



The Association of Professional
Engineers and Geoscientists of Alberta

APEGA DISCIPLINE COMMITTEE DECISION

Date(s) of Hearing: November 24, 2022
Date of Decision: January 6, 2023
APEGA Discipline Case Number: 20-003-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 ERIC CHRYSANTHOUS, P.ENG.

INTRODUCTION

The Discipline Committee hearing took place on November 24, 2022, virtually via video conference.

Appearances

The members of the Hearing Panel of the Discipline Committee (“the Hearing Panel”) of the Association of Professional Engineers and Geoscientists of Alberta (“APEGA”):

Tom Greenwood-Madsen, P. Eng., Discipline Committee Panel Chair
Adam Whiting, P.Eng., Discipline Committee Panel Member
Fred Ritter, P.Eng., Discipline Committee Panel Member
Muriel Dunnigan, Discipline Committee Public Member

Gregory Sim, Legal Counsel for the Investigative Committee of APEGA (“the Investigative Committee”)

Garth Jespersion, Director, Investigations

Stacey McPeek, Independent Legal Counsel for the Hearing Panel of the APEGA Discipline Committee

There were several observers from APEGA staff attending virtually and each of the staff identified themselves. Present were: Andy Smith, Deputy Chief Regulatory Officer; Erum Afsar, P.Eng., APEGA Director, Enforcement; Jason Kalapurakal, P.Eng., Discipline Manager; Jenny Seibel and Neetu Dodd, Discipline Coordinators; and Saher Ahmed, Administrative Assistant, Discipline.

Opening of the Hearing

1. Ms. Afsar welcomed all in attendance to the hearing and provided some general housekeeping guidelines.
2. Each of the participants, including the Hearing Panel members, were asked to verify on the record that they were in a private space with no one else in attendance.
3. Mr. Chrysanthous was not present at the hearing, and he did not have a representative who attended on his behalf.
4. The Chair indicated that there was also a court reporter in attendance who would produce the official record of the proceedings. The Chair stated that there would be no other recordings.

Preliminary Matters

5. The Investigative Committee advised the Hearing Panel that there were no objections to the jurisdiction or constitution of the Hearing Panel.
6. The Investigative Committee then indicated that the Hearing Panel should determine whether to proceed with the hearing in the absence of Mr. Chrysanthous.
7. Section 61(3) of the *Engineering and Geoscience Professions Act* (the “Act”) states:

The Discipline Committee, on proof of service of the notice of investigation on the investigated person and the complainant, if any, may

 - (a) proceed with the investigation in the absence of either or both of those persons, and
 - (b) act on the matter being investigated in the same way as though either or both of those persons were in attendance.
8. The Investigative Committee submitted that while the section refers to the “investigation,” when read in the context of the Act, “investigation” refers to a discipline hearing.

9. Further, the Investigative Committee advised that while the Act refers to requiring proof of service on the complainant, the complaint originated from APEGA and it is clear APEGA has received notice of the hearing.

10. To demonstrate that the requirements of Section 61 of the Act had been met, the Investigative Committee called Jenny Seibel, Discipline Coordinator, as a witness and entered the Investigative Committee's index of documents, which was marked as Exhibit 1.

11. Exhibit 1 contained a section labelled "Scheduling Correspondence,"¹ which contained Mr. Chrysanthous' membership records and correspondence from and to Mr. Chrysanthous related to the scheduling and notice of the hearing.

12. The Hearing Panel held a meeting on July 20, 2022, which Mr. Chrysanthous received notice of, but did not attend, and the Hearing Panel rescheduled the hearing to November 24-25, 2022.

13. Ms. Seibel sent a copy of the new notice of hearing (the "Notice of Hearing") to Mr. Chrysanthous' email on July 25, 2022, and to his mailing address on July 26, 2022.

14. The Notice of Hearing identified the hearing dates of November 24-25, 2022, that were set by the Hearing Panel.

15. Ms. Seibel used the email addresses and mailing address listed on Mr. Chrysanthous' Detailed Membership Record,² both of which Mr. Chrysanthous updated in 2020.

16. Ms. Seibel received notification that Mr. Chrysanthous had opened the emails sent to him, most recently in November 2022.

17. The courier provided proof of delivery, showing that the package containing the Notice of Hearing was delivered on July 28, 2022.

18. Ms. Seibel sent an email to Mr. Chrysanthous on November 10, 2022, to several email addresses requesting that Mr. Chrysanthous confirm his attendance at the hearing and provide the name and contact information for his counsel, if any.

19. On November 16, 2022, APEGA received the unopened package containing the hearing documents with a note to the president of APEGA that stated "Enclosed an unopened mail from APEGA retrieved 2022. Under impression hearing dropped by APEGA. If not make it so and 50K owed by APEGA waived, further action aborted." The note was not signed but appeared to have come from Mr. Chrysanthous.

20. Ms. Seibel advised that from her understanding, Mr. Chrysanthous believes APEGA owes him \$50,000, but she is not aware of an actual debt owed to Mr. Chrysanthous.

¹ Tab 2 of Exhibit 1.

² See Tab 3 of Exhibit 1, p. 73-74.

