



Day after day, life is often busy and chaotic. One must deal with expectations and establish one's priorities. In a recent decision, the Ordre's Disciplinary Council reiterates that the public's security must remain an engineer's priority, however busy his or her schedule may be, and that failing to cooperate with a professional inspection constitutes a serious offence.

# Too busy to meet with an inspector ...

## FROM ONE MISSED MEETING TO ANOTHER

A member of the Ordre for twelve years, the engineer<sup>1</sup> in question practises engineering on a part time basis and works in accounting and project management as well. At the hearing during which guilt and sanction were to be determined, he admitted his guilt and explained to the Disciplinary Council that, from May 2014 to January 2015, he had to take care of his son who was dealing with many health issues at the time.

It is during this period of time that the Ordre's Professional Inspection Committee asked one of its inspectors to carry

out an inspection at the engineer's workplace. It bears reminding that a professional inspection aims to help engineers improve their practice and, ultimately, maintain the public's confidence towards engineers and their profession.

The inspector and the engineer scheduled a meeting but the latter did not show up. A second meeting was set up and again, it never took place. In total, four meetings were scheduled and the engineer never attended any of them. Why? The engineer cancelled one of them due to an emergency with his son. A week later, he missed another appoint-

ment because he was "busy with business matters more important than this inspection" (unofficial translation).

After a fourth attempt, the inspector asked the Office of the Syndic to conduct an inquiry. The Syndic summoned the engineer in writing; the latter failed to respond to the letter and did not appear before the Syndic at the scheduled time. That is when the Syndic filed a complaint with the Disciplinary Council on February 6, 2015.

### HE PLEADS GUILTY AND APOLOGIZES

The complaint filed with the Disciplinary Council is composed of two counts summarized as follows:

- Having hindered a professional inspection inquiry by refusing or neglecting to answer the inspector's repeated requests;
- Having omitted or neglected to appear before the Syndic, when summoned.

For each count, the engineer is accused of having violated sections 4.02.02 of the *Code of ethics of engineers* and 114 of the *Professional Code* (see boxed text).

The respondent pled guilty on both counts before the Council. He apologized to the inspector and the Syndic for his behaviour and explained that the offences were committed in particularly difficult personal circumstances. As a result, the Council suspended the hearing. Upon reconvening, the Council learned that the respondent formally committed to meet with the inspector on July 20, 2015 and submit to a professional inspection.

The Council acknowledged the respondent's commitment and reminded him of the importance of being present during the professional inspection, failing which the respondent could be forced to appear before the Council once again and face other disciplinary charges. The Council then presented its analysis of the elements put forth and explained its motives for imposing its sanction.

### A NECESSARY COOPERATION

The Council took into account that the respondent had no prior disciplinary convictions and that he admitted his guilt. However, the Council added that anyone who chooses to become a member of a professional order has an obligation to recognize that order's mission to protect the public and take part in such mission.

## FAILING TO OFFER ONE'S COOPERATION WHEN REQUIRED CONSTITUTES A SERIOUS PROFESSIONAL OFFENCE.

Failure to cooperate with a professional inspector or the Syndic seriously compromises the core mission of the Ordre des ingénieurs du Québec, which is to protect the public, given that this mission is greatly based on its members' collaboration. Failing to offer one's cooperation when required constitutes a serious professional offence.

The Council stated that, in this case, the respondent's lack of cooperation is evident. Of course the Council sympathizes with the respondent's family situation, but it feels that it would have been easy for the respondent to set up a convenient time to meet with the inspector.

Consequently, the respondent must take full responsibility for his actions and face the consequences. The Council declares the respondent guilty on both counts, temporarily strikes him off the roll for three months (to be served concurrently) and orders him to pay all costs. In addition, the respondent must also pay for the publication of a notice of decision in a media distributed in the area where the respondent's place of business is located.

1. Complaint CDOIQ 22-15-0474.

### Sections referred to in this case

An engineer must, as promptly as possible, answer all correspondence addressed to him by the syndic of the Order, the assistant syndic or a corresponding syndic, investigators or members of the professional inspection committee or the secretary of the latter committee.

*Code of ethics of engineers, section 4.02.02*

It is forbidden to hinder in any way a member of the committee, the person responsible for professional inspection appointed pursuant to section 90, an inspector or an expert, in the performance of the duties conferred upon him by this Code, to mislead him by concealment or false declarations, refuse to furnish him with any information or document relating to an inspection carried out by him under this Code or to refuse to let him take copy of such a document. [ . . ]

*Professional Code, section 114*