

# Discipline Case Digest

**Case:** 2008-02

**Subject Member:** Registered Professional Forester (name withheld)

**Referred to:** Complaints Resolution Committee

**Date of Decision:** April 17, 2008

## **Allegations:**

The dispute involved a disagreement between two members regarding the development of work related programs. The complainant did not believe the subject member had the training and experience required to be qualified, nor was he as competent or diligent as he should have been. The allegations involved potential breaches of the following sections of the bylaws:

### **Bylaw 11: Code of Ethics**

11.3.7. To practice only in those fields where training and ability make the member professionally competent

11.5.1. To act conscientiously and diligently in providing professional services.

11.5.4. To accept only those assignments for which the member is qualified or seek assistance from knowledgeable peers or specialists whenever a field of practice is outside the member's competence

### **Bylaw 12: Standards of Professional Practice**

12.2. Competence

12.2.2. Competent members ensure their work is complete, correct and clear.

12.2.3. Competent members exercise appropriate judgment and discretion with due care.

12.5. Due Diligence

12.5.1. Members exercise due diligence by being prudent and doing all work with constant and careful attention.

The subject member was of the belief that he was acting appropriately given his knowledge and experience in the areas of concern.

## **Decision:**

Upon reviewing the evidence and the recommendations of the Complaints Resolution Committee (CRC), the registrar declined to issue a citation.

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## Reasons for Decision:

After reviewing the complaint the registrar concluded that the complaint does not meet all of the four tests specified in Section 22(6) of the *Foresters Act*.

The primary reasons for this decision are:

1. There was not enough evidence to allow an investigation to proceed. The CRC and the registrar could find no specific evidence of professional misconduct on the part of the subject member.
2. On the evidence presented there was a significant difference of professional opinion rather than professional misconduct.