



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.

Please note: This document contains strong and offensive language

Date: Oct. 6, 2021

Discipline Case Number: 21-015

**IN THE MATTER OF A RECOMMENDED DISCIPLINE ORDER 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 MR. TIM SANDBERG, P. GEOL.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Mr. Tim Sandberg, P. Geol. (the “Registrant”) with respect to a complaint initiated by the Complainant, dated December 17, 2020 (the “Complaint”) pursuant to section 44(1) of the *Engineering and Geoscience Professions Act*.

A. THE COMPLAINT

The Complainant alleged that the Registrant engaged in unprofessional conduct after he un-muted his microphone and uttered a sexually explicit comment during an APEGA sponsored Webinar.

The Investigative Committee conducted an investigation with respect to the following allegation outlined in the Complaint:

1. Whether the Registrant, while attending an APEGA Webinar with 299 members and non-members in attendance, engaged in unprofessional conduct by unmuting his microphone and uttering a sexually explicit comment which offended several participants.

B. AGREED STATEMENT OF FACTS

As a result of the investigation, it is agreed by and between the Investigative Committee and the Registrant that:



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(a) Background:

1. The Registrant holds a Bachelor of Science degree in Geology (University of British Columbia, 1982);
2. The Registrant has been a member of APEGA since 2004;
3. On December 10, 2020, the Registrant attended an APEGA sponsored Webinar titled *Alberta's Transitioning Economy: Tools to Support Oil and Gas Professionals Shifting to Other Industries*.
4. Several times during the Webinar, the Registrant's microphone became unmuted, and was heard uttering "breasts, great big tits" on one of these occasions;
5. The Registrant was aware of what transpired and apologized immediately afterwards to APEGA Events staff and in his subsequent response to APEGA Investigations;
6. The Registrant's comment was not intended for anyone in particular and he was unfamiliar with using the virtual platform ("Zoom") used during the Webinar.

(i) Facts Relating to Allegation #1:

Whether the Registrant, while attending an APEGA Webinar with 299 members and non-members in attendance, engaged in unprofessional conduct by unmuting his microphone and stating a sexually explicit comment which offended several participants.

7. On December 10, 2020, the Registrant attended an APEGA sponsored Webinar titled *Alberta's Transitioning Economy: Tools to Support Oil and Gas Professionals Shifting to Other Industries*.
8. The Webinar was presented by two invited speakers and attended by 299 participants comprised of both professional APEGA members and non-professionals.
9. The Webinar was both video and audio recorded with the participants' microphones muted.
10. Several times during the presentation, the Registrant's icon appeared onscreen and garbled audio could be heard as if his microphone was unmuted;
11. During one point of the presentation, the Registrant's icon appeared again, and a



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male voice is heard saying “*breasts, great big tits*”. The audio was very clear, and several attendees quickly identified the Registrant through the Webinar’s chat feature.

12. Both presenters heard the comment and suggested the person responsible should leave the Webinar.
13. There were no further interruptions by the Registrant. Several attendees contacted APEGA Events staff afterwards to express their displeasure in the Registrant but also commended the presenters on how they handled the situation.
14. The Registrant realized what occurred and submitted two emails to APEGA on December 11, 2020, apologizing for his comment.
15. The Registrant stated he was quoting a slang term for mammary glands from a skit by comedian George Carlin, “7 words you can’t say on TV”. He also stated it was his first time using the Zoom virtual platform.
16. On December 21, 2020, the Registrant provided an unsolicited letter of apology to APEGA investigator Mr. Alan Elliott when notified of the complaint.
17. The Registrant reiterated that the comment was not directed at anyone and that he was unfamiliar using the Zoom virtual platform.
18. In his written response to the allegation, the Registrant apologized again to all of those affected by his comment and maintained it was unintentional.

C. CONDUCT

19. The Registrant freely and voluntarily admits that at all relevant times the Registrant was an APEGA Professional Member and was thus bound by the *Engineering and Geoscience Professions Act* and the *APEGA Code of Ethics*;
20. The Registrant acknowledges that the conduct described above constitutes unprofessional conduct and unskilled practice as defined in Section 44(1) of the Act which states:
21. *Section 44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board,*

(a) is detrimental to the best interests of the public;



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(b) contravenes a code of ethics of the profession as established under the regulations;

(c) harms or tends to harm the standing of the profession generally;

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

(e) displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.

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

22. The Member also acknowledges that the conduct described above breaches Rule of Conduct #3 of the *APEGA Code of Ethics*, which states:

#3 Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.

D. RECOMMENDED ORDERS

23. On the recommendation of the Investigative Committee, and by agreement of the Registrant with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

- a) The Registrant shall receive a Letter of Reprimand, a copy of which will be maintained for one year in the Registrant's APEGA registration file.
- b) The Registrant shall pay a fine in the amount of \$500.00 pursuant to Section 64(1)(b) of the Act. The fine shall be paid within 90 days of the date this Order is approved by the Discipline Committee Case Manager.
- c) The Registrant may apply to the Director of Enforcement for an extension prior to the 90-day deadline. If the fine is not paid within 90-days or after the agreed upon extension, the Registrant shall be suspended from the practice of engineering until the fine is paid in full.
- d) This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Member.



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

Signed,

MR. TIM SANDBERG, P. Geol.

MR. BYRON TSOKAS, P. Geol.
APEGA Investigative Committee

MR. FRED RITTER, P.Eng.
Case Manager, APEGA Discipline Committee

Date: October 6, 2021