii. Provide evidence of successful completion of the courses outlined in paragraph e.i.; and
 - iii. Have paid the fine and costs outlined in paragraphs b. and c. in full.
- f. Upon being reinstated (subject to the requirements of paragraph e. above), Mr. Aldridge shall only engage in the practice of engineering under the direct, personal supervision on an engineer with appropriate qualifications as approved by the Director for a period of 24 months, subject to the following:
 - i. A condition of supervised practice will be placed on Mr. Aldridge's registration with APEGA;
 - ii. Mr. Aldridge may submit the name or names of supervisors he wishes to work with, and the Director will consider the suitability of those candidates. The final selection of a supervisor will be made by the Director. The period of supervision does not begin until the Director provides Mr. Aldridge with written approval of the supervisor;
 - iii. The supervisor shall provide quarterly reports to the Director respecting all projects Mr. Aldridge has worked on, at Mr. Aldridge's expense;



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- iv. Mr. Aldridge shall not be permitted to act as a Responsible Member until the condition of supervised practice has been lifted. Mr. Aldridge must disclose the supervised practice requirement to his employer;
 - v. The condition of supervised practice will be lifted at the conclusion of the 24 months period so long as the supervisor attests in writing to Mr. Aldridge's competency in engineering;
 - vi. If the supervisor does not attest to Mr. Aldridge's competency at the conclusion of the 24 months of supervised practice, the period of supervised practice will be extended for a further 12 months;
 - vii. If, at the conclusion of the 12-month extension, the supervisor does not attest to Mr. Aldridge's competency, the matter will be referred by Council to the Practice Review Board to conduct a review; and
 - viii. Mr. Aldridge will not be considered to be a member "in good standing" until the condition of supervised practice has been lifted.
- g. The Discipline Committee's decision shall be published and circulated as follows:
- i. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name Mr. Aldridge; and
 - ii. If any member of the public inquires with APEGA as to whether Mr. Aldridge was the subject of a discipline hearing or was found guilty of any charges under the EGP Act, APEGA shall be at liberty to provide a complete copy of the Decision.
36. IC Counsel outlined the factors to consider on sanction. The purpose of sanctioning in the professional regulatory context is to ensure that the public is protected. This is achieved by ensuring that the specific conduct does not continue, that the public has confidence in the profession, and that other members are aware that conduct like this is unacceptable.
37. The Investigative Committee considered what orders are necessary to protect the public against future unprofessional conduct and the relevant factors listed in *Jaswal v. The Medical Board (Nfld.)*⁴. IC Counsel then reviewed each of the *Jaswal* factors in turn:

⁴*Jaswal v. Medical Board (Nfld.)*, 1996 CanLII 11630 (NL SC)



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- a. *The Nature and Gravity of the Proven Allegations:* The allegations fall on the more serious end of the spectrum. The proven unskilled practice fell below the minimally accepted standards of practice and were found to be deficient and unsafe. Sufficient safe engineering services is a fundamental core element of the engineering profession. The public needs to know that when they engage an engineer, the services provided will be competent.

There were also two charges that involve failure to comply with conditions of an undertaking. These are also serious, and they are necessary for self-regulation to function. APEGA is unable to discharge its mandate to protect the public, if members do not comply with the conditions they agreed to. A breach of conditions undermines the integrity of the profession and its standing in the eye of the public.

The allegation of failure to respond is also more serious conduct. It too affects APEGA's ability to self-regulate. Investigating complaints is a key element of protecting the public.

- b. *Age and Experience of Mr. Aldridge:* Given his age seniority, this is not a mitigating factor when considering the appropriate sanction.
- c. *Previous character of Mr. Aldridge and the absence or presence of prior complaints or convictions:* There are no previous convictions; however, there were two complaints and two investigations that were jointly heard and proven.
- d. *Vulnerability of the client:* There is no evidence of any vulnerability beyond the basic lack of engineering knowledge or understanding.
- e. *Number of times the offence occurred:* There was one charge of unskilled practice, two charges of breach of undertaking, and one charge of failure to respond.
- f. *Role of Mr. Aldridge in acknowledging what occurred:* Mr. Aldridge admitted to the conduct, agreed to the hearing proceeding by agreement, and agreed to the voluntary cancellation of his registration. These are mitigating factors.
- g. *Other financial penalties:* There was no evidence of financial hardship; however, the Investigative Committee did consider the fact that Mr. Aldridge's registration has been suspended and that impeded his ability to practice engineering.
- h. *Impact of the incident on the client:* There is limited evidence of the impact on the offended client(s).



