

Ethics and Professional Conduct

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THE ENGINEER'S

SIGNATURE,

A GUARANTEE OF INTEGRITY

AND COMPETENCE

In its recent decision, the OIQ's Disciplinary Council has reminded everyone that while home inspections may not be strictly reserved for engineers, they are still a professional act that engineers must perform with integrity and probity.¹

Here is the case that inspired this reminder:

In June 2017, the engineer and respondent in this case inspected a property that his son wanted to buy at his son's request. In the presence of the sellers and his son, the engineer made a visual inspection and shared his opinion verbally. It should be noted that he did not prepare or submit any document.

A NOT SO ROCK-SOLID REPORT

His son ended up buying the building. In 2018, a dispute arose between his son and the seller concerning water infiltration. To support his claims, his son submitted an inspection report that was signed by the engineer and dated June 18, 2017, when the engineer had made the very first inspection. The inquiry revealed that the engineer had prepared the written report during the dispute in 2018, and then backdated it to June 18, 2017. The engineer also admitted that he had included photos of the property that he found on the Internet in 2018.



In that regard, the Disciplinary Council wrote² :

“By backdating his report to 2017 and including data in it that he had actually acquired in 2018, the respondent committed a serious offence. The public must not doubt the veracity of the date or the content of the engineer’s report. This concerns not only the public’s trust in the respondent, but also its trust in all engineers.”

INDEFENSIBLE CONDUCT

The Disciplinary Council found that his conduct was unacceptable and should not be tolerated. It added³:

“The respondent is an experienced engineer who should have known that he cannot backdate a report. Furthermore, the litigious circumstances in which the report was submitted and its subsequent filing in a court case are also aggravating circumstances.”

Consequently, the respondent was found guilty of lacking integrity and for preparing an incomplete, ambiguous and insufficiently explicit report, all in violation of sections 3.02.01 and 3.02.04 of the Code of Ethics of Engineers.⁴

IN ITS DECISION

The Council considered the subjective factors related to the respondent’s personal situation as well as the following attenuating factors: The respondent acknowledged his guilt at the first opportunity, seemed sincere, and his risk of repeating the offence is not at all likely to happen; he has been practicing for over 30 years and has never been the subject of a disciplinary sanction. In accordance with the joint suggestion of the parties, the Council temporarily struck him from the roll for one month and ordered him to pay the costs of the proceedings.

IN CONCLUSION

Engineers practice a profession where their actions often have real impacts beyond just their client’s interests. For that reason, they must always behave professionally, guided by good faith, moderation, objectivity, independence and discernment. ■

1. CDOIQ 22-19-0602 (December 11, 2019).
2. *Ibid.*, paragraph 40.
3. *Ibid.*, paragraph 42.
4. *Code of Ethics of Engineers*, CQLR c. I-9, r. 6.