

APPENDICES

Changes Regarding Orders, Fines, And Costs

Fall 2015 Consultations

The Engineering and Geoscience Professions Act



The Association of Professional
Engineers and Geoscientists of Alberta

Appendix 1 – Existing Legislation

The following text is quoted from the legislation and has not been modified to match APEGA's writing style.

Engineering and Geoscience Professions Act

Part 3 Regulations and Bylaws

20(1) The Council may make bylaws

(s) respecting the costs payable by any person on the conclusion of a hearing or review by the Practice Review Board or under Part 5;

(t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of records of other classes or categories of membership to be kept by the Registrar;

(u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;

Part 5 Discipline

Complaints

43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) A complaint must be in writing.

(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.

(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.

(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may

(a) approve the agreement, or

(b) proceed with a preliminary investigation in accordance with section 47.

Termination of investigation

51(1) The Investigative Committee may terminate an investigation at any time if it is of the opinion that

- (a) the complaint is frivolous or vexatious, or
- (b) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct.

Power of Investigative Committee to recommend an order

52(1) If an investigation is not terminated under section 51, the Investigative Committee may

- (a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or
 - (b) refer the matter to the Discipline Committee for a formal hearing.
- (2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.
- (3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.
- (4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.

Order to pay costs or a fine

64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay

- (a) all or part of the costs of the hearing in accordance with the bylaws,
 - (b) a fine not exceeding \$10 000 to the Association, or
 - (c) both the costs under clause (a) and a fine under clause (b), within the time fixed by the order.
- (2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.
- (3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

Entries in registers

27(1) The registration of a professional member, licensee, permit holder or certificate holder is suspended when the decision to suspend the registration is made in accordance with this Act.

- (2) The Registrar shall enter a memorandum of suspension of a registration in the appropriate register indicating
- (a) the duration of the suspension, and
 - (b) the reason for the suspension.
- (3) The registration of a professional member, licensee, permit holder or certificate holder is cancelled when the decision to cancel the registration is made in accordance with this Act.
- (4) The Registrar shall enter a memorandum of cancellation of a registration in the appropriate register.

Part 9 Prohibitions and Penalties

Penalties

98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 83, 83.01, 83.1, 83.2, 83.3 or 86.3, this Part or section 89.3, 89.4, 89.5 or 95.1 is guilty of an offence and liable

- (a) for the first offence, to a fine of not more than \$2000,
- (b) for the 2nd offence, to a fine of not more than \$4000, and
- (c) for the 3rd and each subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

Bylaws

Part 13 Assessment of Costs for Hearings and Appeals

Content

36 Where the Discipline Committee, Practice Review Board or the Appeal Board orders an investigated person to pay the costs of the hearing, or the costs of the appeal, or both the costs of the hearing and the costs of the appeal, those costs may include all or any of the following costs and expenses:

- (a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;
- (b) costs of any transcripts of evidence taken in the proceedings;
- (c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;
- (d) witness fees;
- (e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;
- (f) fees payable to the solicitor acting on behalf of the Association in the proceedings;
- (g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it.

Appendix 2 – Summary and Analysis of Canadian Engineering and Geoscience Associations

This table contains a summary of the research pertaining to fines, penalties, costs, and orders. The relevant legislative provisions that form the basis of this summary are contained in Appendix 2A.

Professional Association	Association of Professional Engineers and Geoscientists of British Columbia	Association of Professional Engineers and Geoscientists of Alberta	Association of Professional Engineers and Geoscientists of Saskatchewan	Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers Ontario
Who can be fined, otherwise penalized, or both under an order	Individuals, corporations, partnerships, other legal entities	Members, officers, employees, or agents of a firm, partnership, or other association; persons and a corporation	Members, temporary licensees, and holders of certificates of authorization subject to discipline	Members, holders of certificates of authorization, temporary licensees, licensees with specified scopes of practice, engineers-in-training, geoscientists-in-training	Members, certificate holders, partners, directors, officers
Maximum discipline-related fines	\$25,000	\$10,000	\$15,000	\$25,000	\$5,000
Maximum enforcement fines for title and practice violations	\$25,000	\$6,000	\$15,000	\$20,000	\$50,000
Date of force	1996	1984	1996	1998	2001
Costs can be awarded under the legislation	Yes	Yes	Yes	Yes	Yes
Legislation lists what is included in costs	Yes	Yes	Yes	No	No

Orders for fines and costs enforceable and recoverable	By taking civil action for debt and by suspending or cancelling membership (in consent orders or alternative complaint resolution) By assessing costs as special costs under Supreme Court Civil Rules, for enforcement as if an order of the Court	By taking civil action for debt and by suspending membership	By suspending membership pending payment	By filing an order in the Court, which can then be enforced in the same manner as a judgment of the court	By applying to Superior Court for an order
Who is the case manager for settlement mechanisms	Registrar	Case manager. A revolving role among Discipline Committee members	Not stated	No case manager role, but the investigated person and the investigative committee can enter into a consent agreement	Not stated
Register contains disciplinary orders, details, and licence history	No	No	No	No	Yes

Professional Association	Association of Professional Geoscientists of Ontario	Ordre des ingénieurs du Québec	Association of Professional Engineers & Geoscientists of New Brunswick	Engineers Nova Scotia
Who can be fined, otherwise penalized, or both under an order	Members, certificate holders, corporations, partnerships or other entities, directors	Professionals	Every person, member, or manager of a partnership or association of persons, and every shareholder, director, officer, or manager of a corporation	Registrant
Maximum discipline-related costs and fines	\$50,000	\$12,500	\$10,000	\$5,000
Maximum enforcement fines for title and practice violations	\$50,000	\$20,000 (individual) \$40,000 (company)	\$50,000	\$500 (individual) \$1,000 (company)
Date of force	2000	2008	1999	2010
Costs can be awarded under the legislation	Not stated	Yes	Yes	Yes
Legislation lists what is included in costs	No	Yes	Yes	Yes
Orders for fines and costs enforced and recovered	Not stated	Under the Code of Civil Procedure	Under the Provincial Offences Procedure Act	Through summary conviction and a condition of registration to have paid
Who is the case manager for settlement mechanisms	The complaints committee or complaints panel may approve a settlement reached through mediation	Syndic	Not stated	Secretary has partial case manager role. Secretary and investigated person may enter into a proposed agreement, conditional on acceptance by the disciplinary panel

Professional Association	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Who can be fined, otherwise penalized, or both under an order	Member, partnership, corporation	Member, partnership, corporation or director	Individual, corporation	Individual, permit holder	Registrants, permit holders
Maximum discipline-related costs and fines	\$10,000	\$5,000	\$25,000	\$10,000	\$10,000
Maximum enforcement fines for title and practice violations	\$50,000	\$10,000	\$10,000 (individual) \$100,000 (company)	\$10,000	\$10,000
Date of force	2003	1988	2008	1995	2008
Costs can be awarded under the legislation	Yes	Yes	Yes	Yes	Yes
Legislation lists what is included in costs	Yes	No	Yes	Yes	Yes
Orders for fines and costs enforceable and recoverable	Civil action for debt	No	Fine – the association may file a certificate with the Trial Division and with the judgment enforcement registry; on the certificate	Civil action for debt and suspension	Suspend member pending payment

Professional Association	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
			being filed it may be enforced in the same manner as a judgment of the Court Costs – civil action for debt and suspension		
Who is the case manager for settlement mechanism	Mediator and arbitrator	Act enforcement officer	Registrar acts as mediator	Mediator	Referee

Appendix 2A – Relevant Provisions from the Legislation of Canadian Engineering and Geoscience Associations

The tables below reference the legislation of engineering and geoscience constituent associations in Canada regarding fitness to practise. Text quoted from the legislation has not been modified to match APEGA’s writing style.

	Association of Professional Engineers and Geoscientists of British Columbia	Association of Professional Engineers and Geoscientists of Alberta
Who can be fined, otherwise penalized, or both under an order	<p>Act</p> <p>27 (1) An act prohibited in section 22 or 26 is a tort actionable by the association without proof of damage.</p> <p>(2) An individual, corporation, partnership or other legal entity that contravenes section 22 or 26 is liable to pay exemplary damages of not more than \$25 000 to the association whether or not the individual, corporation, partnership or other legal entity has been convicted of an offence arising from the same circumstances</p>	<p>Act</p> <p>98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 83, 83.01, 83.1, 83.2, 83.3 or 86.3, this Part or section 89.3, 89.4, 89.5 or 95.1 is guilty of an offence and liable</p>
<p>Maximum discipline-related fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>33 (1) After an inquiry under section 32, the discipline committee may determine that the member, licensee or certificate holder</p> <p>(b) has contravened this Act or the bylaws or the code of ethics of the association, or</p> <p>(c) has demonstrated incompetence, negligence or unprofessional conduct.</p> <p>(2) If the discipline committee makes a determination under subsection (1), it may, by order, do one or more of the following:</p> <p>(d) impose a fine, payable to the association, of not more than \$25,000 on the member, licensee or certificate holder.</p>	<p>Act</p> <p>64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay</p> <p>(a) all or part of the costs of the hearing in accordance with the bylaws,</p> <p>(b) a fine not exceeding \$10 000 to the Association, or(c) both the costs under clause (a) and a fine under clause (b), within the time fixed by the order</p> <p>98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 83, 83.01, 83.1, 83.2, 83.3 or 86.3, this Part or section 89.3, 89.4, 89.5 or 95.1 is guilty of an offence and liable</p> <p>(a) for the first offence, to a fine of not more than \$2000,</p> <p>(b) for the 2nd offence, to a fine of not more than \$4000, and</p> <p>(c) for the 3rd and each subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months</p>

