

# Discipline Case Digest



Council Decision under Bylaw 14

**Case:** 2015-06

**Subject Member:** Brian Stamp, RFT

**Date of Decision:** December 2015

## Background

As a result of information brought to the ABCFP's attention in April 2015, the association became aware that Mr. Stamp was convicted in January 2007 of an indictable offence under the *Criminal Code of Canada*.

It was Mr. Stamp's professional obligation to disclose that obligation to the ABCFP in the Indictable Offence Declaration that he completed each year as part of his annual renewal of membership. However, Mr. Stamp failed to disclose the conviction to the ABCFP in the declaration that he completed and submitted to the ABCFP each year from 2007 to 2014. Instead, he filed a false declaration each year indicating that he had not been convicted of any indictable offence in Canada within the previous ten years.

Mr. Stamp has admitted to the ABCFP that he was convicted of an indictable offence in January 2007, and that he knowingly breached his obligation to disclose the conviction to the ABCFP from 2007 to 2014.

The matter was brought before council for its consideration of what, if any, action to take under ABCFP Bylaw 14 – Indictable Offences. That bylaw states:

*“14.1 On conviction in British Columbia or elsewhere for an indictable offence, council may summarily:*

*14.1.1 Suspend or rescind the membership of a member so convicted; or*

*14.1.2 Place terms and restrictions on that member's continued membership; as deemed appropriate by council given the individual circumstances of the case.”*

## Decision

Regardless of the circumstances of Mr. Stamp's original indictable offence conviction in January 2007, it was council's opinion that Mr. Stamp's subsequent conduct in knowingly withholding information about his conviction from the ABCFP for eight years, raised very serious concerns from the perspective of the public's trust in the profession of forestry and its members.

In these circumstances, council decided under Bylaw 14 to suspend Mr. Stamp's membership as a Registered Forest Technologist for a period of two months. In addition, council directed the publication of this notice of Mr. Stamp's suspension on the ABCFP's

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website and in the **BC Forest Professional** magazine. Council has also directed publication of an abbreviated notice of Mr. Stamp's suspension in one or more newspapers.

## Discussion

The requirement for members to self-report any indictable offence conviction is a key part of ABCFP's annual renewal process. It is important to ABCFP's ability to carry out its public protection mandate under the *Foresters Act*. Members are expected to complete their annual declaration truthfully, and to make full and frank disclosure of any indictable offence convictions, so that the ABCFP may consider if they are of regulatory significance. When a member withholds such information from the ABCFP, it prevents council from carrying out its regulatory responsibilities and may raise serious questions about the member's character and integrity.

Applicants for membership in the ABCFP are also required to declare any indictable offence conviction at the time of application for membership.

Indictable offences in Canada are the most serious category of criminal offences in Canada. They are subject to more onerous penalties than summary conviction offences (which carry a maximum penalty of six months in jail and/or a \$5,000 fine), and may result, for example, in a lengthier period of imprisonment. They are also subject to more formal and complex procedures than summary conviction offences, including, for most indictable offences, a right for the accused person to elect to have a trial by jury or by court alone.

Many criminal offences are 'hybrid' offences, which can be dealt with as summary or indictable. Crown counsel makes the decision about how the offence will be handled. Questions or concerns regarding past criminal convictions or the criminal history of another ABCFP member should be brought to the registrar.