

# DISCIPLINE CASE DIGEST



Case: IO 2017-02  
Subject Member: Registered Forest Technologist  
Complainant: ABCFP  
Nature of Complaint: Bylaw 14, Criminal Offence,  
Standards Referred to: Council Decision under Bylaw 14  
Date of Decision: January 2020  
Outcome: Membership rescinded

## Background

In December 2017, Mr. Marcus Paquette, Registered Forest Technologist, pleaded guilty to four counts of indictable offences under the *Criminal Code of Canada* for improper storage of firearms.

In May 2018, Mr. Paquette was also convicted by the Supreme Court of British Columbia of the further indictable offence of possession of child pornography (*R. v. Paquette*, [2018 BCSC 1462](#)). Mr. Paquette appealed that conviction, but the conviction was upheld by the Court of Appeal in November 2019 (*R. v. Paquette*, [2019 BCCA 396](#)).

Mr. Paquette has been sentenced by the Supreme Court to 12 months' imprisonment on the child pornography offence, and three months' imprisonment on the firearms offences, to be served consecutively. His sentence is currently under appeal.

Following the Court of Appeal decision upholding Mr. Paquette's child pornography conviction, 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."*

## Summary of Council Decision

It is not Council's role under Bylaw 14 to punish Mr. Paquette a second time for the same offences for which he has been criminally convicted and sentenced. Council's role under Bylaw 14 is to consider Mr. Paquette's fitness to practise, and whether the indictable offences he committed and/or the circumstances surrounding them are of such a nature that there should be regulatory consequences affecting Mr. Paquette's continued privilege of professional practice, having regard to the ABCFP's statutory mandate to serve and protect the public interest.

Accordingly, Council considers the exercise of its discretion under Bylaw 14 not on the basis of whether Mr. Paquette's past conduct is deserving of further punishment, but on the prospective basis of whether Mr. Paquette's continued membership would pose a material future risk to the public interest.

Based on its review of the circumstances of Mr. Paquette's indictable offence convictions, Council decided in January 2020 to rescind Mr. Paquette's membership.

In particular, Council was the view that Mr. Paquette's continued membership would pose a material future risk, having regard to the following considerations:

- The seriousness and gravity of Mr. Paquette's child pornography conviction, and Council's assessment that he does not presently meet the good character requirement in section 14(a)(vi) of the *Foresters Act* in light of that conviction and Mr. Paquette's apparent failure to demonstrate sufficient accountability or insight for this offence or the harm caused by it;
- Council's further concerns about Mr. Paquette's fitness to practise arising from the criminal lack of care exhibited by him in connection with the firearm storage offences;
- The connections between Mr. Paquette's criminal conduct and his employment as a forest technologist, including the backup of child pornography files on Mr. Paquette's work computer at his workplace, and Mr. Paquette's storage of an unsecured firearm at his workplace; and
- The publicity given to Mr. Paquette's child pornography conviction in recent news reports and Council's assessment that the offence is of such a nature that it could be expected to reflect negatively on public trust and confidence in the integrity of the profession.

Mr. Paquette will not be eligible to apply to the ABCFP for reinstatement of his membership for a period of two years or until after the end of his prison sentence, whichever is longer.

## Discussion

Indictable offences in Canada are the most serious category of criminal offences in Canada. They are generally subject to more onerous penalties than summary conviction offences, 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.

Questions or concerns regarding past criminal convictions or the criminal history of another ABCFP member should be brought to the registrar.