	Association of Professional Engineers and Geoscientists of British Columbia	Association of Professional Engineers and Geoscientists of Alberta
		or to both a fine and imprisonment.
Costs can be awarded under the legislation	Act	Act
Legislation lists what is included in costs	<p>21.2 (1) If a person fails to pay the annual fee or any other fee imposed under this Act, other than a late fee or a reinstatement fee, by the time the fee is required to be paid, the council must provide to the person at his or her last recorded address notice demanding payment of the fee.</p> <p>(2) Subject to sections 32.1 (5) and 32.2 (3), if a person is still in default 30 days after notice under subsection (1) of this section is sent, the council may do one or both of the following:</p>	<p>64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay</p> <p>(a) all or part of the costs of the hearing in accordance with the bylaws,</p> <p>(c) both the costs under clause (a) and a fine under clause (b), within the time fixed by the order</p>
Orders for fines and costs enforceable and recoverable	<p>(a) require the person to pay a late fee in addition to the unpaid fee;</p> <p>(b) cancel the person's registration, licence or certificate of authorization without further notice.</p> <p>(3) The annual fee or any other fee that a person is required to pay under this Act is a debt due by the person to the association, and, in addition to any other remedy but subject to sections 32.1 (5) and 32.2 (3), is recoverable with costs by the association in any court of competent jurisdiction.</p> <p>35 (1) If the discipline committee makes a determination under section 33 (1), the discipline committee may direct that reasonable costs of and incidental to the investigation under section 30 and the inquiry under section 32, including reasonable fees payable to solicitors, counsel and witnesses, or any part of the costs, be paid by the person, and the costs may be determined by the committee.</p> <p>2) If the allegations that were the subject of an inquiry under section 32 are not proven, the discipline committee may direct that reasonable costs of and incidental to the inquiry and any further inquiry, including reasonable fees payable to solicitors, counsel and witnesses, or any part of the costs, be paid by the association, and the costs may be determined by the committee.</p>	<p>(2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.</p> <p>(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.</p> <p>Bylaws</p> <p>36 Where the Discipline Committee, Practice Review Board or the Appeal Board orders an investigated person to pay the costs of the hearing, or the costs of the appeal, or both the costs of the hearing and the costs of the appeal, those costs may include all or any of the following costs and expenses:</p> <p>(a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;</p> <p>(b) costs of any transcripts of evidence taken in the proceedings;</p> <p>(c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;</p> <p>(d) witness fees;</p> <p>(e) cost of renting rooms, renting recording equipment, or hiring a</p>

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	<p>(3) If the discipline committee directs that costs be paid and determines the amount under subsection (1) or (2), the amount may be assessed by the registrar or district registrar of the Supreme Court, in the judicial district in which the inquiry under section 32 takes place, as special costs under the Supreme Court Civil Rules, as nearly as they are applicable.</p> <p>(4) If the certificate of the registrar certifying the amount of costs awarded under subsection (3) is filed with the court, it may be enforced as if it were an order of the court.</p> <p>(5) If the discipline committee has directed costs against a person under subsection (1) and the costs have not been paid, the discipline committee may order that, without a further inquiry, the membership or licence of that person be suspended or cancelled until the costs are paid.</p> <p>34 (1) If the discipline committee imposes conditions under section 33 (2) (b) and the discipline committee subsequently is satisfied that these conditions have not been met, it may propose, in addition to any order under section 33 (2), one or more of the following:</p> <p>(a) imposition of further conditions;</p> <p>(b) suspension or cancellation of the membership, licence or certificate of authorization;</p> <p>(c) imposition of a fine, payable to the association, of not more than \$25,000 on the member, licensee or certificate holder.</p> <p>(3) After the time for delivering written submissions has elapsed, the discipline committee may take the proposed action without a further inquiry if</p> <p>(a) no submissions have been made, or</p> <p>(b) on reviewing the submissions that have been made the discipline committee remains satisfied that the conditions have not been met.</p>	<p>reporter to take transcript of the evidence;</p> <p>(f) fees payable to the solicitor acting on behalf of the Association in the proceedings;</p> <p>(g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it.</p> <p>Act</p> <p>39(1) The Council may direct the Registrar to cancel the registration of</p> <p>(a) a professional member, licensee or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or</p> <p>(b) a permit holder if it no longer has employees in compliance with this Act.</p> <p>after the expiration of 30 days following the service on the professional member, licensee or permit holder of a written notice by the Council pursuant to subsection (2), unless the professional member, licensee or permit holder on whom the notice is served complies with the notice.</p> <p>(2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.</p> <p>(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.</p>

	Association of Professional Engineers and Geoscientists of British Columbia	Association of Professional Engineers and Geoscientists of Alberta
Who is the case manager for settlement mechanisms	<p>Act</p> <p>32.1 (1) After serving notice of an inquiry under section 32 (2) to the person who is the subject of the inquiry, and before the commencement of the inquiry, the discipline committee, in writing, may propose to that person the making of a consent order under subsection (2) (a) of this section for the voluntary resolution of one or more matters to be dealt with at the inquiry.</p> <p>(2) A consent order is made if</p> <p>(a) the person who is the subject of an inquiry under section 32 (2) accepts the proposal of the discipline committee under subsection (1) of this section, or</p> <p>(b) an agreement is reached under section 32.2 (2) between the person who is the subject of an inquiry under section 32 (2) and the discipline committee.</p> <p>(6) If the person to whom a proposal under subsection (1) is made rejects the proposal,</p> <p>(a) an inquiry under section 32 (2) respecting the matters contained in the proposal must proceed as though the proposal had not been made,</p> <p>(b) the discipline committee conducting the inquiry must not consider the admissions contained in the proposal or the terms of the proposal in determining the matters or in making an order under section 33 (2) respecting the matters, and</p> <p>(c) a person who participated in making the proposal under subsection (1) must not participate as a member of the discipline committee in the inquiry concerning those matters.</p> <p>32.2 (1) At any time before the commencement of an inquiry under section 32 (2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative</p>	<p>Act</p> <p>43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member- in- training, and the complaint shall be dealt with in accordance with this Part and the regulations.</p> <p>(2) A complaint must be in writing.</p> <p>(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> <p>(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may</p> <p>(a) approve the agreement, or</p> <p>(b) proceed with a preliminary investigation in accordance with section 47.</p> <p>52(1) If an investigation is not terminated under section 51, the</p>

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	<p>complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.</p> <p>(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1 (2) (b) on the terms set out in the agreement.</p> <p>Bylaws</p> <p>18 (a) In this bylaw:</p> <p>“alternative complaint resolution” means a process or processes for the full or partial resolution of one or more matters to be dealt with at a disciplinary inquiry and includes without limitation:</p> <ol style="list-style-type: none"> 1. (i) negotiation; 2. (ii) mediation; 3. (iii) such other process as the parties agree to; or 4. (iv) a combination of the above; <p>“discipline committee” means the discipline committee created under the Act and includes a panel or representative of a panel;</p> <p>“member or licensee” means the member(s) or licensee(s) who is the subject of the discipline inquiry; and</p> <p>“registrar” means the registrar appointed under the Act and includes his or her delegate.</p> <p>(a) If the discipline committee, the member or licensee and the registrar agree to engage in alternative complaint resolution, they will then identify and agree upon which process or processes shall be attempted.</p>	<p>Investigative Committee may</p> <p>(a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or</p> <p>(b) refer the matter to the Discipline Committee for a formal hearing.</p> <p>(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.</p> <p>(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.</p> <p>(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.</p>

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	<p>(c) The parties to any agreement reached through alternative complaint resolution are the discipline committee and the member or licensee.</p> <p>4. (d) The association, through the registrar, may attend and participate in any alternative complaint resolution process undertaken for the purpose of presenting the association's case and position on the matters to be dealt with at the disciplinary inquiry.</p> <p>5. (e) The costs of alternative complaint resolution, other than legal costs, shall be divided equally between the discipline committee and the member or licensee, unless the parties agree otherwise</p>	

	Association of Professional Engineers and Geoscientists of Saskatchewan	Association of Professional Engineers and Geoscientists of Manitoba
Who can be fined, otherwise penalized, or both under an order	<p>Act</p> <p>45 Sections 28.1 to 43 and section 49 apply, with any necessary modification, to:</p> <p>(a) the holder of a certificate of authorization that fails to observe any of the provisions of section 22; and</p> <p>(b) the holder of a certificate of authorization or a licensee who has a temporary licence, who is guilty of conduct that would, in the case of a member, be professional misconduct or professional incompetence.</p>	<p>Act</p> <p>29 In this Part,</p> <p>"conduct" includes an act or omission;</p> <p>"investigated person" means</p> <p>(a) a member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training, or</p> <p>(b) in a case to which subsection 31(3) or 31(4) applies, a former member, holder of a certificate of authorization, temporary licensee, specified scope of practice licensee, engineer-in-training or geoscientist-in-training, in respect of whose conduct a complaint has been received, an investigation is conducted or a hearing is held under this Part;</p>
<p>Maximum discipline-related fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>35 (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:</p> <p>(a) that the member pay to the association, within a fixed period:</p> <p>(i) a fine in a specified amount not exceeding \$15,000</p> <p>47 Every person who contravenes any of the provisions of section 26 or 27 is guilty of an offence and liable on summary conviction to a fine of:</p> <p>(a) for a first offence, not more than \$5,000;</p> <p>(b) for a second offence, not more than \$10,000; and</p> <p>(c) for each subsequent offence, not more than \$15,000.</p>	<p>Act</p> <p>48(1) The panel or the discipline committee may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 47, order that the investigated person pay to the association</p> <p>(a) all or part of the costs of the investigation, hearing and appeal;</p> <p>(b) a fine not exceeding \$25,000.; or</p> <p>(c) both the costs under clause (a) and the fine under clause (b); within the time set by the order.</p> <p>57 Except as otherwise provided in this Act, no person who is not a member, a holder of a certificate of authorization, a temporary licensee, or a specified scope of practice licensee shall</p> <p>(a) engage in the practice of professional engineering or the practice of professional geoscience within the province; or</p> <p>(b) act in such a manner as to lead any person to believe that he or</p>

