

Discipline Case Digest

Discipline Case: 2008-05

Subject Member: Registered Professional Forester (name withheld)

Referred to: Complaints Resolution Committee

Date of Decision: November 2009

Allegation:

The case resulted from a complaint from two ABCFP members alleging that a member employed by a major licensee falsified an approved Forest Development Plan (FDP) amendment and electronically superimposed the District Manager's signature on the document. Subsequent forensic examination confirmed that the document was fabricated and was never submitted to the District Manager for approval. The complainants felt that the subject member engaged in conduct unbecoming a member and may have contravened the following bylaws:

11.4.1 To inspire confidence in the profession by maintaining high standards in conduct and daily work.

11.4.4 Not to misrepresent facts.

11.5.1 To act conscientiously and diligently in providing professional services.

Decision:

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

Reasons for Decision:

The investigation committee did a thorough investigation of this allegation. They interviewed the subject member, his colleagues, consultants, and his subordinates. After a review of all of the evidence we reached the following conclusions:

1. The subject member was relatively new to his job and claimed to have found the document in the cutting permit file. We found insufficient evidence to disprove this claim or to support a conclusion that the subject member had a role in creating the forged document.
2. We were unable to find any compelling financial or logistical motive for the subject member to create such a forged document. The investigators could not find sufficient information to suggest that the subject member was under undue pressure to push the cutting permit application forward under the amendment.

3. While a number of people were involved in working on the FDP amendment, we could not find anyone who knew about the existence of or creation of the cutting permit file before the subject member discovered it. The subject member's employer conducted its own investigation, but was unable to identify who created the file.
4. Given that the subject member was relatively new to his job and to the licensee; that filing was the responsibility of a clerk and there was significant backlog of filing; that the licensee had merged with two other companies and was standardizing its mapping, and that administrative procedures were in a state of flux; we did not find that the subject member should have reasonably known or suspected that the document was falsified.
5. We examined the question of whether the subject member should have found it unusual to find an FDP amendment on the cutting permit file. However, given the circumstances noted under point #4, we were unable to conclude that the subject member would have had any reason to suspect that the document was not genuine.

This was a challenging and difficult case. The forgery of a legal operational plan is a very serious offence. We confirmed that the document was fabricated, but could not determine who created it. Although we know that the subject member forwarded the falsified amendment to an MFR district office upon its request, we were unable to determine that he intended to submit a falsified document, or that there was any negligence on the part of the subject member.

This case should provide a warning to ABCFP members and licensees to ensure that they are duly diligent in with their amendment processes and filing systems. The forgery of legal operating plans is an extremely serious offence and all parties involved need to have systems in place to prevent any re-occurrence of this situation.