

## CONSENT ORDER

This order is issued by a panel of the discipline committee, pursuant to Section 27(4) of the *Foresters Act*, S.B.C. 2003, c. 19 and following the acceptance of a proposal tendered by a member under ABCFP Bylaw 13.41, the terms of which represent a negotiated agreement between the subject member and the registrar as specified in Bylaw 13.42.

Between

**Association of BC Forest Professionals**

("ABCFP")

And

**Michael Siclari, RPF #3915**

("SICLARI")

### Background

1. SICLARI has been licensed as a Registered Professional Forester ("RPF") since October 2001.
2. In 2018, the Association of BC Forest Professionals ("ABCFP") received a Notice of Complaint against SICLARI from [REDACTED]  
[REDACTED]  
[REDACTED] alleged that between January 2017 and June 2017, SICLARI and another member of the ABCFP (the "Other Member") harvested substantially more timber than permitted pursuant to a woodlot licence (the "Complaint").

3. Following an investigation of the Complaint, on July 31, 2020 the ABCFP issued a citation to SICLARI pursuant to section 24(4)(a) of the *Foresters Act* alleging that SICLARI had contravened the Code of Ethics in ABCFP Bylaw 11 including:
  - (a) his duty under Bylaw 11.3.1 to advocate and practice good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society; and
  - (b) his duty under 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.

### **Admissions**

4. SICLARI admits that:
  - (a) he and the Other Member are the sole directors of a corporate entity (the “Licensee”), and have joint control over the Licensee and its operations;
  - (b) in or about 2014, the Licensee acquired a woodlot licence issued by the Ministry of Forests, Lands and Natural Resource Operations under Part 3, Division 8 of the *Forest Act*, R.S.B.C. 1996, c. 157 (the “Woodlot Licence”);
  - (c) the Woodlot Licence is located in the Central Interior;
  - (d) between about December 2016 and April 2017, he and the Other Member jointly caused the Licensee to harvest approximately 13,800 cubic metres of timber (the “Harvest Amount”) from the Woodlot;
  - (e) the Harvest Amount represented approximately 245% (i.e. 125% over the maximum harvest volume permitted) of the total sum of allowable annual cuts (“AACs”) available during the 2017 - 2021 cut control period for the

Woodlot Licence under Part 4, Division 3.1 of the *Forest Act* (the “Overcut”);

- (f) SICLARI knew that the Harvest Amount was substantially in excess of the maximum volume permitted under the *Forest Act* of 120% of the sum of the AACs;
- (g) the Licensee did not seek any increase to the allowable annual cut for the Woodlot Licence or any other exemption under the *Forest Act* before harvesting the Harvest Amount;
- (h) in contravention of SICLARI’s duty under ABCFP Bylaw 11.3.3 to have regard for existing legislation, he and the Other Member jointly caused the Licensee to carry out the Overcut without such increase or exemption and, therefore, the Licensee breached the *Forest Act*.

### **Disposition**

- 5. SICLARI consents to a panel of the Discipline Committee making the following orders:
  - (a) That SICLARI will be issued a written reprimand under section 27(4)(a) of the *Foresters Act*;
  - (b) That SICLARI will pay a penalty to the ABCFP in the amount of \$7,000 under section 27(4)(b) of the *Foresters Act*;
  - (c) That SICLARI will complete an ABCFP professional ethics module by or before June 30, 2021; and
  - (d) That SICLARI’s registration as an RPF will be subject to a condition under section 27(4)(c) of the *Foresters Act* that he must not cause the holder of any woodlot licence that he controls in whole or in part, either personally or through another legal entity, to harvest beyond the cut control limits on the licence except in strict accordance with the provisions of all applicable

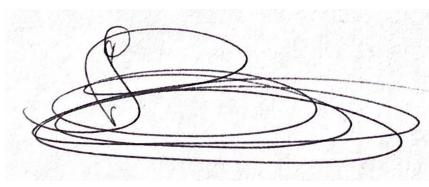
legislation, including the *Forest Act* and *Cut Control Regulation*, B.C. Reg. 578/2004, as amended.

6. SICLARI consents to the publication by the ABCFP of a discipline digest on its website and in its newsletter that will include SICLARI's name, a summary of the circumstances of this case, and the full text or summary of this consent order.
7. The ABCFP and SICLARI each acknowledge that they have read this document and fully understood the terms of this settlement and voluntarily enter into this agreement for the purposes of making a full and final compromise and settlement of all claims and proceedings arising out of or related to the Complaint.
8. The ABCFP and SICLARI understand that they each have the right to seek independent legal advice and have been encouraged to seek same before signing this agreement.
9. This order may be executed in counterpart by electronic mail or by facsimile.

This order is approved and accepted by SICLARI and the members of the Discipline Committee panel, effective this 24 day of December, 2020.



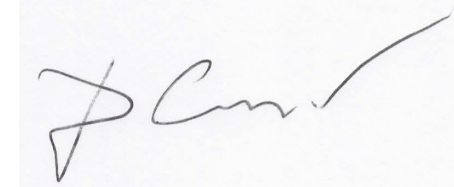
MICHAEL SICLARI, RPF #3915



Chair, Discipline Panel



Witness (remotely)



Member, Discipline Panel

Wendy Royle

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Member, Discipline Panel