

Discipline Case Digest

Case: 2008-06

Subject Member: Registered Professional Forester (name withheld)

Referred to: Complaints Resolution Committee

Date of Decision: July 2009

Allegations:

The case resulted from a complaint from a non-ABC FP member who felt that the subject member was not professionally competent and had acted unprofessionally towards employees and subordinates. The complaint includes the following allegations:

1. The complainant contends that the subject member has little to no silviculture background and was constantly relying on the complainant to do work to make up for the subject member's incompetence.
2. The complainant contends that the subject member would speak very degradingly about people under him, especially First Nations people.
3. The complainant contends that the subject member would ask the complainant and others to do inappropriate tasks then get angry when they refused.
4. The complainant contends that employees were asked to complete forms in the office for areas that they had never been to in the field.
5. The complainant contends the subject member instructed the complainant and two other technicians to cross an unsafe stream crossing.
6. The complainant contends that the subject member demanded that the complainant take short-cuts when filling out the FS1138 form.

The allegations were that the subject member may have contravened the following bylaws:

- 3.7 - To practice only in those fields where training and ability make the member professionally competent.
- 3.8 - Not to make misleading or exaggerated statements regarding the member's qualifications or experience.
- 3.9 - To express a professional opinion only when it is founded on adequate knowledge and experience.
- 3.10 - To have proper regard in all work for the safety of others.

Decision:

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

Reasons for decision:

A very thorough investigation into the complaint was done by the Investigation Committee (IC). The findings of the IC report include:

1. Several witnesses were interviewed and specifically responded to questions about the subject member's qualifications and work quality. The member has experience in silviculture surveys provided through years of employment with both the current and past employers. Further, the member's educational background, registration as a Professional Forester, Renewable Resources Technologist and certification as a silviculture surveyor is also significant evidence to qualifications. The current coworkers indicate that the member's work is not below standard. Four of five subordinates indicated that they would work with the subject member in the future. Furthermore the current employer had third-party audits and checks conducted on some of the work that was completed and was satisfied with this work and the competency of the member.
2. We find that there is not sufficient evidence to support the allegation that the subject member asked that forms be completed in the office without a visit to the site. We find that there is evidence staff were asked, but not required, to use a shortcut to when filling out the FS1148 forms. However, we found that the shortcut was an acceptable professional practice in these circumstances.
3. We find there is no evidence to support that statements the subject member made were prejudicial, discriminatory, or racial in nature. Further, no evidence of derogatory remarks was discovered. While there is evidence of one instance where the member was overheard discussing the shortcomings of a subordinate, the witness noted that the conversation only showed a lack of discretion.
4. After investigation of the allegations and interviews with contractors and staff we find there is no evidence that the subject member unreasonably directed staff to cross a creek at an unsafe location.

The IC report concluded that there were no grounds to support any of the allegations against the subject member. After careful consideration of the evidence and the IC report, the case was dismissed.