

Discipline Case: 2012-04

Subject Member: Registered Professional Forester

Referred to: Complaints Resolution Committee

Date of Decision: February 2013

Allegations

This case resulted from a complaint dated August 14, 2012 from an 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 ABCFP bylaws.

The complainant alleges that the subject member, while working as a contractor for major licensee A, surveyed a 31 hectare cutblock that the complainant had already laid out on the ground by surveying, ribboning, and blazing falling corners for major licensee B. The complainant's cutblock was then submitted to major licensee A and subsequently submitted to the Forest Tenure Administration system (FTAs) by major licensee A as an amalgamation to another cutblock. The complainant believes that an attempt was made to steal his fieldwork undertaken for major licensee B.

Decision

The complaint was referred to the subject member for a response. In the response to the complaint the member stated:

1. The subject member had no direct involvement in the field work that was the result of the complaint.
2. The subject member was not aware that his staff had surveyed and submitted to major licensee A another individual's block boundary work.
3. The subject member was not aware of the concerns of the complainant until his client (major licensee A) contacted him to attend a meeting of the two licensees involved.
4. The meeting between the licensees and their layout contractors resulted in the development of an agreement between the licensees on the rules of engagement so that they can avoid these disputes in the future.
5. The licensees also agreed that the complainant's client (major licensee B) would get the right to harvest the 31 ha block that was laid out by the complainant. As a result the complainant gets credit for his work.

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The problem raised by this complaint is due at least partially to the fact that overlapping tenures exist, and licensees are not presently constrained to an area of interest or chart area as was the case previously. The result is that there are competing licensees, and competing layout contractors chasing the same timber profile on a land base where cutting permits are awarded on a first come, first served basis. This puts our members in a difficult situation, especially when there is no apparent coordination of timber development among licensees and contractors.

After discussion with the complaints resolution committee the registrar determined that this complaint did not warrant an investigation. The registrar believes that the member subject to the complaint had no knowledge of, and was not involved in the work that led to the complaint. These facts lead to a conclusion that this member is not guilty of professional misconduct in this complaint.

This matter has been referred to the ABCFP's non-disciplinary Professional Accountability Process in order to try to resolve any lingering differences between the members involved in this complaint.

This complaint is now closed.