21. Also on November 16, 2022, Mr. Chrysanthous emailed the president of APEGA and the CEO of APEGA. The Investigative Committee entered these emails, which were marked as Exhibit 2.

22. The Investigative Committee submitted that Ms. Seibel's evidence shows that when the hearing was rescheduled in July 2022, the Notice of Hearing was sent to Mr. Chrysanthous via email and courier using the addresses that Mr. Chrysanthous had most recently provided to APEGA. The Notice of Hearing was also sent to a different email address that Mr. Chrysanthous had used to request the prior adjournment in June 2022.

23. The Investigative Committee suggested that the evidence shows he received the package of documents, as he returned the package to the APEGA with a handwritten note that suggests he was aware of the pending hearing.

24. Section 61 of the *Engineering and Geoscience Professions General Regulation* (the "Regulation") states that when notice is required to be given under the Act, it is sufficient if it is sent by prepaid mail to the person at the last address they provided to the Registrar or if they provided an email address, to that email address. Unless the contrary is proven, the notices are deemed to have been received on the date it is sent (for email) and on the 14th day after being sent (for prepaid mail to an address outside Alberta).

25. The Investigative Committee submitted that the evidence supports a finding that there was proof of service on Mr. Chrysanthous by both email and prepaid mail.

26. After hearing submissions on the preliminary matters, the Hearing Panel adjourned to decide the preliminary matters.

Decision of the Hearing Panel on the Preliminary Matters

27. The Hearing Panel reconvened the hearing and verbally gave its decision on the preliminary matters, noting that its written reasons would follow. These are those written reasons.

28. The Hearing Panel considered the evidence in Exhibits 1 and 2, Ms. Seibel's testimony, and the Investigative Committee's submissions.

29. The Hearing Panel found that the Notice of Hearing was sent to both the email address and the mailing address that Mr. Chrysanthous last provided to APEGA. There is evidence that Mr. Chrysanthous opened the emails sent and received the package sent to the mailing address.

30. Mr. Chrysanthous cannot avoid being served with documents by choosing not to open a mailed package and returning the unopened package to APEGA. The timing and content of the

correspondence sent to APEGA in advance of the scheduled hearings³ suggest that Mr. Chrysanthous was aware that there was a hearing proceeding on November 24 and 25, 2022.

31. Per the Regulation, notice was effected on July 25, 2022, by email and August 9, 2022, by mail.

32. Further, the Hearing Panel noted that the Notice of Hearing contained a notice to Mr. Chrysanthous that should he not attend, the hearing could proceed in his absence. As such, he is deemed to be aware of the consequence of not attending and the potential that the hearing would proceed in his absence.

33. Accordingly, the Hearing Panel found that Mr. Chrysanthous was served with the Notice of Hearing, dated July 25, 2022, pursuant to Section 61 of the Regulation.

34. Upon receiving proof of service, the Hearing Panel elected to proceed with the hearing in the absence of Mr. Chrysanthous and to conduct the hearing in the same way as though he were in attendance.

The Charges

35. The charges against Mr. Chrysanthous are as follows:

IT IS ALLEGED THAT Eric Chrysanthous, P.Eng. engaged in unprofessional conduct in that he:

1. Engaged in email communications with members of the public and the engineering profession between December 26, 2010, and May 18, 2015;
2. Failed to comply with a November 1, 2016, request by or on behalf of the Investigative Committee of APEGBC to attend for the purposes of a rescheduled interview on November 17, 2016;
3. Failed to co-operate with, or attempted to mislead the Investigation Panel of APEGA between September 20, 2018, and March 22, 2019;

AND IT IS FURTHER ALLEGED that the above-referenced conduct constitutes unprofessional conduct as set out in one or more of sections 44(1)(a), (b), or (c) of the *Engineering and Geoscience Professions Act* and Rules of Conduct 3, 4, and 5 of APEGA's Code of Ethics.

Witnesses called at the Hearing

36. The Hearing Panel heard evidence from Garth Jespersen, Director, Investigations, at APEGA.

³ Exhibit 2 .

Exhibits entered during the hearing

37. The following Exhibits were entered at the hearing:

Exhibit 1 – The Investigative Committee’s Index of Documents:

Tab 1 – Notice of Discipline Hearing and Charges

Tab 2 – Scheduling Correspondence

Tab 3 – Eric Chrysanthous’ APEGA Membership Record

Tab 4 – Investigation Panel Report

Tab 5 – Notification of Complaint and Request for Response

Tab 6 – Investigation Interview of Eric Chrysanthous

Tab 7 – Letter from Eric Chrysanthous to APEGA

Tab 8 – Emails to Translink

Tab 9 – EGBC Correspondence

Exhibit 2 – Email from Mr. Chrysanthous (Eric.Chris@mail.com) to the President of APEGA and the CEO of APEGA, dated November 16, 2022, with letter attachment

Decision on the Charges of Unprofessional Conduct

Jurisdiction

38. The Hearing Panel notes that the conduct alleged in Charge 1 and Charge 2 occurred outside the province of Alberta. However, Mr. Chrysanthous was a member at the time the conduct occurred and remains a member of APEGA.

