

**Discipline Case:** 2011-05

**Subject Members:** Registered Professional Foresters

**Referred to:** Complaints Resolution Committee

**Date of Decision:** July 2011

## Allegations

This case resulted from a complaint from one ABCFP member about the conduct of another ABCFP member. The allegations are that the member subject to the complaint engaged in conduct unbecoming a member and may have contravened the following bylaws:

- 1) Bylaw 11.3.3 - To have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources, and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.
- 2) Bylaw 11.3.7 - To practice only in those fields where training and ability make the member professionally competent.
- 3) Bylaw 11.3.9 - To express a professional opinion only when it is founded on adequate knowledge and experience.
- 4) Bylaw 11.4.1 - To inspire confidence in the profession by maintaining high standards in conduct and daily work.
- 5) Bylaw 11.4.4 - Not to misrepresent facts.
- 6) Bylaw 11.4.7 - To state clearly on whose behalf professional statements or opinions are made.
- 7) Bylaw 11.5.3 - To obtain a clear understanding of the client's or employer's objectives.
- 8) Bylaw 11.6.1 - To abstain from undignified public communication with another member.
- 9) Bylaw 11.6.2 - Not to unfairly criticize the work of other members or attempt to injure the professional reputation or business of another member.

The complainant develops unique field sampling designs and products for his clients. He considers these designs and products to be his intellectual property. He has a history of maintaining written agreements protecting his intellectual property over the years. He has been assured that his unique designs and products are indeed his intellectual property.

He submits that the subject member acted unprofessionally by failing to contact him for two weeks about concerns with an intellectual property agreement and that the subject member lied about the fate of the agreement. He alleges that the subject member failed to recognize his legal rights to intellectual property.

## **Decision**

The registrar reviewed the complaint with the Complaints Resolution Committee (CRC), who recommended to the registrar that the complaint not proceed to an investigation on the basis that the evidence presented did not support the allegations that there was professional misconduct on the part of the subject member, or that any of our bylaws were breached. Additionally, the evidence did not support the allegations that the subject member lied or that there was any intellectual property stolen or any contravention of the legal requirements regarding the protection of intellectual property. The registrar concurred with this recommendation

There is no doubt that members must respect the intellectual property rights of other members. In this case there is a professional disagreement between the members about how this should have taken place. Our expectation is that members will engage in processes to resolve professional disagreements such as this. We encouraged the members involved to engage the services of a neutral person to help reach a resolution to this disagreement.

This complaint is now closed.