

## **Complaints Against Former Members**

*Improved Public Interest*

To better protect the public, APEGA must be able to investigate and discipline individuals and companies for unskilled practice or unprofessional conduct that occurred while they were licensed with APEGA.

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| Background                   | <ul style="list-style-type: none"><li>• Currently, complaints against a Professional Member, Licensee, Permit or Certificate Holder whose registration has been cancelled must be dealt with within two years of the date of cancellation.</li><li>• APEGA has the authority to regulate complaints against former Members only within that timeframe.</li></ul>   |
| Why it is important          | <ul style="list-style-type: none"><li>• The length of time for issues to surface relating to work by Professional Engineers and Professional Geoscientists may often be longer than two years.</li><li>• It is in the public interest that a former Member or Permit Holder be accountable for conduct that occurred while they were a Member.</li><li>• A former Member should not be able to avoid professional accountability for prior conduct simply by waiting for the two-year period to expire and then applying for reinstatement without suffering consequences for that prior conduct.</li><li>• The current wording that a complaint “must be dealt with” within two years is confusing and could mean the entire investigation, discipline, and appeal process related to the complaint must be completed within two years.</li></ul> |
| Proposed legislative changes | <ul style="list-style-type: none"><li>• It is recommended that the timeframe within which a complaint against a former Member or Permit Holder may be commenced be increased to 10 years from two years following the date of cancellation of membership.</li></ul>  |

Effect of the proposed changes

- The 10-year limitation would be comparable to construction and other engineering or geoscience related limitation periods.
- It would hold a former Member or Permit Holder accountable for prior conduct for a longer period and would prevent them from being able to wait for the two-year period to expire and then be reinstated without suffering consequences.
- It would clarify that as long as APEGA receives the complaint within 10 years following the date of cancellation, APEGA would have the authority to investigate and pursue the complaint.