39. The definition of unprofessional conduct is not confined to conduct that occurs in Alberta. Mr. Chrysanthous has agreed to be regulated by APEGA and the Hearing Panel has jurisdiction to consider whether the conduct alleged in Charges 1 and 2 are proven and whether the conduct constitutes unprofessional conduct under the Act.

Introduction and Standard of Proof

40. The Hearing Panel heard evidence from one witness. It also reviewed all the documents contained in the Exhibits entered at the hearing. Rather than summarizing all evidence in detail, the Hearing Panel intends to provide a detailed discussion of the evidence under each of the charges set out below.

41. In coming to its decision in this matter, the Hearing Panel recognizes that the Investigative Committee bears the onus to prove the factual allegations made in the charges contained in the Notice of Hearing to satisfy the “balance of probabilities” standard of proof. This standard of proof requires that any charge be proven as more probable than not.

42. If some or all the factual allegations are proven, the Investigative Committee must also establish on the same balance of probabilities standard of proof that the proven factual allegations constitute unprofessional conduct by Mr. Chrysanthous.

43. This decision will therefore review each charge and consider whether the evidence establishes it is more probable than not that each factual allegation has been proven.

44. Based on its conclusions on the factual allegations, the Hearing Panel will then consider whether any proven factual allegations constitute unprofessional conduct.

Charge 1 – That Eric Chrysanthous, P.Eng. engaged in unprofessional conduct in that he engaged in email communications with members of the public and the engineering profession between December 26, 2010, and May 18, 2015

Decision of the Hearing Panel as to Whether the Conduct is Factually Proven

QRK The Hearing Panel considered whether the factual elements of Charge 1 were proven on a balance of probabilities. The evidence supporting proof of the particulars is set out below.

46. Between 2010 and 2015, someone using the email address [REDACTED] sent nine emails (the “Emails”) to various individuals at TransLink and public officials regarding the sender’s opposition to the 99 B-Line Diesel Bus Rapid Transit route in Vancouver.

47. The Emails contained the following excerpts:

a. Email A, sent December 26, 2010, to the CEO of Translink, signed “ec”:

i. *“[REDACTED] and Friends, you flexed your muscles this Christmas Eve, Christmas Day and Boxing Day with noisy noxious B-Lines, fine, this is what it gets you... enjoy 2011, it could be your last.”⁴*

b. Email B, sent December 9, 2012, to the BC Transportation Minister and other cc’s, signed “Eric Chris – Point Grey”:

i. *“Residents of Point Grey are being exposed to elevated sound pressure and particulate matter levels exceeding national and international standards. Go down to TransLink with a big stick to beat the crap out of the indifferent deadbeats who merely show up at work every day to collect a paycheck at TransLink. Do away with the extraneous 99 B-Line*

⁴ See Tab 4 of Exhibit 1, p. 172.

*service not only on weekends and holidays but also after 6 pm on weekdays...*⁵

ii. *"I am an Australian chemical engineer."*⁶

c. Email C, sent November 30, 2014, to TransLink Board, Mayor and Council of Vancouver, the BC Transportation Minister and other cc's, signed "ec" - describing a professional engineer with TransLink as:

i. *"a feckless engineer who doesn't appear to understand basic continuity theory or what intrinsic and extrinsic mean in the context of transit. He obtained a second degree in business (MBA) to climb to the top - telltale sign of someone lacking technical acumen in engineering and suffering from an inferiority complex."*⁷

ii. *"blinded by ambition and unfettered by what is right or wrong, he will lie and cheat, and say anything to protect his job."*⁸

iii. *"a traitor to his profession and is no engineer."*⁹

And suggested that *"when faced with fraud, the only effective way to deal with the fraudsters is to actively hunt them down and eliminate them - put a bullet in them, just as the Inuit hunters once did in Canada."*¹⁰

d. Email D, sent January 18, 2015, to the Mayor of Vancouver and other cc's, signed "Eric Chris, PE":

i. *"transit is primarily a welfare program, and for unethical snake oil salesman like you [sic] lie about transit reducing road congestion for you and the swindlers at TransLink to profit from the expensive hub to hub transit (subway to UBC) fleecing taxpayers is bothersome, just a bit."*¹¹

ii. *"Don't mess up 'most marvelous mayor'. You won't like what happens if you do."* [Below the statement is a picture of a boxer standing with fists raised.]¹²

⁵ See Tab 4 of Exhibit 1, p. 174. ⁶

See Tab 4 of Exhibit 1, p. 177. ⁷

See Tab 4 of Exhibit 1, p. 189. ⁸

See Tab 4 of Exhibit 1, p. 189. ⁹

See Tab 4 of Exhibit 1, p. 190. ¹⁰

See Tab 4 of Exhibit 1, p. 190. ¹¹

See Tab 4 of Exhibit 1, p. 198. ¹²

See Tab 4 of Exhibit 1, p.198.