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- i. *Presence of absence of mitigating circumstances:* The Investigative Committee was unaware of further mitigating circumstances.
- j. *Need to promote specific and general deterrence:* Mr. Aldridge has admitted his conduct constituted unskilled practice and unprofessional conduct. He has agreed voluntarily to the cancellation his registration and Black Dog Engineering Ltd.'s Permit to Practice and he agreed to the Joint Submission on Sanction. There are remedial aspects to the proposed sanction to ensure that he does not return to practice until competence is sufficiently demonstrated.

General deterrence is served by sending a message to other APEGA members that Mr. Aldridge was held accountable and censured appropriately. Publication of Mr. Aldridge's name in this Decision serves as both a specific and general deterrent.

- k. *Degree to which the offensive conduct was regarded by consensus as being outside the range of what is permitted:* the conduct clearly falls outside the range of what is permitted.
- l. *Range of orders imposed in similar cases:* The Investigative Committee provided several cases⁵ with some parallels to Mr. Aldridge's conduct:
 - i. *Jhinjar and S & M Project Services:* breach of undertaking and interim suspension – received a reprimand, restriction of practice for one year until he completed a structural design course, the NPPE, and an ethics course, two years of supervised practice, a \$5,000 fine and costs of \$5,000.
 - ii. *Mackie:* failure to comply with conditions on 34 occasions over two years and a charge of failure to respond – cancellation, \$2,500 fine and 100% of costs to a maximum of \$31,000, conditions on his eligibility for reinstatement.⁶
 - iii. *Gill:* unskilled practice – reprimand, restricted practice for 16 months, requirement to pass examination, supervision period, and \$5,000 in costs.
 - iv. *McLeod:* unskilled practice - \$3,500 fine, \$2,500 costs, reprimand, and examination requirement.

⁵Sundeep Jhinjar, P.Eng. and S&M Project Services Inc (17-009-FH), Douglas Mackie, P.Eng. (17-015-FH) "Mackie", Gurpreet Gill, P. Eng., ConsulTECK Engineering Ltd. (18-015-FH), Michael McLeod, P.Eng. (19-002-FC) "McLeod", Romano Viglione, P.Eng. (18-014-FC)

⁶The Investigative Committee noted that this case was distinguishable on the number of occurrences, the contested hearing, and that the member failed to attend the hearing.



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- v. *Viglione*: unskilled practice – reprimand, practice review, \$5,000 fine, and \$2,500 costs.
38. The Investigative Committee submitted that the proposed sanction order constitutes an appropriate penalty and apportionment of costs in the circumstances and specifically addresses the mitigating factors of impeded ability to practice, proceeding by agreed statement of facts and joint submission, and voluntary cancellation.
39. The Investigative Committee also considered the proportionality of the proposed financial consequences and, in particular, that they should not apply a “crushing financial blow”. The Investigative Committee noted that the fine, while on the higher end compared to other cases, is consistent with the nature and gravity of the conduct while balancing the financial impact. Mr. Aldridge has 12 months to pay both the costs and the fine, which was jointly submitted by the parties.
40. IC Counsel also provided a submission on the law regarding joint submissions on sanctions. The Hearing Panel should not reject a joint submission because the sanction is different from what the Hearing Panel would, itself, have imposed. Discipline tribunals should only depart from the joint submission if the proposed sanction would bring the administration of justice into disrepute or would be otherwise contrary to the public interest.⁷
41. Regulators in Alberta, including previous APEGA discipline hearing panels have adopted this test.
42. IC Counsel submitted that, in the circumstances, the Hearing Panel should accept the Joint Submission on Sanction, as it does not bring the administration of justice into disrepute and is not contrary to the public interest. Further, it follows the principles of sanctioning and protecting the public interest.
43. Member Counsel was provided an opportunity to make submissions, but indicated that IC Counsel had thoroughly presented the Joint Submission on Sanction, that he agreed with her submissions, and that he did not have anything to add.
44. The Hearing Panel had a few questions regarding the proposed sanction.
45. A Panel Member noted that Mr. Aldridge was suspended at some point and it would be normal for him to return his stamps. The Panel Member inquired whether those stamps had been returned to APEGA.
46. Both Member Counsel and IC Counsel confirmed that the stamps had been returned.

