

The English version of this column is available at
www.oiq.qc.ca/en/media/PLANmagazine/columns/Pages/default.aspx



Find the 10 mistakes

Errors, negligence, indifference: Anyone of us can fall prey to sloppy work at some point in our careers for a myriad of reasons. This is the story of Miles who, without wanting to, made one bad decision after another. Can you find them?

MILES' NEW PROJECT

Miles has already conducted several environmental studies, phases 1 and 2, for his client Bob. One day, Bob asks him to design a septic system for the cottage he is building himself on the shores of Blue Lake. Despite his lack of knowledge in this field of practice, Miles accepts the job. "After all," he thinks, "it's just a little cottage; I can manage it!" So he assures Bob that he is perfectly capable of designing the septic system.

When visiting the premises, Miles gets excited about the residential project. The location is wonderful and the developer's cottages are charming. No longer able to hold himself back, Miles buys the property right next to his client Bob

and convinces his sister Jenny to do the same. Brimming with excitement, Miles promises Bob and Jenny, despite his full schedule, that he will design the septic systems of the three future cottages in "record time" so that they can quickly obtain the municipal permits and begin construction in early spring. "As a bonus," Miles tells himself, "I will divide up my professional fees between Bob and Jenny."

THE PLANS AND SPECIFICATIONS

When he gets back to his office, Miles asks Joe, his senior draughtsman, to design the plans and specifications of the three septic systems. Joe tells Miles that he does not have the knowledge required to do the job, but Miles insists and, despite his reservations, Joe ends up starting to work on it.

Resourceful as ever, Joe contacts both the municipality of Blue Lake and the developer for information, and learns that most of the lakefront property owners have an ABC-type septic system. The developer even graciously provides

CONCLUDING AN AGREEMENT IN WRITING THAT SPECIFIES THE SCOPE AND FINANCIAL TERMS AND CONDITIONS OF A PROJECT WHEN BEING HIRED FOR IT IS A RECOGNIZED BEST PRACTICE.

a copy of the reference plans and specifications for the cottages offered around Blue Lake.

Based on the property location certificates, Joe reproduces the developer's plans and positions the systems as he sees fit on each property. He adds some parameters from the developer's plans and the regional soil characterizations he finds on the Internet.

Miles is thrilled. According to him, the plans are perfect. "After all, they are only meant to obtain the permits." But Joe tells Miles that soil studies should be carried out and that the plans should be checked by a qualified professional. Miles tells himself: "No time for all that! Anyway, these properties are next to each other and probably have the same conditions, so the developer's plans should be trustworthy." Miles signs and seals the plans and specifications immediately and sends them to the municipality.

THE MUNICIPALITY

For Miles, this is a dream come true: He will finally have his own little slice of natural paradise on the lake! He sends his invoices – he charges his sister one-third of the total amount and his client two-thirds – and informs them that the plans and specifications have already been submitted to the municipality.

Three weeks later, Miles receives a rejection letter from the municipality. According to the official in charge of issuing permits, the submitted plans and specifications do not comply with the by-laws in force, in particular Q-2 r. 22. Right then and there, Miles realizes the magnitude of the task and his poor knowledge of the applicable by-laws. He decides to contact an engineer he knows and hires him to prepare the plans and specifications for his cottage's septic system.

MILES' TEN MISTAKES

1. He accepts a job outside of his field of expertise. (CE, sec. 3.01.01. and 3.01.02.)
2. He assures his client that he can provide flawless professional service in record time without having the experience or time to do so. (CE, sec. 3.02.02.)
3. He agrees to do the job for a friend or family member.
The Code of Ethics prohibits providing professional services to your friends and family members. After all, they can become some of the most demanding clients because they will not hesitate to contact you on evenings and weekends. For that reason, it is better to specify the scope, terms and conditions of execution and expected results of the project.
4. He fails to conclude an agreement in writing in order to specify the scope and financial terms and conditions of the project.
Although the Code of Ethics does not require you to obtain written authorization, not doing so can put you at risk of being taken to court if the client is not satisfied. Concluding an agreement in writing is a recognized best practice.
5. He signs and seals the plans and specifications without ensuring the immediate control and supervision of Joe's work.
Not only has he not ensured immediate control and supervision, but he could not have done so since Miles does not have the expertise or knowledge required to supervise Joe's work in this field of practice. (CE, sec. 2.04. and 3.04.01.)
6. He submits incomplete plans and specifications without regard to the regulatory requirements. (CE, sec. 3.02.04.)
7. He charges fees without informing his clients in advance of the approximate cost or providing explanations. (CE, sec. 3.08.03. and 3.08.04.)
8. He fails to notify his clients as soon as possible that he has made mistakes in the plans and specifications he submitted to the municipality and that these mistakes could have consequences that would not be easily rectified. (CE, sec. 3.02.05.)
9. He stops acting on behalf of Jenny and Bob without giving them advance notice of his withdrawal from the project in a reasonable amount time. (CE, sec. 3.03.05.)
10. He decides to hire another engineer for his own benefit, but neglects the interests of his clients. (CE, sec. 3.05.01.)

THE CODE OF ETHICS PROHIBITS PROVIDING PROFESSIONAL SERVICES TO YOUR FRIENDS AND FAMILY MEMBERS. FOR THAT REASON, IT IS BETTER TO SPECIFY THE SCOPE, TERMS AND CONDITIONS OF EXECUTION AND EXPECTED RESULTS OF THE PROJECT.

A few days later, he informs Jenny and Bob that the municipality of Blue Lake is very demanding in terms of protecting the environment and that it refused to issue the permits. He then withdraws from the project and suggests that they find another engineer who can meet the municipality's requirements. Miles is so wrapped up in the wonderful plan to own his own cottage that he has forgotten his professional obligations. Was he acting in bad faith? Probably not, but did he fulfill his professional obligations with integrity? (CE*, sec. 3.02.01.)

Did he consider the consequences of his work on the environment, life, health and property of everyone? (CE, sec. 2.01.)

Did he fulfill his obligations with all of the required professional independence? (CE, sec. 3.05.03.)

Does his professional misconduct constitute an act derogatory to the honour and dignity of the profession? (CP**, sec. 59.2.)

As a peer, what do you think about his actions? And in your opinion, what would his clients and the Disciplinary Council of the Ordre des ingénieurs du Québec think?

* CD : Code de déontologie des ingénieurs.

** CP : Code des professions.