- iii.= and describing the Mayor of Vancouver as an “*idiot*,” “*retard*,” and “*a sham, fool*”¹³
- e. Email E, sent April 13, 2015, to the mayor of Vancouver with other cc’s, signed “Eric Chris, Vancouver”:
- i. *Where is Rambo when you need him? You know what I think? First, we shoot down the sales tax for transit. Then, we shoot down the dirt bags at TransLink.* [Below is an image of a person firing a gun and a link to a YouTube video that is a clip of a scene from a Rambo movie that depicts a character firing a large gun and killing many individuals.]¹⁴
- f. Email F, sent April 19, 2015, to the TransLink Board and professional engineers with other cc’s, signed “Eric Chris on behalf of hundreds of residents of Vancouver”:
- i. *“Residents in Point Grey are not going to ask you, one more time. Either the 99 B-Line diesel buses are gone by the end of April 2015 or you are going to be gone, soon. Do you comprehend?”*¹⁵
- g. Email G, sent April 20, 2015, to Mayor of Vancouver with other cc’s, signed “Eric Chris, Vancouver” – regarding a TransLink professional engineer, board member, and director:
- i. *“It seems to me that we might be better off parachuting these fools over extremists held areas in Syria for ISIS to practice their execution techniques on them.”*¹⁶
- h. Email H, sent May 3, 2015, to the TransLink Board and professional engineers with other cc’s, signed “Eric Chris, Vancouver”:
- i. *“Last month. you were instructed to cease the operation of the 99 B-Line service which is not comply with the motor vehicle act.”*
- ii. *“You had until April 30, 2015 to remove the 99 B-Line diesel buses from Broadway. Foolishly, you ignore this deadline, and the 99 B-Lines are still in operation. You all seem to believe that you are untouchables who are beyond the reach of the law - transit employees doing as you please with impunity - you have connections. Uh-huh; things are in the works. Sometimes, the direct solution, is the only solution.”* [Emphasis in original; Below the statement is a YouTube link to a clip from *Dirty Harry*, a movie

¹³ See Tab 4 of Exhibit 1, p. 198.

¹⁴ See Tab 4 of Exhibit 1, p. 204.

¹⁵ See Tab 4 of Exhibit 1, p. 211.

¹⁶ See Tab 4 of Exhibit 1, p. 213.

in which Clint Eastwood shoots and kills a man, uttering the line, 'Do you feel lucky? Well, do ya, punk?]'¹⁷

- i. Email I, sent May 18, 2015, to the Metro Vancouver Alliance with other cc's, signed "Eric Chris, PE":
 - i. *"there is only one solution for the resident evil at TransLink. We fight the infection at TransLink and curtail its spending which is growing at a geometric rate. We shut down the flow of money financing the \$150 million/year bureaucracy at TransLink siphoning away money from transit operations to pay for the hundreds of grossly overpaid mindless minions at TransLink. It really is the end of transit and unless [REDACTED] and his friends at TransLink are made extinct."* [Emphasis in original] ¹⁸

48. The Hearing Panel considered whether the evidence supports that, on a balance of probabilities, Mr. Chrysanthous sent the Emails using a pseudonym "Eric Chris,"

49. The Emails were the subject of a hearing by Engineers & Geoscientists British Columbia (EGBC).¹⁹ The EGBC hearing found Mr. Chrysanthous demonstrated unprofessional conduct by sending the Emails that contain threats of violence, allegations of dishonesty, and professional impropriety.²⁰

50. The Hearing Panel accepted the submissions from the Investigative Committee that findings of fact made by one judicial decision maker can be accepted by another decision maker, provided that the prior proceedings were fair and that the issues in the prior proceeding were not substantially different from those in the current decision.²¹

51. The Hearing Panel finds that there is no evidence that the prior proceedings before the EGBC were unfair:

- a. Mr. Chrysanthous was invited to participate in the hearing but chose not to attend.
- b. Despite not attending the hearing, Mr. Chrysanthous was provided an opportunity to make submissions later, when requested.
- c. Mr. Chrysanthous neither appealed the EGBC decision nor attended this hearing to raise concerns with the fairness of the EGBC hearing.

¹⁷ See Tab 4 of Exhibit 1, p. 224.

¹⁸ See Tab 4 of Exhibit 1, p. 230.

¹⁹ Officially known as the Association of Professional Engineers and Geoscientists of the Province of British Columbia (APEGBC). Any reference to EGBC also refers to APEGBC and vice versa.

²⁰ See Tab 4 of Exhibit 1, p. 146.

²¹ The Investigative Committee cited *Penner v. the Niagara (Regional Police Service Board)*, (2013) 2 SCR 125.

52. The Hearing Panel also finds that the issues in the EGBC decision were the same as the issues in this hearing. Charges 1 and 2 relate to the same conduct as and are based on the charges considered in the EGBC hearing.