	Association of Professional Engineers and Geoscientists of Saskatchewan	Association of Professional Engineers and Geoscientists of Manitoba
		<p>she is authorized to fulfil the office of, or act as, a professional engineer or professional geoscientist within the province.</p> <p>65(1) Every person who violates any provision of this Act is guilty of an offence and liable, on summary conviction, in the case of a first offence to a fine of not more than \$10,000. and in the case of a second or subsequent offence to a fine of not more than \$20,000.</p>
<p>Costs can be awarded under the legislation</p> <p>Legislation lists what is included in costs</p> <p>Orders for fines and costs enforced and recovered</p>	<p>Act</p> <p>35 (2) In addition to any order made pursuant to subsection (1), the discipline committee may order:</p> <p>(a) that the member pay to the association, within a fixed period:</p> <p>(i) a fine in a specified amount not exceeding \$15,000; and</p> <p>(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the investigation committee and the discipline committee and costs of legal services and witnesses; and</p> <p>(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the association.</p>	<p>Act</p> <p>48(1) The panel or the discipline committee may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 47, order that the investigated person pay to the association</p> <p>(a) all or part of the costs of the investigation, hearing and appeal;</p> <p>(b) (c) both the costs under clause (a) and the fine under clause (b); within the time set by the order.</p> <p>48(2) The association may file an order under subsection (1) in the court, and on the order being filed it may be enforced in the same manner as a judgment of the court.</p>
<p>Who is the case manager for settlement mechanisms</p>	<p>Not stated</p>	<p>Act</p> <p>35(1) The investigation committee may, after review or investigation, take one or more of the following actions:</p> <p>(f) with the written consent of the investigated person, formulate a charge, register a conviction and impose any penalty that the discipline committee could have imposed.</p>

	Professional Engineers Ontario	Association of Professional Geoscientists of Ontario
Who can be fined, otherwise penalized, or both under an order	<p>Act</p> <p>27.1 The Council or the Executive Committee may, by resolution, refer to the Discipline Committee for hearing and determination any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence specified in the resolution</p>	<p>Act</p> <p>19. The council may revoke a certificate of authorization of a corporation, partnership or other entity,</p> <p>(a) if it is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to its professional integrity and renders the certificate holder unsuitable to hold a certificate;</p> <p>(b) if it fails to comply with this Act or a regulation made under it;</p> <p>(c) if it has demonstrated professional misconduct, negligence or incompetence; or</p> <p>(d) in such other circumstances as may be prescribed.</p> <p>Regulation - Disciplinary Matters - Complaints and Disciplinary Proceedings Relating to the Practice of Professional Geoscience</p> <p>16. (1) On a hearing, the discipline committee may find that a member or certificate holder has committed an act of professional misconduct.</p>
<p>Maximum discipline-related fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>12. (1) No person shall engage in the practice of professional engineering or hold himself, herself or itself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence, a provisional licence or a limited licence</p> <p>28. (4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order,</p> <p>(h) impose such fine as the Discipline Committee considers</p>	<p>Act</p> <p>7. Every person who contravenes subsection 3 (1) or (2), 4 (1), 5 (1) or (2) or 6 (1) is guilty of an offence and on conviction is liable,</p> <p>(a) to a fine of not more than \$25,000 for a first offence;</p> <p>(b) to a fine of not more than \$50,000 for a subsequent offence.</p> <p>(3) An individual who knowingly fails to comply with subsection (1) is guilty of an offence and on conviction is liable,</p> <p>(a) to a fine of not more than \$15,000 for a first offence;</p>

	Professional Engineers Ontario	Association of Professional Geoscientists of Ontario
	<p>appropriate, to a maximum of \$5,000, to be paid by the member of the Association or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;</p> <p>40. (1) Every person who contravenes section 12 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$25,000 and for each subsequent offence to a fine of not more than \$50,000.</p> <p>(2) Every person who is not a holder of a licence or a temporary licence and who,</p> <p>(a) uses the title “professional engineer” or “ingénieur” or an abbreviation or variation thereof as an occupational or business designation;</p> <p>(a.1) uses the title “engineer” or an abbreviation of that title in a manner that will lead to the belief that the person may engage in the practice of professional engineering;</p> <p>(b) uses a term, title or description that will lead to the belief that the person may engage in the practice of professional engineering; or</p> <p>(c) uses a seal that will lead to the belief that the person is a professional engineer, is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000.</p> <p>(3) Every person who is not acting under and in accordance with a certificate of authorization and who,</p> <p>(a) uses a term, title or description that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering; or</p> <p>(b) uses a seal that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering, is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000.</p> <p>Offence, use of term “Licensed Engineering Technologist”, etc.</p>	<p>(b) to a fine of not more than \$30,000 for a subsequent offence</p> <p>General</p> <p>39. (1) Every person who makes a representation, knowing it to be false, for the purpose of being registered as a member of the Association is guilty of an offence and on conviction is liable,</p> <p>(a) to a fine of not more than \$10,000 for a first offence;</p> <p>(b) to a fine of not more than \$20,000 for a subsequent offence.</p> <p>(2) Every person who makes a representation, knowing it to be false, for the purpose of having a certificate of authorization is guilty of an offence and on conviction is liable,</p> <p>(a) to a fine of not more than \$10,000 for a first offence;</p> <p>(b) to a fine of not more than \$20,000 for a subsequent offence</p> <p>39. (1) Every person who makes a representation, knowing it to be false, for the purpose of being registered as a member of the Association is guilty of an offence and on conviction is liable,</p> <p>(a) to a fine of not more than \$10,000 for a first offence;</p> <p>(b) to a fine of not more than \$20,000 for a subsequent offence.</p> <p>(2) Every person who makes a representation, knowing it to be false, for the purpose of having a certificate of authorization is guilty of an offence and on conviction is liable,</p> <p>(a) to a fine of not more than \$10,000 for a first offence;</p> <p>(b) to a fine of not more than \$20,000 for a subsequent offence.</p>

	Professional Engineers Ontario	Association of Professional Geoscientists of Ontario
	<p>(3.1) Every person who is not the holder of the engineering technologist class of limited licence prescribed under subparagraph 9 v.2 of subsection 7 (1) and who uses the title “Licensed Engineering Technologist” or “technologue en ingénierie titulaire de permis” or the initials “LET” or “TITP” in a manner that will lead to a belief that the person is the holder of the engineering technologist class of limited licence is guilty of an offence, and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000</p> <p>(3.2) Every person who is not an engineering intern under section 20.1 and who uses any of the following terms, titles or descriptions in a manner that will lead to a belief that the person is an engineering intern under that section is guilty of an offence, and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000</p> <p>(4) Any person who obstructs a person appointed to make an investigation under section 33 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.</p> <p>(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.</p> <p>(6) Where a person who is guilty of an offence under subsection (1), (2), (3) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.</p> <p>41.(1) Any person who makes or causes to be made a wilful falsification in a matter relating to a register or issues a false licence, certificate, temporary licence, provisional licence, limited licence or</p>	

	Professional Engineers Ontario	Association of Professional Geoscientists of Ontario
	<p>document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.</p> <p>(2)Every person who wilfully procures or attempts to procure the issuance of a licence, a certificate of authorization, a temporary licence, a provisional licence or a limited licence under this Act by knowingly making a false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000, and every person knowingly aiding and assisting such person therein is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.</p>	
<p>Costs can be awarded under the legislation</p> <p>Legislation lists what is included in costs</p> <p>Orders for fines and costs enforced and recovered</p>	<p>Act</p> <p>39.(1)Where it appears to the Association that any person does not comply with this Act or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit</p> <p>(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order,</p> <p>(j) fix and impose costs to be paid by the member or the holder to the Association</p>	Not stated
Who is the case manager for settlement mechanisms	<p>Bylaws</p> <p>15.3 Investigation Committee Procedures 15.3.6.3 The chair of the investigation committee shall instruct the registrar to notify the investigated person of the charge, penalty, public statement and place or places of publication proposed under section 15.3.6.1 of these by-laws and to further notify the investigated person that:</p>	<p>Bylaws</p> <p>15.3 Investigation Committee Procedures 15.3.6.3 The chair of the investigation committee shall instruct the registrar to notify the investigated person of the charge, penalty, public statement and place or places of publication proposed under section 15.3.6.1 of these by-laws and to further notify the investigated person that:</p>

	Professional Engineers Ontario	Association of Professional Geoscientists of Ontario
	<p>a) the investigated person may make written or oral representation to the investigation committee as to the appropriateness of the proposal, provided that the investigated person so notifies the registrar of his or her intention to do so within 10 working days of receipt of the notice;</p> <p>b) should the investigated person elect not to make such representation, then he or she must provide a written consent to or rejection of the proposal within 10 working days of receipt of the notice; and</p> <p>c) if the investigated person does not accept the proposal, or any other proposal made following the aforementioned representation, or if the investigated person fails to respond within 10 working days of receipt of the notice, that the charge shall be referred to the discipline committee for a hearing in accordance with sections 15.5 and 15.6 of these by-laws.</p>	<p>a) the investigated person may make written or oral representation to the investigation committee as to the appropriateness of the proposal, provided that the investigated person so notifies the registrar of his or her intention to do so within 10 working days of receipt of the notice;</p> <p>b) should the investigated person elect not to make such representation, then he or she must provide a written consent to or rejection of the proposal within 10 working days of receipt of the notice; and</p> <p>c) if the investigated person does not accept the proposal, or any other proposal made following the aforementioned representation, or if the investigated person fails to respond within 10 working days of receipt of the notice, that the charge shall be referred to the discipline committee for a hearing in accordance with sections 15.5 and 15.6 of these by-laws.</p> <p>4. (1) If a preliminary review panel or a three member panel orders that the parties participate in complaint settlement, the relevant panel may designate a person to act as mediator for the purpose of helping to resolve any or all matters raised by the complaint</p> <p>(2) At the Association's discretion, the complainant may take part in complaint settlement.</p> <p>(3) Complaint settlement shall not exceed 30 days from the date it is ordered unless an extension of time is granted pursuant to a written request made by the mediator to the complaints committee.</p> <p>(4) When the time provided for complaint settlement is over, the mediator shall, as soon as is reasonably possible, report on the results achieved, if any, to the body that appointed him or her.</p> <p>(5) The mediator's report shall contain a copy of any written agreement signed by the parties attesting to the settlement of a matter during complaint settlement.</p> <p>(6) The relevant panel or the complaints committee may approve any such settlement, in which case the panel or complaints committee</p>

