

## ASSOCIATION OF BC FOREST PROFESSIONALS

### NEGOTIATED SETTLEMENT

In the matter of <NAME>, RPF #<X> - Case 2018-03A

#### Note:

In accordance with ABCFP Bylaw 13.15, the settlement terms and admissions set out below must be accepted by a panel of the Discipline Committee in order to be effective. If the terms and admissions are not accepted by a panel, the fact that they were agreed to will not be used against <NAME> in a discipline hearing nor may they be disclosed to any panel struck to conduct a discipline hearing or to any other party unless required by law.

1. I, <NAME>, RPF:
  - (a) represent that I have fully disclosed to the ABCFP my conduct in respect of the Notice of Complaint dated <DATE>, 2018;
  - (b) acknowledge and admit that, in the course of preparing and signing the Environmental Management Plan dated <DATE> and the Scope of Works dated <DATE> for <NAME> Project <X>:
    - (i) I could have taken more diligent steps to evaluate the proximity of streams or wetlands to the works in question, including more in-depth field verification of the accuracy of <NAME> mapping database; and
    - (ii) as a result of my failure to take such steps, I failed to identify that the works in question involved “changes in and about a stream” within the meaning of the *Water Sustainability Act*, requiring authorization under that Act;
  - (c) undertake that I will implement the following measures to improve my practice and the practice of other forestry professionals working under my supervision or direction, with a view to preventing the types of errors or oversights that occurred in this case, having regard to the concerns outlined in the <DATE> report of the Standing Investigations Committee:
    - (i) completion of remedial coursework satisfactory to the ABCFP in each of the following areas, and delivery of proof of completion of that coursework to the Registrar by <DATE>, 2021:
      - A. recognition and identification of fish and riparian habitat, its management, and the related policy and legislative authorization framework;

- B. construction monitoring with respect to professional quality field verification and supervision of contractors;
  - C. record keeping as it pertains to professional obligations and the collection and updating of client data; and
- (ii) taking steps satisfactory to the ABCFP, in my capacity as <TITLE> at <NAME> for <NAME>, to ensure that <NAME> continues its commitment to providing continuing in-house education for its employees and associates, including the "lessons learned" that were described in my letter to the ABCFP dated <DATE>;
- (d) acknowledge that an anonymized summary of this Negotiated Settlement will be made available to the public through a Discipline Case Digest published on the ABCFP's website, which will not include my name or the names of my <NAME> or my <NAME>, or other personally identifiable information about me; and
- (e) acknowledge that I have either obtained independent legal advice before signing this Negotiated Settlement or have voluntarily chosen not to do so.
2. The ABCFP, through its Chief Executive Officer, Christine Gelowitz, RPF, acting on behalf of ABCFP's Registrar in this case:
- (a) acknowledges that NAME has not admitted to any breach of the ABCFP Code of Ethics in connection with the matters described in paragraph 1(a) and (b) above;
  - (b) has indicated to <NAME> that any breach of the undertakings <NAME> has given in this Negotiated Settlement or any misrepresentation made in this Negotiated Settlement will result in the matter being forwarded to the Complaints Resolution Committee for referral to the Standing Investigations Committee or the Discipline Committee, whichever is deemed appropriate; and
  - (c) has further indicated to <NAME> that the <DATE> report of the Standing Investigations Committee and this Negotiated Settlement will be placed on file and may be considered by the ABCFP in the event of any future complaint against <NAME> alleging similar errors or oversights.

NAME, RPF

\_\_\_\_\_

Date: \_\_\_\_\_

Christine Gelowitz, RPF, Chief Executive Officer (on behalf of the ABCFP Registrar)

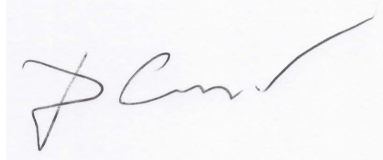


Date: May 25, 2020

**ACCEPTED BY DISCIPLINE COMMITTEE PANEL:**

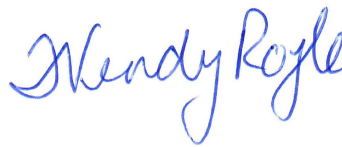
Name: Jim Crover, RPF(Ret) - Panel chair

Date: June 3 2020



Name: Wendy Royle, lay member

Date: June 3 2020



Name: Tania Barnes, RPF

Date: June 3 2020