53. Accordingly, the Hearing Panel relied on the following findings of fact from the EGBC decision:

- a. there is no individual named “Eric Chris” in the EGBC online membership database; however, “Eric Chrysanthous” was listed;
- b. Mr. Chrysanthous’ drivers licence showed an address along the 99 B-Line bus route and the location about which “Eric Chris” wrote an article about the harmful effects of the bus lines;
- c. apart from the portion of a media article that states Eric Chris is “an Australian,” Mr. Chrysanthous’ education, background, registration, and work history are very similar to that of “Eric Chris”;
- d. during the discussion with the peace officer about the Emails, Mr. Chrysanthous did not deny sending the Emails and agreed not to send any further threatening emails;
- e. after the peace officer met with Mr. Chrysanthous to discuss the Emails from “Eric Chris,” TransLink did not receive any further threatening correspondence;
- f. there are key similarities between the issues raised in a PowerPoint presentation, dated October 20, 2016, authored by Mr. Chrysanthous and those in the Emails; and
- g. Mr. Chrysanthous acknowledged submitting a complaint to EGBC in 2013 that was submitted by “Eric Chris” and not Eric Chrysanthous.

54. Mr. Chrysanthous did not deny that he was concerned with the 99 B-Line buses and there is evidence that Mr. Chrysanthous sent other emails to TransLink raising concerns similar to those contained in the Emails.²²

55. Further, Mr. Chrysanthous admitted during the interview at APEGA on March 22, 2019, that he may have sent some of the Emails,²³ that he had access to the email address “██████████”,²⁴ and that the computer where he had access to the email address “██████████” was located at his residence in Vancouver.²⁵

²² See Tab 8 of Exhibit 1.

²³ See Tab 6 of Exhibit 1, p. 337-338. ²⁴

See Tab 6 of Exhibit 1, p. 338 -339. ²⁵

See Tab 6 of Exhibit 1, p. 347.

56. Still further, as recently as November 17, 2022, APEGA received an email purportedly from “Eric Chris” written in the first person and containing references to the proceedings against Mr. Chrysanthous both in BC and Alberta. The email attaches a letter that references this hearing and includes comments about “my engineering license,” “my private life” and “my career.”²⁶ This information suggests that the person who sent the email was Mr. Chrysanthous, despite the email being sent from an address assigned to “Eric Chris.”

57. When all the evidence is considered, the Hearing Panel finds that it is more probable than not that Mr. Chrysanthous sent the Emails using a pseudonym “Eric Chris.”

58. Accordingly, the Hearing Panel finds that conduct outlined in Charge 1 is factually proven on a balance of probabilities.

Decision of the Hearing Panel as to Whether Unprofessional Conduct is Proven

59. The Hearing Panel then considered whether the proven conduct amounted to unprofessional conduct under the Act.

60. The Investigative Committee submitted that there should be no doubt that sending such emails constitutes unprofessional conduct for an APEGA member. While all Canadians enjoy a constitutional right of freedom of expression, that right is subject to limits.

61. The Investigative Committee submitted the courts have recognized the need to balance a professional’s constitutional rights with their obligation to act in the public interest and protect the integrity of the profession. The Investigative Committee suggested that the Hearing Panel needs to consider whether finding that Mr. Chrysanthous committed unprofessional conduct would be a disproportionate infringement of his constitutional rights.²⁷

62. The Investigative Committee submitted that it would be entirely proportionate, appropriate, and rational to find the Emails went beyond acceptable political discourse. The Emails are not mere expressions of disagreement, but rather thinly veiled threats of violence that counsel others to commit violence against various individuals.

63. The Investigative Committee submitted that the public cannot countenance members of APEGA threatening or trying to incite violence.

64. The Investigative Committee noted that in some of the Emails, Mr. Chrysanthous identified himself as an engineer.

65. The Investigative Committee submitted that this conduct is conduct that tends to harm the standing of the profession and therefore is a breach of section 44(1)(c) of the Act.

²⁶ See Exhibit 2.

²⁷ *Dore v. Barreau du Quebec*, 2012 SCC 12; *Zuk v. Alberta Dental Association and College*, 2018 ABCA 270.

66. The Investigative Committee also noted that the Code of Ethics requires members to uphold and enhance the honour, dignity, and reputation of their profession and the ability of the profession to serve the public interest.²⁸ Threats of violence do not uphold or enhance the honour, dignity, and reputation of the profession and constitute a breach of the Code of Ethics. Section 44(1)(b) of the Act states that conduct that breaches the Code of Ethics constitutes unprofessional conduct.

67. The Hearing Panel accepts the arguments of the Investigative Committee and finds that Mr. Chrysanthous' proven conduct amounts to unprofessional conduct under sections 44(1)(b) and (c) of the Act and contravened Rule of Conduct 5.

68. The Hearing Panel acknowledges that every APEGA member has a constitutional right to freedom of expression and that there is no absolute restriction on a member voicing concerns in a public forum

69. However, Mr. Chrysanthous' conduct goes beyond merely voicing concerns and includes threats to commit violence and encouraging others to commit violence against members of the public. It is these comments, and not the raising of issues with certain decisions of TransLink, that crosses the line from appropriate political discussion into unprofessional conduct.

70. Several of the emails include references to being an engineer, engineering standards, and calculations that imply engineering knowledge. Therefore, it would be reasonable for a member of the public to believe the Emails originated from an engineer.

71. The Hearing Panel considered how the public would perceive one engineer's threatening critique of other engineers' work and how that might affect the standing of the profession.