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		<p>shall make an order giving effect to such settlement.</p> <p>(7) The relevant panel or the complaints committee may do one or more of the following with respect to any matters that are not settled or with respect to matters that are settled but not approved under subsection (6), except that a preliminary review panel may not dismiss the complaint under paragraph 4:</p> <ol style="list-style-type: none"> 1. Direct that the parties participate in a further round of complaint settlement. 2. Appoint an investigator. 3. Refer the complaint, in whole or in part, to the discipline committee. 4. Dismiss the complaint. 5. Request clarification or further information from the complainant or the person or entity complained about. 6. Take such other action as it considers appropriate in the circumstances. <p>(8) Any statements made by a party during complaint settlement, either orally or in writing, shall remain private and confidential and shall not be used or disclosed by an adverse party for any purpose outside complaint settlement, including any proceeding of the discipline committee or an appeal from a decision made by the discipline committee.</p>

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Who can be fined, otherwise penalized, or both under an order	<p>22. Any person not a member in good standing of the Order who:</p> <p>(1) performs any of the acts contemplated in section 3 of this Act,</p> <p>(2) assumes the title of engineer alone or qualified, or makes use of any abbreviation of such title, or of any name, title or designation which might lead to the belief that he is an engineer or a member of the Order,</p> <p>(3) advertises himself as such,</p> <p>(4) acts in such a manner as to lead to the belief that he is authorized to fulfil the office of or to act as an engineer,</p> <p>(5) authenticates by means of a seal, signature or initials a document relating to the practice of the engineering profession,</p> <p>is guilty of an offence and is liable to the penalties provided in section 188 of the Professional Code (chapter C-26)</p>	<p>20 (5) Every person, member or manager of a partnership or association of persons, and every shareholder, director, officer or manager of a corporation who commits an offence under this section is liable</p>
<p>Maximum discipline-related costs and fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Professional Code</p> <p>156. The disciplinary council shall impose on a professional convicted of an offence referred to in section 116, one or more of the following penalties in respect of each count contained in the complaint:</p> <p>(c) a fine of not less than \$1,000 nor more than \$12,500 for each offence;</p> <p>Act</p> <p>188. Every person who contravenes a provision of this Code, of the Act or letters patent constituting an order or of an amalgamation or integration order is guilty of an offence and is liable to a fine of not less than \$1,500 nor more than \$20,000 or, in the case of a legal person, of not less than \$3,000 nor more than \$40,000.</p>	<p>Act</p> <p>18 (10) When the Discipline Committee finds a member, licensee, or the holder of a certificate of authorization guilty of professional misconduct or incompetence it may, by order, do any one or more of the following</p> <p>(h) impose such fine as the Committee considers appropriate, to a maximum of ten thousand dollars, to be paid by the member, licensee, or the holder of the certificate of authorization;</p> <p>20 (5) Every person, member or manager of a partnership or association of persons, and every shareholder, director, officer or manager of a corporation who commits an offence under this section is liable:</p> <p>(a) for the first offence, to a fine of not less than one thousand dollars</p>

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	<p>In the case of a subsequent offence, the minimum and maximum fines are doubled.</p> <p>188.1. Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in <u>section 188</u> who knowingly</p> <p>(1) without being a member of a professional order, allows himself to be announced or designated by a title, an abbreviation of that title or initials reserved for members of the order, or by a title, an abbreviation or initials that may lead to the belief that he is a member of the order;</p> <p>(2) announces or designates a person who is not a member of a professional order by a title, an abbreviation of that title or initials reserved for members of the order, or by a title, an abbreviation or initials that may lead to the belief that the person is a member of the order;</p> <p>(3) through authorization, advice, an order or encouragement, otherwise than by seeking or obtaining professional services from a person who is not a member of a professional order whose members practise an exclusive profession or engage in a professional activity that is reserved under <u>section 37.1</u>, causes a person who is not a member of the professional order</p> <p>(a) to engage in professional activities reserved for the members of the order;</p> <p>(b) to use a title or an abbreviation of that title reserved for the members of the order, or a title or abbreviation that may lead to the belief that the person is a member of the order;</p> <p>(c) to adopt initials reserved for the members of the order or which may lead to the belief that the person is a member of the order;</p> <p>(4) through authorization, advice, an order or encouragement, otherwise than by seeking or obtaining professional services from a</p>	<p>and not more than ten thousand dollars;</p> <p>(b) for the second and each subsequent offence, to a fine of not less than five thousand dollars and not more than fifty thousand dollars or to imprisonment for a term of not more than six months, or to both; and</p> <p>(c) upon failure to pay a fine imposed under paragraph (a) or (b) to imprisonment for a term of not more than six months</p> <p>((7) Any person who fails to comply with an order under subsection (6) commits an offence and is liable to a fine of not less than one thousand dollars and not more than ten thousand dollars or to imprisonment for a term of not more than six months, or both, and on failure to pay the fine to imprisonment for not more than six months.</p> <p>(8) Any person who refuses or neglects to perform any of the duties imposed by this Act, or who violates any of the provisions of this Act, shall be liable to a penalty, when not otherwise provided for, of a sum not less than five hundred dollars and not more than ten thousand dollars and in default of payment to imprisonment for a term of not more than three months.</p>

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	<p>person who is not a member of a professional order whose members practise a reserved profession, causes a person who is not a member of the professional order</p> <p>(a) to use a title or an abbreviation of that title reserved for the members of the order, or a title or abbreviation that may lead to the belief that the person is a member of the order</p> <p>(b) to adopt initials reserved for the members of the order or which may lead to the belief that the person is a member of the order.</p> <p>Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in <u>section 188</u> who, without being an order to which this Code applies, uses the expression “professional order” or another expression containing those two words or an expression that may lead to the belief that it refers to an order governed by this Code, and in particular the expression “professional corporation”.</p>	
<p>Costs can be awarded under the legislation</p> <p>Legislation lists what is included in costs</p> <p>Orders for fines and costs enforced and recovered</p>	<p>Professional Code 151. The disciplinary council may condemn the complainant or the respondent to pay the costs, or it may apportion the costs between them in the proportions it indicates.</p> <p>However, where the complainant is a person who has lodged a complaint under the second paragraph of section 128, the disciplinary council may condemn him to pay the costs only if the respondent is acquitted of every charge contained in the complaint and the complaint was excessive, frivolous or clearly unfounded.</p> <p>The chair or substitute chair of a disciplinary council that dismisses a complaint under section 143.1 may condemn the complainant to pay the costs.</p> <p>The costs are those related to the processing of the complaint. They include, in particular, service costs, registration fees, the cost of expert opinion admitted in evidence as well as the indemnities</p>	<p>Act 18 (10) When the Discipline Committee finds a member, licensee, or the holder of a certificate of authorization guilty of professional misconduct or incompetence it may, by order, do any one or more of the following</p> <p>(j) fix and impose costs of any investigation or procedures by the Professional Conduct Committee or the Committee to be paid by the member, licensee or the holder of the certificate of authorization to the Association;</p> <p>Act 22</p> <p>(1) All fines and penalties imposed under this Act shall be recoverable, by the Association with costs, under the Provincial Offences Procedure Act.</p>

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	<p>payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25, r. 7). If the respondent is found guilty, the costs also include the travel and lodging expenses of the council members referred to in section 138.</p> <p>Where a condemnation to costs becomes enforceable, the secretary of the disciplinary council shall draw up a list of costs and shall have the list served in accordance with the Code of Civil Procedure (chapter C-25). The list may be revised by the chair of the disciplinary council on a motion filed within 30 days of the date of service. At least five days' notice in writing of the filing must be given to the parties. A motion for revision does not prevent or suspend the execution of the decision. The decision of the chair of the disciplinary council concerning the revision of the list is final.</p>	
Who is the case manager for settlement mechanisms	<p>Professional Code</p> <p>121. The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.</p> <p>122. A syndic may, following information to the effect that a professional has committed an offence referred to in section 116, inquire into the matter and require any information or document relating to the inquiry. He may not refuse to hold an inquiry on the sole ground that the request for an inquiry was not made using the form proposed under subparagraph 9 of the third paragraph of section 12</p> <p>Section 114 shall apply to every inquiry held under this section.</p> <p>122.1. A syndic shall inform the professional inspection committee if he has reasonable grounds to believe that a professional's practice of the profession or professional competence should be the subject of</p>	Not stated

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	<p>an inspection under section 112.</p> <p>On his own initiative or at the request of the professional inspection committee, a syndic may also, if he considers it relevant, disclose any information to the committee for the protection of the public.</p> <p>123.6. A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.</p> <p>If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.</p> <p>143.2. If warranted by the circumstances of a complaint, for instance the complexity or foreseeable duration of the hearing, the chair or substitute chair of the disciplinary council may, on their own initiative or at the request of one of the parties, convene them to a case management conference in order to, among other things,</p> <p>(1) come to an agreement with the parties as to the trial of the complaint, specifying the undertakings of the parties and determining the timetable to be complied with;</p> <p>(2) if the parties fail to agree, determine a timetable for the proceeding, which is binding on the parties; and</p> <p>(3) determine how the trial of the complaint may be simplified, facilitated or accelerated and the hearing shortened, among other things by better defining the questions at issue or recording admissions concerning any fact or document.</p> <p>143.3. The minutes of the case management conference shall be drawn up by the secretary of the disciplinary council and signed by</p>	

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	<p>the chair or substitute chair.</p> <p>149.1. A syndic may, by way of a complaint, seize the disciplinary council</p> <p>(1) of any decision of a Canadian court finding a professional guilty of a criminal offence,</p> <p>(2) of any decision made in Québec finding a professional guilty of an offence under section 188 or of an offence under a provision of a Québec or a federal Act, or</p> <p>(3) of any decision made outside Québec finding a professional guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act.</p>	

