



Compelling Witnesses, Producing Documents and Entering Premises

*Improved Public Interest
Improved Regulatory Effectiveness and Efficiency*

To better protect the public, APEGA must have the ability to conduct thorough investigations and obtain all relevant information relating to allegations of unskilled practice or unprofessional conduct by its Members and Permit Holders.

Background

- Currently, the Discipline Committee and the Appeal Board have the authority to compel any person to appear before them, to produce documents, and to bring contempt of court proceedings against a person who fails to cooperate.
- Currently, the Investigative Committee may only require the investigated person or another Member of APEGA to produce documents. The Investigative Committee cannot compel a non-member to produce documents related to an investigation and cannot compel a Member or non-member to submit to an interview as part of the investigation.

Why is this important

- Investigators need to conduct thorough investigations and gather relevant information from all possible witnesses and sources for a complete investigation.
- It is in both the public interest and the interest of the investigated person that complete information is gathered and considered by the relevant decision-making bodies.

Proposed legislative change

It is recommended that, as part of the complaint investigation process, APEGA investigators be given the authority to:

- require any person, whether a Member or non-member, to produce documents related to the complaint

- require any person, whether a Member or non-member, to submit to an interview as part of the investigation
- bring civil contempt-of-court proceedings for failing to cooperate
- enter and inspect any place where a Member works as part of the investigation

Effect of the proposed change

- It would allow APEGA to conduct thorough investigations and obtain complete information during the investigation phase.
- It is in the public interest to ensure that APEGA investigators have the ability to conduct thorough investigations by being able to enter and inspect any place where a Member works.
- It would give investigators the ability to gather the same information as discipline panels and appeal panels so that a complete picture can be presented to the investigative panel when that panel is deciding what to do with a complaint, rather than that information only coming to light during a discipline hearing or appeal.
- Having the same information available to the investigative panel, discipline panel, and appeal panel will result in consistent decisions and may eliminate unnecessary discipline hearings and appeals, which will improve APEGA's regulatory effectiveness and efficiency.