72. The Hearing Panel finds that the Emails tend to harm the standing of the profession, because the public may see the threats contained in an email from an engineer as something the engineering profession condones or as reflective of views of engineers generally. The conduct constitutes unprofessional conduct per Section 44(c) of the Act.

73. Further, the Code of Ethics requires "Professional engineers [to] uphold and enhance the honour, dignity, and reputation of their profession."

74. An engineer seen to be making threats of violence against anyone falls well outside the type of conduct that upholds the honour, dignity, or reputation of the profession and certainly does not enhance it. The conduct constitutes a breach of Rule of Conduct 5 and thereby constitutes unprofessional conduct per section 44(b) of the Act.

75. The Hearing Panel finds Mr. Chrysanthous' proven conduct is disturbing and a blatant disregard for his professional obligations. Accordingly, the Hearing Panel finds that the proven conduct in Charge 1 amounts to unprofessional conduct.

²⁸ APEGA's Code of Ethics, Rule 5.

Charge 2 - That Eric Chrysanthous, P.Eng. engaged in unprofessional conduct in that he failed to comply with a November 1, 2016, request by or on behalf of the Investigative Committee of APEGBC to attend for the purposes of a rescheduled interview on November 17, 2016;

Decision of the Hearing Panel as to Whether the Conduct is Factually Proven

76. On April 22, 2015, EGBC wrote Mr. Chrysanthous notifying him of the complaint made against him and requested a response.²⁹

77. On September 18, 2015, EGBC wrote Mr. Chrysanthous further detailing the complaint made against him including copies of the Emails, requesting a response, and outlining the EGBC general complaint process.³⁰

78. On April 11, 2016, EGBC wrote Mr. Chrysanthous following up on the prior letters, requesting a response, and advising what may occur should he not respond.³¹

79. October 12, 2016, EGBC wrote Mr. Chrysanthous following up on the prior letters, and directing him to attend for an interview on October 28, 2016.³²

80. On October 25, 2016, Mr. Chrysanthous confirmed via voicemail receipt of the letter and that he would attend the interview.³³

81. Mr. Chrysanthous attended the interview but did not speak. Rather, he provided a series of sticky notes³⁴ that said:

- a. "Good morning, I have laryngitis from asthma medication and can't speak. I've prepared a statement and will communicate in writing."
- b. "Please read out the statement or pass it around for everyone to read."
- c. "I have not [*sic*] intention of returning. Excuse me. I have no reason to be here. APEGBC does not investigate unproven claims."
- d. "I left my statement and can mail it if you wish."
- e. "I will not attend another interview. My statement gives all the information which I know."
- f. "information"

²⁹ See Tab 9 of Exhibit 1, p. 364-373.

³⁰ See Tab 9 of Exhibit 1, p. 374-415.

³¹ See Tab 9 of Exhibit 1, p. 416-429.

³² See Tab 9 of Exhibit 1, p. 430-431.

³³ See Tab 9 of Exhibit 1, p. 436 (first paragraph). ³⁴ See Tab 9 of Exhibit 1, p. 432-435.

82. The EGBC decided to postpone the interview with the hope that Mr. Chrysanthous' condition would improve.

83. On November 1, 2016, EGBC wrote Mr. Chrysanthous following up on the initial interview, reminding Mr. Chrysanthous of his obligation to appear on request, and directing him to attend for an interview on November 17, 2016 (the "Rescheduled Interview").³⁵

84. On November 17, 2016, Mr. Chrysanthous did not attend for the interview at the APEGBC Offices.³⁶

85. The Hearing Panel finds that the evidence supports that EGBC requested that Mr. Chrysanthous attend the Rescheduled Interview and that Mr. Chrysanthous failed to do so:

86. Accordingly, the Hearing Panel finds that conduct outlined in Charge 2 is factually proven on a balance of probabilities.

Decision of the Hearing Panel as to Whether Unprofessional Conduct is Proven

87. The Hearing Panel went on to consider whether the proven conduct amounted to unprofessional conduct under the Act.

88. Section 30(4) of the *Engineers and Geoscientists Act* (the "BC Act")³⁷ requires that:
30(4) A member, licensee or certificate holder being investigated under subsection (3) must

- (a) provide the committee or subcommittee conducting the investigation with any information or records in the possession or control of the member, licensee or certificate holder that the committee or subcommittee may require,
- (b) answer, within a reasonable time and in the manner specified by the committee or subcommittee, any inquiries of the committee or subcommittee, and
- (c) appear, on request, before the committee or subcommittee.

89. The Investigative Committee submitted that by refusing to attend at the Rescheduled Interview, Mr. Chrysanthous breached Section 30(4) of the BC Act and a breach of legislation constitutes unprofessional conduct.

90. The Code of Ethics requires "Professional engineers [to] comply with applicable statutes, regulations, and bylaws in their professional practices."³⁸

³⁵ See Tab 9 of Exhibit 1, p. 436-437.

³⁶ See Tab 9 of Exhibit 1, p. 440.

³⁷ The *Engineers and Geoscientists Act* was in force at the time of Mr. Chrysanthous' conduct in BC. It was subsequently replaced by the *Professional Governance Act*.

³⁸ Rule of Conduct 4.