	Engineers Nova Scotia	Geoscientists Nova Scotia
Who can be fined, otherwise penalized, or both under an order?	<p>Act</p> <p>17 (1) A complaint against a registrant may be initiated by any person.</p> <p>Please also insert Act s. 17S(2)(g) dealing with discipline committee max fines</p>	<p>Act</p> <p>24 (1) Any person to whom a certificate of registration or a licence to practise has not been issued or whose certificate of registration or licence to practise has expired or been suspended or cancelled under this Act, who</p> <p>(a) engages in the practise of professional geoscience;</p> <p>(b) uses verbally or otherwise the title of professional geoscientist or any abbreviation of such title;</p> <p>(c) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the person is a professional geoscientist or entitled to engage in the practise of professional geoscience; or</p> <p>(d) advertises, holds himself or herself out or engages in conduct in any way that implies or leads or may lead any other person to believe that such person is a professional geoscientist or entitled to engage in the practise of professional geoscience,</p> <p>is guilty of an offence and liable upon summary conviction for the first offence to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs and, on failure to pay the same, to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same, to imprisonment for a period of not more than six months</p> <p>25 (1) Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who holds a certificate of registration or a licence to practise, that</p> <p>(a) undertakes or carries out the application of geoscience;</p> <p>(b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to</p>

	Engineers Nova Scotia	Geoscientists Nova Scotia
		<p>undertake or carry out the application of geoscience</p> <p>26 (1) Any person who, or any partnership, association of persons or body corporate that, directs or permits any member or employee who does not hold a certificate of registration or a licence to practise to apply geoscience is guilty of an offence and the person, partnership or any partner, association of persons or any member of the association or body corporate or any director of the body corporate, is liable upon summary conviction for the first offence to a fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than six months.</p> <p>or</p> <p>(c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of geoscience, is guilty of an offence and the partnership or any partner, the association of persons or any member of the association or the body corporate or any director of the body corporate is liable upon summary conviction for the first offence to a fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars, and on failure to pay the same to imprisonment for a period of not more than six months.</p> <p>26 (1) Any person who, or any partnership, association of persons or body corporate that, directs or permits any member or employee who does not hold a certificate of registration or a licence to practise to apply geoscience is guilty of an offence and the person, partnership or any partner, association of persons or any member of the association or body corporate or any director of the body corporate, is liable upon summary conviction for the first offence to a</p>

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		<p>fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than six months.</p> <p>27 Any person who makes or causes to be made any wilful falsification in any of the registers maintained by the Registrar under this Act or the by-laws, is liable upon summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months.</p> <p>28 Any person who wilfully procures or attempts to procure registration as a member of the Association, a licence to practise or to be enrolled as a member-in-training, or any partnership, association of persons or body corporate that wilfully procures or attempts to procure the issuance of a certificate of authorization, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting a person therein, is liable upon summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months</p> <p>(5) A fine or costs ordered to be paid to the Association pursuant to this Section is a debt due to the Association and, in addition to any other remedy that may be available for the non-payment of a fine or costs in accordance with the order of the Discipline Committee, the Association may recover the fine or costs by civil action for debt.</p>
<p>Maximum discipline-related costs and fines</p> <p>Maximum enforcement</p>	<p>Act</p> <p>20 Any person, not a member or licensed to practise, or whose certificate of registration or licence to practise has been suspended or cancelled under this Act, who</p> <p>(a) practises professional engineering;</p>	<p>Act</p> <p>24 (1) Any person to whom a certificate of registration or a licence to practise has not been issued or whose certificate of registration or licence to practise has expired or been suspended or cancelled under this Act, who</p>

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<p>finest for title and practice violations</p>	<p>(b) uses verbally or otherwise the title of professional engineer or any abbreviation of such title, or any name, title, description or designation that may lead any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering; or (c) advertises, holds out or conducts himself in any way implying or leading any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars nor more than five hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than six months.</p> <p>21 Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who is a member or licensed to practise, that (a) undertakes or carries out the application of engineering; (b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to undertake or carry out the application of engineering; or (c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of engineering, shall be guilty of an offence and the partnership or any partner thereof, the association of persons or any member thereof, or the body corporate, or any director thereof shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than five hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars and not more than one thousand dollars and on failure to pay</p>	<p>(a) engages in the practise of professional geoscience; (b) uses verbally or otherwise the title of professional geoscientist or any abbreviation of such title; (c) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the person is a professional geoscientist or entitled to engage in the practise of professional geoscience; or (d) advertises, holds himself or herself out or engages in conduct in any way that implies or leads or may lead any other person to believe that such person is a professional geoscientist or entitled to engage in the practise of professional geoscience, is guilty of an offence and liable upon summary conviction for the first offence to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs and, on failure to pay the same, to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same, to imprisonment for a period of not more than six months</p> <p>25 (1) Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who holds a certificate of registration or a licence to practise, that (a) undertakes or carries out the application of geoscience; (b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to undertake or carry out the application of geoscience Liability for offence by employee or member</p> <p>26 (1) Any person who, or any partnership, association of persons or body corporate that, directs or permits any member or employee who does not hold a certificate of registration or a licence to practise to apply geoscience is guilty of an offence and the person, partnership or any partner, association of persons or any member of the association or body corporate or any director of the body corporate, is liable upon summary conviction for the first offence to a</p>

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	<p>the same to imprisonment for not more than six months.</p> <p>22 Any person who, or any partnership, association of persons, or body corporate which directs or permits any member or employee, who is not a member or licensed to practise, to apply engineering shall be guilty of an offence and such person, partnership or any partner thereof, association of persons or any member thereof, or body corporate or any director thereof, shall be liable upon summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars and costs and on failing to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offences to a fine of not less than two hundred dollars and not more than one thousand dollars and costs and on failure to pay the same, to imprisonment for not more than six months.</p> <p>23 The Registrar, if he makes or causes to be made any wilful falsification in any way relating to the register, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months.</p> <p>24 Any person who wilfully has or attempts to have himself or any other person registered as a member, licensed to practise, or enrolled as an engineer-in-training by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting him therein, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months</p> <p>28 All fines imposed under this Act and recovered on summary conviction shall be paid over by the convicting judge to the Association</p>	<p>fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than six months.</p> <p>or</p> <p>(c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of geoscience, is guilty of an offence and the partnership or any partner, the association of persons or any member of the association or the body corporate or any director of the body corporate is liable upon summary conviction for the first offence to a fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars, and on failure to pay the same to imprisonment for a period of not more than six months.</p> <p>26 (1) Any person who, or any partnership, association of persons or body corporate that, directs or permits any member or employee who does not hold a certificate of registration or a licence to practise to apply geoscience is guilty of an offence and the person, partnership or any partner, association of persons or any member of the association or body corporate or any director of the body corporate, is liable upon summary conviction for the first offence to a fine of not less than five thousand dollars and not more than twenty-five thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months and for any subsequent offence to a fine of not less than ten thousand dollars and not more than fifty thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than six months.</p>

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		<p>27 Any person who makes or causes to be made any wilful falsification in any of the registers maintained by the Registrar under this Act or the by-laws, is liable upon summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months.</p> <p>28 Any person who wilfully procures or attempts to procure registration as a member of the Association, a licence to practise or to be enrolled as a member-in-training, or any partnership, association of persons or body corporate that wilfully procures or attempts to procure the issuance of a certificate of authorization, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting a person therein, is liable upon summary conviction to a fine of not less than two thousand dollars and not more than ten thousand dollars and costs, and on failure to pay the same to imprisonment for a period of not more than three months</p> <p>(5) A fine or costs ordered to be paid to the Association pursuant to this Section is a debt due to the Association and, in addition to any other remedy that may be available for the non-payment of a fine or costs in accordance with the order of the Discipline Committee, the Association may recover the fine or costs by civil action for debt.</p>
<p>Can costs be awarded under the legislation?</p> <p>Does the legislation list what is included in costs?</p> <p>How are orders for fines and</p>	<p>Act</p> <p>17T (1) In this Section, "costs of the Association" include (a) expenses incurred during the investigation into a complaint and in preparing for and conducting a hearing; and (b) solicitor and client costs and disbursements incurred during a Complaints Committee investigation, in preparation for and during a disciplinary hearing by the disciplinary panel. (2) Where a disciplinary panel has made a finding of guilt or finds that a conviction of a criminal offence has occurred, the disciplinary panel, in addition to those remedies identified in subsection 17S(2), may</p>	<p>Act</p> <p>20 (1) (4) Without limiting the generality of subsection (9), the committees referred to in subsections (1) and (2) including, for greater certainty, panels of the committees established under the by-laws may, to the extent provided by the by-laws, have and exercise the following powers: (b) in the case of the Discipline Committee, power to hear, make findings respecting, adjudicate, dismiss or otherwise dispose of complaints, power to make orders and directions related thereto and,</p>

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costs enforced and recovered	<p>(a) require that a registrant pay to the Association all or a portion of the costs of the Association; and</p> <p>(b) make it a condition of the registration of a registrant that such costs be paid forthwith, or at such time and on such terms as the disciplinary panel may fix.</p> <p>(3) The Secretary shall provide the registrant and the complainant and such other persons as the disciplinary panel considers appropriate with a copy of the decision of the disciplinary panel.</p>	<p>where the Discipline Committee makes a finding that a member of the Association or person licensed to practise is guilty of either unprofessional conduct or incompetence, or both, power to order the imposition of sanctions, penalties and remedial measures, which sanctions, penalties and remedial measures may include, but are not limited to, any one or more of the following:</p> <p>(viii) the fixing and imposition of costs to be paid to the Association by the member of the Association, the person licensed to practise or the member-in-training within such time as ordered by the Discipline Committee.</p> <p>(5) A fine or costs ordered to be paid to the Association pursuant to this Section is a debt due to the Association and, in addition to any other remedy that may be available for the non-payment of a fine or costs in accordance with the order of the Discipline Committee, the Association may recover the fine or costs by civil action for debt.</p>
Who is the case manager for settlement mechanisms	<p>Act</p> <p>17I (1) At any time prior to the commencement of the disciplinary hearing, the Secretary may, together with the registrant complained against, tender a written joint recommendation for the disposition of the complaint.</p> <p>(2) The joint recommendation must be conditional upon its acceptance by the disciplinary panel</p>	<p>Act</p> <p>20</p> <p>(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation, settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.</p> <p>Bylaws</p> <p>20 The Executive Committee of the Council, upon the written request from a member or member-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or members-in-training or as negotiator on behalf of the member or member-in-training respecting any matter pertaining to his/her professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association</p>