⁷R. v. *Anthony-Cook*, 2016 SCC 43 and *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303



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47. The Panel Member then asked whether Mr. Aldridge is registered in other jurisdictions.
48. Mr. Aldridge confirmed that he is registered in British Columbia, in Utah (as a structural engineer) and in Washington (as a professional engineer).
49. The Panel Member then noted that in *Mackie, Gill, and McLeod*, there was a requirement to take an ethics course and structural engineering courses. The Panel Member sought clarification as to whether any consideration was given as to whether Mr. Aldridge should update or take structural engineering courses.
50. IC Counsel advised that the Investigative Committee favoured the supervised practice over the course, as there is the ability to extend it and recommend referral to the Practice Review Board. This would target any potential incompetency or areas of improvement in Mr. Aldridge's practice in a direct way rather than trying to predict what issues to address with a course.
51. Member Counsel also noted that 24 months of supervision is a sufficient period for a supervising engineer to be comfortable with Mr. Aldridge's level of knowledge and that to recommend appropriate courses, if necessary.
52. The Hearing Panel took a brief adjournment to consider the Joint Submission on Sanction and the submissions from the parties.
53. Because Mr. Aldridge confirmed he was registered in three other jurisdictions, the Hearing Panel asked the parties whether they would agree to adding to the proposed sanction that the Director, Enforcement would contact those jurisdictions by email and advise of this Decision.
54. The hearing adjourned to allow the parties to discuss the proposed addition.
55. Upon return Member Counsel advised that Mr. Aldridge would consent to the following be added to the Joint Submission on Sanction as g.iii.:

The Director shall disclose that Mr. Aldridge is the subject of an APEGA disciplinary hearing to all other engineering regulatory bodies to which Mr. Aldridge holds membership, namely, in the states of Utah and Washington and the province of British Columbia (EGBC)
56. IC Counsel confirmed that the Investigative Committee also consented to the addition of g.iii.
57. The Hearing Panel then advised that, with the addition, it accepted the Joint Submission on Sanction and that it would provide a written decision outlining their reasons.
58. The hearing then concluded.



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Reasons of the Hearing Panel

The Findings of Unprofessional Conduct or Unskilled Practice

59. The Hearing Panel accepted that the Charges as set out in the Notice of Hearing were well-founded. The Hearing Panel came to this conclusion after reviewing the evidence in Exhibit 1 and the authorities referenced.⁸
60. For Charge 1 of IC 18-29, the Hearing Panel noted that the expert concluded that if Building B had been constructed based on the drawings designed and authenticated by Mr. Aldridge, it would not have met the requirements of the Alberta Building Code and would have been unsafe. Potential harm to public safety is an essential consideration for the Panel.
61. In the opinion of the Hearing Panel, the failure to comply with the requirements of the Alberta Building Code and to design and authenticate an unsafe structure constituted unprofessional conduct and unskilled practice.
62. For Charges 2 and 3 of IC 18-29 and Charge 1 of IC 21-01, the Hearing Panel agreed with previous panels that the obligations to one's regulator are essential to the preservation of self-regulation and that any breach of those obligations will affect the standing and integrity of the profession.
63. The conduct also failed to follow the Guidelines for Ethical Practice and breached the Code of Ethics.
64. Further, Mr. Aldridge's admissions of unskilled practice and unprofessional conduct were detailed and specific and confirmed the concerns raised by the complainant with APEGA. In each Charge, the admitted conduct fell clearly below the minimally accepted standards of practice expected of a member engaging in structural engineering.
65. For these reasons, the Hearing Panel found that the Charges contained in the Notice of Hearing, as amended, were proven and that the conduct constituted unprofessional conduct and unskilled practice as defined by the EGP Act.

Decision of the Hearing Panel on Sanction

66. The Hearing Panel carefully reviewed the proposed sanctions set out in the Joint Submission on Sanction. The Hearing Panel also heard the submissions and considered the authorities provided. The Hearing Panel accepted the Joint Submission on Sanction, as modified at the hearing with the consent of the parties.

⁸See comments in *Mackie* (17-015-FH) and *McLeod* (19-002-FC) noted previously in the Decision.