91. The Hearing Panel considered whether the proven conduct occurred “in the professional practice” of Mr. Chrysanthous.

92. A professional has an obligation to respond and co-operate with their regulator. That is part of the privilege of self-regulation and the privilege of practising a regulated profession, such as engineering.

93. The professional practice of an engineer is not restricted to the application of science; it is broader than that and must include the professional obligations one owes to the regulatory body and the profession at large.

94. Therefore, the Hearing Panel finds that the proven conduct falls within Mr. Chrysanthous’ “professional practice.”

95. Therefore, the Code of Ethics required Mr. Chrysanthous to comply with any applicable statutes. The Hearing Panel finds that, by virtue of being a member of EGBC and being permitted to practice engineering in British Columbia, the BC Act applied to Mr. Chrysanthous at the time of the proven conduct.

96. By failing to appear on request at the Rescheduled Interview, Mr. Chrysanthous breached a statute in the jurisdiction where he practised.

97. A breach of a statute is a breach Code of Ethics, Rule of Conduct 4.

98. Therefore, the Hearing Panel finds that Mr. Chrysanthous’ proven conduct in Charge 2 amounts to unprofessional conduct under sections 44(1)(b).

Charge 3 – That Eric Chrysanthous, P.Eng., engaged in unprofessional conduct in that he failed to co-operate with, or attempted to mislead the Investigation Panel of APEGA between September 20, 2018, and March 22, 2019

Decision of the Hearing Panel as to Whether the Conduct is Factually Proven

99. On December 27, 2018, Mr. Chrysanthous wrote APEGA to provide his written response to the complaint.³⁹ In that letter he stated the following:

- a. “In October of 2016 in Burnaby, BC, the engineer called before EGBC successfully repudiated and disproved the allegations by ██████████ of TransLink”
- b. “EGBC inflicted reprisals and disciplined the engineer from APEGA after the engineer from APEGA broke ties with EGBC and left EGBC in good standing.”
- c. “Commentaries which EGBC states are professional ones by someone claiming to be a member of EGBC are not. They aren’t by anyone representing EGBC or any other professional association in Canada. They are by someone who was

³⁹ See tab 4 of Exhibit 1, p. 232-240.

interviewed by *The Vancouver Courier* and identified as an Australian “born” engineer. I was born in Edmonton, Canada.”

100. As noted above, on March 22, 2019, Mr. Chrysanthous admitted during an interview with APEGA that he had access to the [REDACTED] email address and may have sent some of the Emails from a computer that was in his house.

101. On March 24, 2019, Mr. Chrysanthous wrote APEGA⁴⁰ and stated:

- a. “I presented you with my birth certificate proving that I am not Chris who is Australian born.”
- b. “Excerpts which you read aloud to me on Friday March 22, 2019 are Chris’ diatribe which punctuated the rebuttal of engineers”
- c. “I stated that Chris isn’t using the P.Eng. (protected) designation for APEGA (or EGBC) to have jurisdiction or an issue with the comments by Chris.”

102. The Investigative Committee submitted that Mr. Chrysanthous, both before and after the interview, was failing to co-operate with the investigation and was actively trying to mislead the Investigative Committee by acknowledging that he wrote the Emails and then suggesting that someone else wrote these emails.

103. The Hearing Panel considered whether the information supports a finding that Mr. Chrysanthous failed to co-operate with the investigation. The Hearing Panel notes that Mr. Chrysanthous:

- a. provided a written response to the complaint; and
- b. participated in an interview where he made some admissions with respect to the alleged conduct.

104. The Hearing Panel finds that this was a level of co-operation with the investigation, as Mr. Chrysanthous participated in each investigative process that APEGA requested. Unlike the EGBC investigation, there is no evidence that Mr. Chrysanthous failed do something that APEGA had asked of him.

105. While the Investigative Committee may have expected or appreciated more forthright responses, the conduct does not rise to the level of failing to co-operate with APEGA’s investigation.

106. The Hearing Panel then considered whether the information supports a finding that Mr. Chrysanthous actively misled the investigation.

⁴⁰ See Tab 7 of Exhibit 1, p. 359.

107. The Hearing Panel acknowledges that any member is entitled to deny the allegations against them and to advance their version of events during investigation, without facing a charge that they actively misled the investigation.

108. However, the Hearing Panel notes that Mr. Chrysanthous went beyond denying the allegations and distinguishes that sort of conduct from the conduct before them in a few ways.

109. First, Mr. Chrysanthous consistently mischaracterized the findings and outcome of the EGBC Hearing.

110. In his response to the APEGA complaint, Mr. Chrysanthous suggested that he was successful at the EGBC hearing and left the EGBC in good standing.

111. However, even a cursory reading of the EGBC decision shows these assertions were incorrect. There is no basis for this suggestion and yet Mr. Chrysanthous continued to advance this demonstrably false narrative throughout the APEGA investigation.

112. The Hearing Panel finds that mischaracterizing the findings and outcome of the EGBC hearing was an attempt to minimize the concerns with a hope that APEGA would dismiss the complaint. This could be interpreted as misleading.