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Who can be fined, otherwise penalized, or both under an order	<p>Act</p> <p>9. (4) Any person, partnership or any partner thereof, association of persons or any member thereon, corporation or any director thereof who commits an offence under this section is liable, on summary conviction.</p>	<p>Act</p> <p>20. In this section and sections 21 to 37</p> <p>(c) "conduct deserving of sanction" includes</p> <p>(i) professional misconduct,</p> <p>(ii) professional incompetence,</p> <p>(iii) conduct unbecoming a professional member or permit holder</p> <p>(f) "respondent" means a current or former professional member or permit holder against whom an allegation is made.</p>
<p>Maximum discipline-related costs and fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>23. (1) Any person, not being a member or licensee or engineer-in-training or a person whose certificate of registration, license to practise, or certificate of engineer-in-training has been revoked</p> <p>(4) Any person, partnership or any partner thereof, association of persons or any member thereon, corporation or any director thereof who commits an offence under this section is liable, on summary conviction</p> <p>(a) for the first offence to a fine of not less than \$1,000 and not more than \$5,000;</p> <p>(b) for the second and each subsequent offence, to a fine of not less than \$5,000 and not more than \$10,000, or to imprisonment for a term of not more than six months, or to both; and</p> <p>(c) upon failure to pay a fine imposed under clause (a) or (b), to imprisonment for a term of not more than six months.</p> <p>(6) Any person who refuses or wilfully neglects to perform any of the duties imposed by this Act, or who violates any of the provisions of this otherwise provided for shall be liable on summary conviction to a penalty, when not otherwise provided for, of not less than \$100 and not more than \$5,000.</p>	<p>Act</p> <p>28 (2) Where a respondent pleads guilty, and following submissions under subsection (1), the adjudication tribunal may</p> <p>(d) impose a fine not to exceed \$25,000 to be paid to the association;</p> <p>43. (1) A person who contravenes section 15 or 17 is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.</p> <p>(2) A person who contravenes this Act, other than section 15 or 17, is guilty of an offence and is liable on summary conviction to a fine not exceeding</p> <p>(a) in the case of a natural person, \$5,000 for a first conviction and to a fine not exceeding \$10,000 for a second or subsequent conviction; and</p> <p>(b) in the case of a corporation, \$25,000 for a first conviction and to a fine not exceeding \$100,000 for a second or subsequent conviction.</p>
Costs can be awarded under	<p>Act</p> <p>20. (9) The Council or its designate may in the execution of its duties Legal assistance regarding Act enforcement employ at the expense</p>	<p>Act</p> <p>34. (1) Where a person who was ordered to pay the costs of the board under paragraph 28 (2)(e) or 29 (3)(e) fails to pay in the time</p>

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<p>the legislation</p> <p>Legislation lists what is included in costs</p> <p>Orders for fines and costs enforced and recovered</p>	<p>of the Association such legal or other assistance as it thinks necessary.</p> <p>(10) The Council may direct that the person, partnership, association of persons or corporation, whose conduct is the subject of inquiry shall reimburse the Association for expenses incurred by it under subsection (9) if during the course of inquiry that person, partnership, association of persons or corporation is proven guilty of the offence alleged in the complaint, and if the finding of the inquiry is confirmed as the result of any subsequent appeal.</p>	<p>required, the board may suspend the registration or permit of that person until the costs are paid.</p> <p>(2) Costs ordered to be paid to the association under paragraph 28 (2)(e) or 29 (3)(e) are a debt due the association and may be recovered by a civil action.</p> <p>(d) "costs incurred by the association" includes</p> <p>(i) out of pocket expenses incurred by or on behalf of the association,</p> <p>(ii) amounts paid by the association to adjudication tribunal members as remuneration and for expenses, and</p> <p>(iii) the actual cost of legal counsel for the association and the adjudication tribunal;</p> <p>(2) The costs incurred by the association to ensure the compliance of a respondent with an order or direction of an adjudication tribunal under this section shall be borne by the respondent.</p> <p>32. (1) On application by the board to the disciplinary panel, an adjudication tribunal may make an order suspending the rights and privileges of a respondent where it determines that the respondent has failed to comply with a decision or an order under subsection 28 (2) or 29 (3).</p> <p>(2) The parties to the application are the board and the respondent.(3) An order of an adjudication tribunal under this section may suspend the rights and privileges of the respondent for a fixed period that the adjudication tribunal may consider appropriate, or until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal.</p> <p>35. (1) Where an order is made under section 28 or 29 imposing a fine on a respondent, the board may issue a certificate stating the amount of the fine due and remaining unpaid and the name of the person by whom it is payable, and file the certificate with the Trial Division.</p> <p>(2) Where a certificate is filed with the Trial Division under subsection (1), it has the same effect and all proceedings may be taken on the certificate as if it were a judgment of the Trial Division for the</p>

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		<p>recovery of the amount stated in the certificate against the person named in the certificate.</p> <p>(3) A person named in a certificate filed under this section may, within 30 days after the certificate is filed, apply to a judge of the Trial Division for a review, on a question of law or jurisdiction, of the certificate.</p> <p>(4) On application under subsection (3), the judge may make any amendment to the certificate that is necessary to make the certificate accord with the judge's decision.</p> <p>(5) There is no appeal from a decision of a judge made under this section.</p> <p>(6) A certificate filed under this section may also be filed in the judgment enforcement registry on the expiration of the 30 day period referred to in subsection (3) in accordance with Part III of the <i>Judgment Enforcement Act</i> and be enforced in accordance with that Act.</p>
Who is the case manager for settlement mechanisms?	<p>Act</p> <p>15. (1) The Council shall appoint annually an Act Enforcement Officer whose qualifications, procedures, powers of investigation and remuneration shall be as prescribed in the bylaws.</p> <p>(2) The Act Enforcement Officer shall be by virtue of his office a member of the Act Enforcement Committee and shall investigate complaints against a member, licensee, engineer-in-training, holder of certificate of authorization or any other person, partnership or corporation who is alleged to have violated any provision of this Act or bylaws.</p> <p>(3) In the absence or inability of the Act Enforcement Officer to carry out his duties, the chairman of the Act Enforcement Committee may assume the responsibilities and powers of the Act Enforcement Officer.</p> <p>(4) The Act Enforcement Officer shall carry out all other duties as are directed by the Act Enforcement Committee.</p> <p>16. (3) The Act Enforcement Committee shall require the complaint to be made in writing and signed by the complainant, and upon the</p>	<p>Act</p> <p>23. (1) Where it appears to the registrar after notifying the respondent of the allegation that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.</p> <p>(2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), he or she shall refer the allegation and all other allegations to the complaints authorization committee.</p> <p>(3) The registrar shall inform a complainant and a respondent of the referral of the allegation to the complaints authorization committee.</p> <p>24. (1) Where an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p>

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	<p>filing of a complaint by any person, the Committee shall transfer the complaint to the Act Enforcement Officer who shall</p> <p>(a) forthwith by written notice advise the person complained of that the complaint has been made by</p> <p>(i) enclosing a copy of the complaint, and</p> <p>(ii) advising the person complained of that he has the opportunity to provide the Act Enforcement Officer with his written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent to him;</p> <p>(b) after the expiration of fourteen days, convey to the Committee any written comments of the person complained of which have been provided pursuant to clause (a);</p> <p>(c) undertake any investigations requested by the Committee and convey any findings of such investigations to the Committee.</p> <p>Investigation</p> <p>(4) If, in the absence of a written complaint, circumstances come to the notice of the Council which, in its opinion, may constitute grounds for discipline pursuant to the Act, the Council may request in writing an investigation by the Act Enforcement Committee and the written request shall indicate the circumstances which have come to the notice of the Council.</p>	<p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p>(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may</p> <p>(a) counsel or caution the respondent; or</p> <p>(b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel;</p> <p>Regulations</p> <p>29. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a) of the Act, the registrar shall take the steps required for the mediation to take place.</p> <p>(2) The complainant and the respondent must agree to participate in the mediation and to accept the result.</p> <p>(3) The mediator shall conduct the mediation in accordance with a mediation agreement acceptable to the complainant, the respondent and the complaints authorization committee.</p> <p>(4) Where the complaints authorization committee, the complainant and the respondent accept the result of the mediation, the disciplinary process is concluded.</p> <p>(5) Where the complaints authorization committee does not accept the result of the mediation, it may exercise one or more of the powers given it under section 24 of the Act.</p>

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Who can be fined, otherwise penalized, or both under an order?	<p>Act</p> <p>25 In this Part, “conduct” includes an act or omission;</p> <p>“investigated person” means a professional engineer, holder of a limited licence, permit holder or engineer-in-training with respect to whose conduct an investigation is held under this Part.</p> <p>26(1) Any person may complain to the registrar about the conduct of a professional engineer, holder of a limited licence, permit holder, or engineer-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.</p>	<p>Act</p> <p>(2) For the purposes of this Part, "unprofessional conduct" includes conduct of a practitioner that</p> <p>(a) is detrimental to the best interests of the public;</p> <p>(b) contravenes a code of ethics established or adopted under the bylaws;</p> <p>(c) is detrimental to the standing of the profession; or</p> <p>(d) displays a lack of knowledge, skill or judgment in professional practice or in the carrying out of a duty or obligation undertaken in professional practice.</p>
<p>Maximum discipline-related costs and fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>45(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 44, order that the investigated person pay</p> <p>(b) a fine not exceeding \$10,000 to the Association.</p> <p>64(1) Every person who contravenes this Act commits an offence and is liable on summary conviction to:</p> <p>(a) a fine of up to \$10,000, or to imprisonment for a term of up to six months, or to both the fine and imprisonment;</p>	<p>Act</p> <p>43. The Board of Inquiry may, in addition to a reprimand, or in addition to or in the place of an order under subsection 42(3), order</p> <p>(a) the practitioner to pay a fine not exceeding \$10,000 to the Association within the time fixed by the order;</p> <p>54. Every person who wilfully procures registration by making or procuring a false or fraudulent representation or declaration, either orally or in writing, and every person who knowingly aids or assists that person, is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000.</p> <p>55. Every person who contravenes section 11 is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000. General offence and punishment</p> <p>56. Every person who contravenes a provision of this Act for which no specific punishment is provided is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.</p> <p>57. A prosecution under this Act may be commenced at any time within two years after the day the offence is alleged to have been</p>

