

CONSENT ORDER

This order is made by the investigation committee upon the respondent's acceptance of a proposal by the committee under section 73(1) of the *Professional Governance Act*.

Between

Association of BC Forest Professionals

("ABCFP")

And

Matthew PEASGOOD, RPF #4699

("PEASGOOD")

Background

1. PEASGOOD has been licensed as a Registered Professional Forester ("RPF") since 2010.
2. In October 2016, the Ministry of Transportation and Infrastructure, through an arrangement with BC Hydro ("the client"), contracted PEASGOOD's employer to undertake an assessment of timber volume present on four parcels of the complainant's private land ("the properties"), which were being expropriated to re-route a highway as part of the Site C project in Northern British Columbia.
3. There was no requirement to meet Ministry of Forest standards for this assessment, as the Ministry does not adjudicate timber cruises conducted on private land; however, PEASGOOD's employer indicated in a letter to the client in November 2016 that the cruise would be conducted in accordance with industry standards, including cruise design and other standards in the Ministry of Forests' *Cruising Manual*.

4. Between December 2016 and January 2017, PEASGOOD submitted compiled timber cruise data to the client for the properties. The cruise did not identify any merchantable conifer volume.
5. The timber was harvested by the client in February 2017, however no timber was set aside or recovered as had been requested by the private landowner, who believed that merchantable timber was present on the properties. The logs and stumps on the properties were subsequently chipped, or piled and burned by the client.
6. In July 2020, the ABCFP received a Notice of Complaint against PEASGOOD from the private landowner. The Complaint alleged that PEASGOOD did not adequately account for the merchantable timber in his report to the client that the complainant asserted was present on the properties.
7. In October 2020, the ABCFP notified PEASGOOD of its acceptance of the Complaint and of the Complaint Resolution Committee's authorization of an investigation of the matter. PEASGOOD was given the opportunity to respond to the allegations against him, and a panel of investigators was assigned to investigate the matter.
8. In February 2021, the *Professional Governance Act* replaced the *Foresters Act* and the Investigation Committee assumed the statutory authority of the Complaints Resolution Committee under the revised bylaws of the ABCFP.
9. The investigation found that the method PEASGOOD used for cruising the properties did not meet the *Cruising Manual's* sampling error objective; however the cruise defaulted to a 100 m x 100 m staggered grid, as is allowed by the *Cruising Manual* in order to waive the sampling error requirement. While this cruise design was permitted by the *Cruising Manual* standards, it resulted in a high sampling error. PEASGOOD also chose to exclude two of the parcels from the cruise, based on a belief that they did not contain merchantable volume.

10. As a result of these decisions, the investigation concluded that the total volume summarized in the cruise could have varied significantly from the actual volume. The investigation also found that PEASGOOD's March 2017 letter communicating the cruise results to the client did not clearly indicate the limitations on the cruise's ability to reliably predict volumes and values of timber on small portions of the lands that were cruised, and that PEASGOOD should have taken steps to clearly understand the client's intent for the cruise of private lands and designed his cruise accordingly.
11. PEASGOOD was also unable to provide investigators with the maps, photos or notes from his initial review of the property, which informed the cruise design and resulted in the high sampling error.
12. Based on satellite imagery, photographs provided by the complainant and orthophotos of the properties, the investigators found that it was reasonable to believe that merchantable timber may have been present on the properties before harvest. However, in the absence of records from PEASGOOD's initial review of the properties, the investigation was not able to accurately determine the merchantable volume that may have been present.
13. Following the investigation, the investigator panel issued an investigation report for the Investigation Committee's review and consideration, and PEASGOOD was given an opportunity to respond to it. The Investigation Committee reviewed the investigation report and PEASGOOD's comments in response, and, in March 2023, the ABCFP issued a notice to PEASGOOD informing him of the Committee's assessment that he had contravened the Code of Ethics in ABCFP's former Bylaw 12 under the *Foresters Act* including his duty under Bylaw 12.5.1 to exercise due diligence by being prudent and doing all work with constant and careful attention.

Admissions

14. PEASGOOD admits, under section 73(3)(b) of the *Professional Governance Act*, that:

- (a) He did not sufficiently communicate to the client the limitations on the cruise design's ability to reliably predict volumes and values of merchantable timber;
- (b) He could not produce his field notes, maps or photos documenting his rationale for the cruise design; and,
- (c) As a result of these findings, he contravened former ABCFP Bylaw 12.5.1.

Disposition

- 15. PEASGOOD consents to the Investigation Committee making the following orders:
 - (a) That PEASGOOD is reprimanded under section 75(6)(a) of the *Professional Governance Act*, and
 - (b) That PEASGOOD must complete the University of the Fraser Valley's course on Fundamentals of Records Management (RM01), or an alternative course acceptable to the Audit and Practice Review Committee, under section 75(6)(f) of the *Professional Governance Act*.
- 16. PEASGOOD acknowledges that this consent order has the same effect as an order made by a panel of the Discipline Committee of the ABCFP after a hearing under section 75 of the *Professional Governance Act*.
- 17. PEASGOOD acknowledges that the ABCFP will be required under ABCFP Bylaw 13-7 to notify the public of this consent order by publishing a discipline digest on the ABCFP's website and in its newsletter that will contain a summary of the circumstances of this case, including the full text or summary of this order.
- 18. PEASGOOD acknowledges that he has read this consent order, fully understands its terms, and has voluntarily accepted it for the purpose of fully and finally resolving all matters arising out of or related to the Complaint.

19. PEASGOOD understands that he has the right to seek independent legal advice and has been encouraged to seek such advice before signing this consent order.

This consent order has been proposed by the Investigation Committee and is accepted by PEASGOOD effective this 20 day of July, 2023.



Bruce Blackwell, RPF
Chair, Investigation Committee



Matthew PEASGOOD, RPF #4699



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