113. Second, Mr. Chrysanthous provided conflicting evidence about how the Emails originated.

114. Initially, he suggested that he was not responsible for sending any of the Emails and that they were the product of someone named "Eric Chris," who was someone born in Australia. He went so far as to produce his birth certificate to prove that he was not "Eric Chris," because he was born in Edmonton.

115. Then, at the interview, he admitted that he may have sent some of the Emails, that he had access to the email from which the Emails were sent, and that the place where he had access to the emails was on a computer located in his residence in Vancouver.

116. Then, he sent a follow-up letter where he reverted back to the stance that he did not send the Emails and that they were from the Australian-born "Eric Chris."

117. The Hearing Panel finds that the changing of position on whether he sent any of the Emails were attempts to cloud the investigation and potentially lead an investigator to believe that there was another individual responsible. This could also be interpreted as misleading.

118. Third, in his email and letter to the President of APEGA on November 17, 2022, he suggested that he was "in the dark" about the hearing, but then in the same letter acknowledges having received but not opened a letter from APEGA and appears to know to what the Notice of Hearing relates.

119. Also of note is that, despite his insistence that he was not “Eric Chris,” this email listed the sender as “Eric Chris,” albeit from a different email than was used to send the Emails.

120. Further, in his email to the President of APEGA on June 23, 2022, he notes that the “hearing contemplated by APEGA is considered to be in contravention of constitutional rights.” This suggests Mr. Chrysanthous was aware of the content of the Notice of Hearing and not “in the dark” as he later asserted.

121. The Hearing Panel find that the letters to the President of APEGA and the use of the very pseudonym that he insisted was not him, while both were outside the time frame contemplated in Charge 3, was a continuation of the type of behaviour displayed during the investigation. This behaviour displays a level of dishonesty and a lack of forthrightness with APEGA. This could also be interpreted as misleading.

122. Having considered all the evidence, the Hearing Panel finds that it is more probable than not that Mr. Chrysanthous attempted to mislead the Investigative Committee during its investigation.

123. The Hearing Panel finds that, on a balance of probabilities, the conduct in Charge 3 is factually proven in part. More specifically:

- a. The Hearing Panel finds that the allegation that Mr. Chrysanthous attempted to mislead the Investigation Panel of APEGA between September 20, 2018, and March 22, 2019, is proven.
- b. The Hearing Panel finds that the allegation that Mr. Chrysanthous failed to co-operate with the Investigation Panel of APEGA between September 20, 2018, and March 22, 2019, is not proven.

Decision of the Hearing Panel as to Whether Unprofessional Conduct is Proven

124. The Investigative Committee submitted that there should be no question that actively trying to mislead your regulatory organization would harm the standing of the profession and thereby constitute unprofessional conduct per sections 44(1)(b) and (c).

125. The Hearing Panel considered the conduct as proven and accepts the arguments of the Investigative Committee.

126. Every regulated professional owes a duty to their regulatory body to respond honestly and in a forthright manner to any complaint.

127. The privilege of self-regulation is grounded in the principle that the profession is made up of honest and ethical individuals, who when faced with an allegation unprofessional conduct, will respond fully and professionally. The public trusts that the regulatory body, made up of other professionals, is able to regulate the profession in the public interest.

128. Where a member attempts to mislead their regulatory body, that trust is violated and it becomes a risk to self-regulation. In essence, the member places the reputation of the profession at risk and threatens the public's confidence in the regulatory body's ability to regulate the profession.

129. The proven conduct may lead the public to question both the standing and the reputation of the profession.

130. Accordingly, the Hearing Panel finds that the proven conduct tends to harm the standing of the profession and fails to enhance the reputation of the profession and as such, constitutes unprofessional conduct as outlined in sections 44(1)(b) and (c) and Rule of Conduct 5.

Conclusion

131. For the reasons set out in this decision, the Hearing Panel has found that Charges 1 and 2 in the Notice of Hearing have been proven on a balance of probabilities.

132. With respect to Charge 3, the Hearing Panel finds it was proven in part. The Hearing Panel found that Mr. Chrysanthous attempted to mislead the Investigation Panel. However, it did not find that Mr. Chrysanthous failed to co-operate with the Investigation Panel.

133. The Hearing Panel has then found that the proven conduct in the charges constitutes unprofessional conduct.

134. The Hearing Panel is prepared to receive submissions from the Investigative Committee and Mr. Chrysanthous concerning what orders, if any, should be made by the Hearing Panel following its finding of unprofessional conduct.

135. The Hearing Panel directs that the parties contact Ms. Erum Afsar, APEGA Director, Enforcement, at the email: hearings@apega.ca, within two weeks from the receipt of this decision, to advise how they wish to provide submissions on sanction: by written submissions or at a further oral hearing.

136. Once these responses are received, the Hearing Panel will provide further directions regarding the procedure for making the submissions.

Dated January 6, 2023.

On behalf of the Hearing Panel of the APEGA Discipline Committee:

Tom Greenwood-Madsen

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Verify with verifio.com or Adobe Reader.



Tom Greenwood-Madsen, P. Eng.,
Discipline Committee Panel Chair

Fred Ritter

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Muriel Dunnigan, Discipline Committee
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