	The Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
		committed, or within six months after the day on which evidence, sufficient to justify prosecution for the offence, comes to the knowledge of the Association or another appropriate authority.
Costs can be awarded under the legislation Legislation lists what is included in costs Orders for fines and costs enforced and recovered	<p>Act</p> <p>45(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 44, order that the investigated person pay</p> <p>(a) all or part of the costs of the hearing in accordance with the bylaws; or (b) a fine not exceeding \$10,000 to the Association; or (c) both the costs under clause (a) and a fine under clause (b), within the time set by the order</p> <p>(2) If the investigated person who is ordered to pay a fine, costs, or both under subsection (1) fails to pay the fine, costs, or both within the time ordered, the Discipline Committee may suspend the registration of that person until they have paid the fine, costs, or both.</p> <p>(3) A fine or costs ordered to be paid to the Association under this section is a debt due the Association and may be recovered by the Association by civil action for debt.</p>	<p>Act</p> <p>43. The Board of Inquiry may, in addition to a reprimand, or in addition to or in the place of an order under subsection 42(3), order</p> <p>(b) the practitioner to pay to the Association the costs of the hearing in an amount and within a time fixed by the Board; and</p> <p>(c) that the practitioner be suspended in default of payment of a fine or costs until the fine or costs are paid.</p>
Who is the case manager for settlement mechanisms	<p>Regulation</p> <p>32. (1) The Registrar may designate only a professional member who is not a member of the Discipline Committee or Council as a mediator under section 26(3) of the Act. (2) The mediator may consult with the Registrar, but the Registrar shall not assume the role of mediator. (3) The mediator shall review the complaint in consultation with the complainant and the person about whose conduct the complaint was made. (4) The mediator shall advise the Registrar if, in their opinion, a settlement of the complaint is not likely to occur</p>	<p>Act</p> <p>46. (1) The chairperson of the Discipline Committee may, at any time before the commencement of a hearing into a complaint, appoint a referee to conduct an alternative dispute resolution process in respect of the complaint if</p> <p>(a) the chairperson considers that an attempt to settle the complaint through the process is appropriate in the circumstances; and (b) the complainant and practitioner agree to attempt to have the complaint settled through an alternative dispute resolution process, and agree to comply with procedures that will apply to the process.</p> <p>Termination</p>

	The Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
		<p>(2) The referee shall terminate the process and refer the complaint back to the chairperson of the Discipline Committee if:</p> <p>(a) the complainant or practitioner requests a termination of the process; or</p> <p>(b) the referee considers it unlikely that the complaint will be settled through the process.</p>

Appendix 3 – Summary and Analysis of Other Alberta Professional Associations

This table summarizes the research for fines, penalties, costs, and orders. Appendix 3A contains the relevant legislative provisions that form the basis of this summary.

Professional Association	Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta	Alberta Association of Architects
Who can be fined, otherwise penalized, or both under an order	Member, officer, employee or agent of a firm, partnership or other association or persons and a corporation.	Registrants, defined as: <ul style="list-style-type: none"> • chartered professional accountants • professional service providers • candidates • professional accounting firms • any other persons registered in accordance with Part 3 of the Act. 	Persons, officers, employees, or agents of a corporation or firm	Persons, corporations, or other entities
Maximum discipline-related fines	\$10,000	\$100,000	\$10,000	\$10,000
Maximum enforcement fines for title and practice violations	\$6,000	\$20,000 \$1,000 per day	\$12,000	\$6,000
Costs:				
Legislation	Yes	Yes	Yes	Yes
Costs clearly defined	Yes	Yes	Yes	Yes
How are orders for fines and	By taking civil action for debt and by suspending membership	By applying to the Court to	By taking civil action	By taking civil action

Professional Association	Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta	Alberta Association of Architects
costs enforced and recovered		enforce a decision. Enforcement sought in accordance with Alberta Rules of Court		
Who is the case manager for settlement mechanisms	Case manager – a revolving role among Discipline Committee members	Complaints Inquiry Committee performs this role, accepting or rejecting proposed agreements	Conduct Committee performs this role, accepting an admission of guilt by a member in a form acceptable to the committee	Mediator

Professional Association	Alberta Dental Association and College	The College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Who can be fined, otherwise penalized, or both under an order	Investigated persons	Investigated persons	Investigated persons employees, officers, or agents of a partnership societies corporations
Maximum discipline-related fines	\$50,000	\$50,000	\$50,000
Maximum enforcement fines for title and practice violations	\$12,000	\$12,000	\$6,000
Costs:			
Legislation	Yes	Yes	Yes
Clearly defined	Yes	Yes	Yes
Enforceable and recoverable	Yes (recoverable by an action in debt)	Yes (recoverable by an action in debt)	Yes (recoverable by an action in debt)
Who is the case manager for settlement mechanisms	Process conductor/mediator. Proposed settlement agreement is forwarded to the complaint review committee, which may accept, amend, or reject it	Process conductor/mediator. Proposed settlement agreement is forwarded to the complaint review committee, which may accept, amend, or reject it	Complaints Director. Proposed settlement agreement is forwarded to the complaint review committee, which may accept, amend, or reject it

Appendix 3A – Relevant Provisions from the Legislation of Other Alberta Professional Associations

This table summarizes the research for fines, penalties, costs, and orders. The following text is quoted from the legislation and has not been modified to match APEGA’s writing style.

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
Who can be fined, otherwise penalized, or both under an order	<p>Act</p> <p>Part 5 Discipline Part 9 Prohibitions and Penalties Penalties</p> <p>98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 83, 83.01, 83.1, 83.2, 83.3 or 86.3, this Part or section 89.3, 89.4, 89.5 or 95.1 is guilty of an offence and liable.</p>	<p>Act</p> <p>“Investigated party” means (i) a registrant, or (ii) a former registrant in respect of conduct occurring when the person was registered under this Act or a former Act, whose conduct is the subject of proceedings under Part 5 or 7;</p> <p>“Registrant” means (i) a chartered professional accountant, (ii) a professional service provider, (iii) a candidate, (iv) a professional accounting firm, (v) a professional corporation, or (vi) any other person registered in accordance with Part 3.</p>	<p>Act</p> <p>109(1) Every person and every officer, employee or agent of a corporation or firm who contravenes this Part is guilty of an offence and liable.</p>
<p>Maximum discipline-related fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay.</p> <p>(a) all or part of the costs of the hearing</p>	<p>Act</p> <p>40(1) No person may engage in a professional accounting practice or a public accounting practice under any name containing the words “Professional Corporation” or the abbreviation or initials “P.C.” unless that person is incorporated or continued as a corporation under the Business</p>	<p>Act</p> <p>109(1) Every person and every officer, employee or agent of a corporation or firm who contravenes this Part is guilty of an offence and liable (a) for a first offence, to a fine of not more than \$4000, (b) for a 2nd offence, to a fine of not more than \$8000, and</p>

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>in accordance with the bylaws,</p> <p>(b) a fine not exceeding \$10 000 to the Association, or</p> <p>(c) both the costs under clause (a) and a fine under clause (b), within the time fixed by the order.</p> <p>98(1) Every person and every member, officer, employee or agent of a firm, partnership or other association of persons and of a corporation who contravenes Part 1, section 29(2)(b), section 39(4), section 83, 83.01, 83.1, 83.2, 83.3 or 86.3, this Part or section 89.3, 89.4, 89.5 or 95.1 is guilty of an offence and liable.</p> <p>(a) for the first offence, to a fine of not more than \$2000,</p> <p>(b) for the 2nd offence, to a fine of not more than \$4000, and</p> <p>(c) for the 3rd and each subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.</p>	<p>Corporations Act</p> <p>(3) A person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$1000 for every day on which the prohibited name, abbreviation or initials are used.</p> <p>95(1) If a discipline tribunal determines that the conduct of an investigated party constitutes unprofessional conduct, the discipline tribunal may make one or more of the following orders:</p> <p>(o) order the investigated party to pay to the CPAA a fine not exceeding \$100 000 for each finding of unprofessional conduct;</p> <p>149(1) A person who contravenes section 3 or 6 is guilty of an offence and liable</p> <p>(a) for a first offence, to a fine of not more than \$5000,</p> <p>(b) for a 2nd offence, to a fine of not more than \$10 000, and</p> <p>(c) for a 3rd and every subsequent offence, to a fine of not more than \$20 000.</p> <p>(2) A person who contravenes section 7 is guilty of an offence and liable</p>	<p>(c) for the 3rd and every subsequent offence, to a fine of not more than \$12,000 or to a term of imprisonment of not more than 6 months or to both fine and imprisonment¹⁰⁹(1) Every person and every officer, employee or agent of a corporation or firm who contravenes this Part is guilty of an offence and liable</p> <p>(a) for a first offence, to a fine of not more than \$4000,</p> <p>(b) for a 2nd offence, to a fine of not more than \$8000, and</p> <p>(c) for the 3rd and every subsequent offence, to a fine of not more than \$12 000 or to a term of imprisonment of not more than 6 months or to both fine and imprisonment.</p>

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>(a) for a first offence, to a fine of not more than \$2000,</p> <p>(b) for a 2nd offence, to a fine of not more than \$4000, and</p> <p>(c) for a 3rd and every subsequent offence, to a fine of not more than \$6000.</p> <p>(3) A person who contravenes section 134(2) is guilty of an offence and liable to a fine of not more than \$10,000.</p>	
<p>Costs:</p> <p>Legislation</p> <p>Costs clearly defined</p> <p>Orders for fines and costs enforced and recovered</p>	<p>Bylaws</p> <p>36 Where the Discipline Committee, Practice Review Board or the Appeal Board orders an investigated person to pay the costs of the hearing, or the costs of the appeal, or both the costs of the hearing and the costs of the appeal, those costs may include all or any of the following costs and expenses:</p> <p>(a) any honorarium, payment, or professional fees paid to a person retained to participate in the hearing or appeal;</p> <p>(b) costs of any transcripts of evidence taken in the proceedings;</p> <p>(c) costs of reproduction of all or any documents including drawings and plans relating to the proceedings;</p> <p>(d) witness fees;</p> <p>(e) cost of renting rooms, renting recording equipment, or hiring a reporter to take transcript of the evidence;</p> <p>(f) fees payable to the solicitor acting</p>	<p>Act</p> <p>54 (2) If a registrant fails to meet the requirements set out in subsection (1),</p> <p>(a) the registrant’s registration may be suspended, cancelled or made subject to practice restrictions in accordance with the bylaws,</p> <p>(b) the registrant is liable for any financial penalty for the contravention imposed in accordance with the bylaws.</p> <p>96(1) The discipline tribunal may order the investigated party to pay to the CPAA the costs or any part of the costs of the review of a complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing in accordance with the bylaws.</p>	<p>Act</p> <p>(2) In this Part,</p> <p>(a) “Board of Examiners” means a Board of Examiners appointed pursuant to section 73;</p> <p>(b) “conduct” in respect of a member includes any matter regarding the acts of the member or the conduct of the member;</p> <p>(c) “costs of the proceedings” or “costs” means, with reference to any matter that is the subject of proceedings under this Part, the costs determined in accordance with the rules as being attributable to those proceedings;</p> <p>72(5) The Society may, by an action in debt, recover any penalties or costs payable under an order made pursuant to subsection (2) from the person</p>