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67. In coming to this conclusion, the Hearing Panel considered the following:
- a. While the Hearing Panel is not bound to accept the joint submission, their role is limited to ensuring that the joint submission would not bring the profession into disrepute or would be otherwise contrary to the public interest. The Investigative Committee and Mr. Aldridge engaged in negotiations of sanction terms with the result that both parties are satisfied with the Joint Submission. The Hearing Panel acknowledged the significance of this process, the importance of “certainty in resolution discussions” and the high threshold of the public interest test.⁹
 - b. The fundamental concerns for the Hearing Panel were to protect the public and to ensure that Mr. Aldridge, if he should practice structural engineering again, be able to fully demonstrate that he can practice ethically, competently, and safely.
 - c. The importance of specific and general deterrence in any proposed sanction.
 - d. The need to preserve the integrity of the profession with the public and other regulatory bodies.
68. The proposed orders prevent Mr. Aldridge from being eligible for reinstatement with APEGA until he has completed a university-level ethics course and the National Professional Practice Exam. This will provide some reassurance that Mr. Aldridge comprehends the ethical requirements for safe structural engineering practice.
69. The public is then further protected by the requirement that Mr. Aldridge only practice engineering under the direct, personal supervision of a structural engineer. This protection is enhanced by the requirement that the Director, Enforcement must select the supervisor. This ensures that the supervisor has the proper qualifications to complete the supervision.
70. The public is also protected by the requirement that at the end of the supervision period, the supervisor must attest to Mr. Aldridge’s competency. If the supervisor is unable to make such an attestation, the period of supervision is extended. If, after the further 12 months of supervision, the supervisor does not attest to Mr. Aldridge’s competency, the matter will be referred to the Practice Review Board.
71. These requirements protect the public, while allowing Mr. Aldridge an opportunity to learn and to demonstrate the necessary knowledge and practical experience to practice structural engineering. Effectively, Mr. Aldridge will not return to the profession until competency is demonstrated.

⁹R. v. Anthony-Cook, *supra*.



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72. Because Mr. Aldridge is registered in jurisdictions outside Canada, the Hearing Panel was also concerned with APEGA's responsibility to other regulators to inform them of discipline proceedings and whether the public would be protected if these other jurisdictions were not at least aware of this Decision. Engineers and geoscientists in Alberta have practices in other jurisdictions, so the concept of "colleagues" and "the public" extends beyond Alberta's borders. Professional regulators work in collaboration with each other and should strive to keep other jurisdictions informed.
73. The Hearing Panel felt compelled to seek the parties' consent to disclose the Decision to those jurisdictions¹⁰ to ensure they were aware of discipline findings against Mr. Aldridge in Alberta. Where there are potential issues that could arise in other jurisdictions, particularly where public safety is at issue, such disclosure is necessary. This disclosure thereby serves to protect the public and to preserve the integrity of the profession.
74. The Hearing Panel noted that some of the proven conduct demonstrated a lack of cooperation with and respect for APEGA's authority and they were concerned as to whether Mr. Aldridge would follow the terms of the order. However, Mr. Aldridge's consent to APEGA sharing the Decision with other jurisdictions showed a willingness to cooperate with APEGA and supported the submission that Mr. Aldridge is committed to abide by the proposed order.
75. The Hearing Panel noted that the combined effect of the interim suspension, the voluntary cancellation, the prerequisites to reapply, and the direct supervision means that Mr. Aldridge will have been prohibited from practicing structural engineering independently for at least three years, if not more. This is a significant period and it provides specific deterrence to Mr. Aldridge.
76. This in addition to the reprimand, significant fine, and publication with name will serve as a general deterrent to the profession. It sends a clear message to the profession of the importance of competent practice, compliance with undertakings, and the duty to respond to one's regulator.
77. The Hearing Panel considered the combined effect of the proposed fine and costs and agreed with the submissions from the parties that the amount was proportional to the nature and gravity of the conduct and the time to pay provided sufficient flexibility to prevent the amount to be paid from being a crushing financial blow to Mr. Aldridge.

¹⁰The Hearing Panel noted that there is a Memorandum of Understanding that would allow APEGA to disclose the Decision to other regulators in Canada; however, since Mr. Aldridge is also registered outside Canada, the Hearing Panel sought Mr. Aldridge's consent to disclose to all jurisdictions where he is registered.



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78. Overall, the Hearing Panel finds that the proposed orders on sanction proportionally address the conduct at issue, fall within the range of orders in similar fact scenarios and therefore are not unreasonable or contrary to the public interest. For these reasons, the Hearing Panel accepted the Joint Submission on Sanction, as modified at the hearing with the consent of the parties.

