

DISCIPLINE CASE DIGEST



Case: 2014-08
Subject Member: Kevin Webber, RPF #4650
Referred to: Discipline Committee
Date of Decision: July 2016
Type: Negotiated Settlement and Consent Order

The Complaint

In August 2014, the president of the ABCFP submitted a complaint on behalf of the Association regarding the professional practice of Kevin Webber (“Mr. Webber”). The complaint cited the findings of a 2013 Forest Practices Board audit which reviewed the planning, design and construction of bridges in the forest sector across five different natural resource districts. The allegations contended that Mr. Webber contravened ABCFP Bylaws with respect to two bridge installations near Chilliwack, B.C. (the “Bridges”) in his role as Coordinating Registered Professional (“CRP”) for the crossings. The complaint allegations related to concerns for safety, documentation, conformance with the original bridge plan and the proper use of a professional engineer during the installation process.

Mr. Webber was invited to respond to the complaint allegations. The complaint and Mr. Webber’s response were reviewed by the Complaints Resolution Committee (“CRC”) and was referred to the Standing Investigations Committee (“SIC”) for further investigation. The SIC established an investigation committee which examined the allegations and interviewed witnesses. The investigation committee found and reported that there was a reasonable basis to issue a citation against Mr. Webber for a discipline hearing.

The CRC reviewed the investigation report and Mr. Webber’s submissions in response to the report. The CRC recommended that the registrar write a citation for a discipline hearing. The citation was issued and Mr. Webber tendered a proposal to the registrar. The registrar and Mr. Webber agreed to a set of terms that were reviewed by a panel of the Discipline Committee. The panel accepted the proposal and made an order pursuant to section 27(4) of the *Foresters Act*.

Decision

As part of the terms of the order, Mr. Webber acknowledged that he:

- a) breached bylaw 11.4.1, 11.5.1, 11.5.4 by failing to ensure that a professional engineer was present for the bridge installation;
- b) breached bylaw 11.4.1, 11.5.1, 12.5.1 by failing to ensure that the installation of a bridge structure conformed substantially to the original bridge plan;
- c) breached bylaw 11.4.1, 11.5.1, 12.5.1 by failing to ensure that a bridge installation was completed in accordance with the manufacturers requirement for load bearing;
- d) acknowledge and admit that my actions as outlined in item (b), (c) and (d) above were inconsistent with ss. 11.3.10 and 11.4.1 of the *Code of Ethics* and ss. 12.5.1 of the *Standards of Practice*;
- e) will not engage in work in relation to bridge installation and coordination, without further training and qualification as identified in a professional development plan.

- f) will consistently abide by the Code of Ethics and Standards of Practice while a registered member of the association.
- g) will work with the ABCFP to provide a summary of this settlement through a Discipline Case Digest that will be published with his name associated with the case.

Discussion

This complaint investigation and decision highlighted the importance of documentation, communication and clarity of roles when a forest professional is involved in bridge crossing coordination. Bridge design and installation requires a team of qualified professionals who must communicate throughout the process and ensure that appropriate responsibilities are made clear.

A thorough understanding of the current professional guidelines, regulations and bylaws is critical to the success of this work. The joint practice guidelines¹ developed for crossings are an important tool to understand the obligations and roles of those involved in crossing design and installation. These guidelines cite ABCFP bylaws regarding safety and competence, noting that a failure to meet the intent of the guidelines could lead to disciplinary action by the profession. ABCFP members who work as CRPs should have their work and practices peer reviewed periodically to ensure that they have appropriate protocols in place to maintain their diligence and protect themselves from complaints of this nature.

¹ Guidelines for Professional Services in the Forest Sector – Crossings, APEGBC & ABCFP, June 2014