Order

79. For the reasons set out above, the Hearing Panel makes the following orders pursuant to sections 63 and 64 of the EGP Act:
- a. Mr. Aldridge shall be reprimanded for his conduct and the Discipline Committee's written decision (the "Decision") shall serve as the reprimand.
 - b. Mr. Aldridge shall pay a portion of the hearing costs in the amount of \$2,500 within **12 months** from service of the Decision or in accordance with a payment schedule approved by the Director, Enforcement of APEGA (the "Director").
 - c. Mr. Aldridge shall pay a fine of \$5,000 within **12 months** from service of the Decision or in accordance with a payment schedule approved by the Director.
 - d. The fine and costs referred to in paragraphs b. and c. above are a debt owing to APEGA.
 - e. Mr. Aldridge will not be eligible to apply for reinstatement with APEGA until he has complied with the following:
 - i. Complete, at his own cost, the following courses:
 1. A University-level ethics course approved by the Director, such as The Practice of Engineering Profession (University of Alberta, ENGG 400¹¹); and
 2. The National Professional Practice Exam.

¹¹The Hearing Panel noted that "The Practice of Engineering Profession" (University of Alberta, ENGG 400) is not a continuing education course. It is only available to students enrolled in the engineering program at the University of Alberta, so it will not be available to Mr. Aldridge to satisfy this requirement. However, the reference to ENGG 400 in the Order is solely an example of the type of course that the Director could approve and the Director is empowered to substitute a different course where one is not available. Therefore, the Hearing Panel did not seek to amend the accepted Order. The Hearing Panel notes that "Ethics for Professional Practice" (University of Calgary, ADL 213) is of a similar intent and would be available for the member, subject to the Director's approval.



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3. If the course or examination is unavailable, an equivalent course or examination may be substituted where approved in advance in writing by the Director.
 - ii. Provide evidence of successful completion of the courses outlined in paragraph e.i.; and
 - iii. Have paid the fine and costs outlined in paragraphs b. and c. in full.
- f. Upon being reinstated (subject to the requirements of paragraph e. above), Mr. Aldridge shall only engage in the practice of engineering under the direct, personal supervision on an engineer with appropriate qualifications as approved by the Director for a period of 24 months, subject to the following:
 - i. A condition of supervised practice will be placed on Mr. Aldridge's registration with APEGA;
 - ii. Mr. Aldridge may submit the name or names of supervisors he wishes to work with, and the Director will consider the suitability of those candidates. The final selection of a supervisor will be made by the Director. The period of supervision does not begin until the Director provides Mr. Aldridge with written approval of the supervisor;
 - iii. The supervisor shall provide quarterly reports to the Director respecting all projects Mr. Aldridge has worked on, at Mr. Aldridge's expense;
 - iv. Mr. Aldridge shall not be permitted to act as a Responsible Member until the condition of supervised practice has been lifted. Mr. Aldridge must disclose the supervised practice requirement to his employer;
 - v. The condition of supervised practice will be lifted at the conclusion of the 24 months period so long as the supervisor attests in writing to Mr. Aldridge's competency in engineering;
 - vi. If the supervisor does not attest to Mr. Aldridge's competency at the conclusion of the 24 months of supervised practice, the period of supervised practice will be extended for a further 12 months;
 - vii. If at the conclusion of the 12-month extension, the supervisor does not attest to Mr. Aldridge's competency, the matter will be referred by Council to the Practice Review Board to conduct a review; and



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- viii. Mr. Aldridge will not be considered to be a member “in good standing” until the condition of supervised practice has been lifted.
- g. The Discipline Committee’s decision shall be published and circulated as follows:
 - i. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name Mr. Aldridge;
 - ii. If any member of the public inquires with APEGA as to whether Mr. Aldridge was the subject of a discipline hearing or was found guilty of any charges under the EGP Act, APEGA shall be at liberty to provide a complete copy of the Decision; and
 - iii. The Director shall disclose that Mr. Aldridge is the subject of an APEGA disciplinary hearing to all other engineering regulatory bodies to which Mr. Aldridge holds membership, namely, in the states of Utah and Washington and the province of British Columbia (EGBC).

On behalf of the Hearing Panel of the APEGA Discipline Committee

TOM GREENWOOD-MADSEN, M.Eng., P.Eng.
Panel Chair, APEGA Discipline Committee

DOUG COX, P.Eng.
Panel Member, APEGA Discipline Committee

JOHANNE POIRIER MOUALLEM, P.Eng.
Panel Member, APEGA Discipline Committee