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>on behalf of the Association in the proceedings; (g) any other expenses incurred that are attributable to the hearing or an appeal resulting from it. Part 4 Registration Cancellation 39(1) The Council may direct the Registrar to cancel the registration of</p> <p>(a) a professional member, licensee or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or</p> <p>(2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.</p> <p>(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.</p>	<p>(2) If an adjournment is sought, the discipline tribunal may order the investigated party to pay costs of the adjournment in accordance with the bylaws.</p> <p>(3) Unless the discipline tribunal orders otherwise, the investigated party must pay to the CPAA, as part of the costs ordered under subsection (1), all of the reasonable costs for the indemnification of the CPAA for the costs relating to the review of the complaint, the investigation, the determination of procedural matters and the discipline tribunal hearing, including legal expenses and lawyer's fees.</p> <p>(4) The order may specify when and how the amount is to be paid.</p> <p>(5) If the investigated party does not pay costs in accordance with the order of a discipline tribunal or appeal tribunal, the registration of the registrant is immediately cancelled unless a discipline tribunal or an appeal tribunal otherwise directs.</p> <p>99 Costs or fines ordered to be paid to the CPAA by</p> <p>(a) a professional accounting firm that</p>	<p>required to pay them.</p> <p>79(1) Unless the Conduct Committee otherwise directs before the expiration of the period prescribed by the order, the membership of a member is automatically suspended until payment is made in full if</p> <p>(a) an order is made against the member by a Hearing Committee or the Benchers for the payment of a penalty or of all or part of the costs of any proceedings under this Division, and</p> <p>(b) payment in full is not received by the Society within the period prescribed by the order.</p>

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>is the subject of a practice review,</p> <ul style="list-style-type: none"> (b) an investigated party, or (c) a complainant who is a registrant of the CPAA, are a debt due to the CPAA and may be recovered by the CPAA in a civil action for debt. <p>100(1) If a registrant contravenes or fails to comply with</p> <ul style="list-style-type: none"> (a) a settlement agreement entered into under section 72, (b) an agreement entered into under section 74, (c) an undertaking given to <ul style="list-style-type: none"> (i) the board or any committee, tribunal or court under this Act, or (ii) a council, board, committee, tribunal or court under a former Act, or (d) an order of <ul style="list-style-type: none"> (i) the board or any committee, tribunal or court under this Act, or (ii) a council, board, committee, tribunal or court under a former Act, and no sanction has been imposed to deal with the contravention or non compliance, the discipline tribunal roster chair may convene a discipline tribunal, 	

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>or reconvene the discipline tribunal that made the original decision, to deal with the contravention or non compliance and make an order under this Part.</p> <p>(2) After notice of a hearing has been given to the registrant under subsection (1) and after being satisfied that the undertaking, agreement or order referred to in subsection (1) has been contravened or not complied with, a discipline tribunal may make an order or further order under this Part or amend the original order.</p> <p>125(1) The CPAA may apply to the Court of Queen’s Bench to enforce a decision made</p> <p>(a) by a discipline tribunal, (b) by the CIC chair under Part 6, or (c) by an appeal tribunal.</p> <p>(2) The application may be made only after notice has been served on the person against whom enforcement of the decision is sought in accordance with the Alberta Rules of Court and must be accompanied with the original decision or a certified copy of it.</p>	

<p>Who is the case manager for settlement mechanisms</p>	<p>Act</p> <p>43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.</p> <p>(2) A complaint must be in writing.</p> <p>(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is</p>	<p>Act</p> <p>71(1) At any time before an allegation of unprofessional conduct is referred to the discipline tribunal roster chair under <u>section 80(1)(c)</u>, the CIC secretary may, with the agreement of the parties, appoint or facilitate the appointment of a mediator, conciliator or other individual who may be able to assist in resolution of the complaint.</p> <p>(5) If no resolution under subsection (1) is reached within the time specified by the CIC secretary or as otherwise agreed, the CIC secretary must complete the review and refer the complaint to the CIC chair under <u>section 68(7)</u>.</p> <p>74(1) At any time before a discipline tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaints inquiry committee and the investigated party may, in accordance with this section, enter into an agreement</p> <p>(a) setting out the relevant agreed facts.</p> <p>(b) admitting the unprofessional conduct of the investigated party, and</p> <p>(c) stating the sanction to be imposed on the investigated party, including any one or more of the matters described</p>	<p>Act</p> <p>53(1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director.</p> <p>(4) On the completion of a review under subsection (1), the Executive Director shall either</p> <p>(a) direct that the matter be dismissed, or</p> <p>(b) refer the matter, together with the Executive Director's report respecting the review,</p> <p>(i) to the Practice Review Committee,</p> <p>(ii) to the Conduct Committee, or</p> <p>(iii) to both Committees.</p> <p>60(1) Subject to the rules, a member may, at any time after the commencement of proceedings under this Division regarding the member's conduct and before a Hearing Committee makes its findings in respect of the member's conduct, submit to the Executive Director a statement of admission of guilt of conduct deserving of sanction in respect of all or any of the acts or matters that are the subject of the proceedings.</p> <p>(2) A statement of admission of guilt shall not be acted on until it is in a form</p>
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	<p>not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> <p>(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may</p> <p>(a) approve the agreement, or (b) proceed with a preliminary investigation in accordance with <u>section 47</u>.</p> <p>Power of Investigative Committee to recommend an order</p> <p>52(1) If an investigation is not terminated under <u>section 51</u>, the Investigative Committee may</p> <p>(a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or</p> <p>(b) refer the matter to the Discipline Committee for a formal hearing.</p> <p>(2) An order recommended by the Investigative Committee must be</p>	<p>in <u>sections 95, 96 and 98</u>.</p> <p>(2) The CIC chair must select a panel consisting of 2 members of the complaints inquiry committee, the CIC chair and one public member from the public members roster established under <u>section 23(1)(b)</u> to recommend an agreement to the complaints inquiry committee.</p> <p>(3) If a panel of the complaints inquiry committee is unable to recommend an agreement under subsection (2), the proceedings under this Part continue.</p> <p>(7) Each member of the panel has a vote and the agreement recommended by the panel must be approved by a majority vote.</p> <p>(8) On receipt of the agreement recommended by the panel, the complaints inquiry committee may</p> <p>(a) approve the agreement, or (b) reject the agreement and continue the proceedings under this Part.</p> <p>(9) If an agreement is made under this section,</p> <p>(a) each admission of unprofessional conduct is to be considered and treated, for all purposes, as a finding of unprofessional conduct made by a</p>	<p>acceptable to</p> <p>(a) the Conduct Committee, if the statement is submitted before the day on which a Hearing Committee is appointed to conduct a hearing respecting the matter, or</p> <p>(b) the Hearing Committee, if the statement is submitted on or after the day on which the Hearing Committee is appointed.</p> <p>(3) If a statement of admission of guilt is accepted under subsection (2)(a), the chair of the Conduct Committee shall appoint a Hearing Committee consisting of one person, who must be a Bencher or former Bencher, or 3 persons, at least one of whom must be a Bencher or former Bencher.</p> <p>(3.1) For the purposes of subsection (3), the President and any person disqualified from sitting on the Hearing Committee may not be appointed to the Hearing Committee.</p> <p>(4) If a statement of admission of guilt is accepted, each admission of guilt in the statement in respect of any act or matter regarding the member's conduct is deemed for all purposes to be a finding of</p> <p>(a) the Hearing Committee appointed under subsection (3), or (b) the Hearing Committee that</p>
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	<p>provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.</p> <p>(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.</p> <p>(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.</p>	<p>discipline tribunal, and</p> <p>(b) the agreement is to be considered and treated, for all purposes, as a decision and order of a discipline tribunal.</p>	<p>accepted the statement,</p> <p>as the case may be, that the conduct of the member is conduct deserving of sanction.</p> <p>(5) The Hearing Committee appointed under subsection (3) or the Hearing Committee that accepted the statement, as the case may be, shall proceed with a hearing for the purpose of making its determination, if any, under section 71(4), its order under section 72 and its order, if any, under section 73.</p> <p>63</p> <p>(3) If a Hearing Committee is directed to deal with a member's conduct and considers it warranted in the circumstances to do so having regard to the nature of the conduct, the Hearing Committee, at any time after the direction is made and without prior notice or hearing, may order the suspension of the membership of the member pending the making of the Committee's decision under section 71(1) and, if the Committee finds the member guilty of conduct deserving of sanction, pending the making of the Committee's order under section 72.</p>
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	Alberta Association of Architects	Alberta Dental Association and College
Who can be fined, otherwise penalized, or both under an order	<p>Act</p> <p>“authorized entity” means a registered architect, architects corporation, architects and engineers firm, visiting project architect, restricted practitioner, licensed interior designer, interior design corporation and visiting project interior designer.</p> <p>29 In this Part, (a) “chair” means the chair of the Committee and includes a vice-chair; (b) “conduct” includes any act or omission; (c) “investigated person” means a person, corporation or other entity with respect to whose conduct a hearing by a review panel is being held or may be held under this Part.</p>	<p>Health Professions Act, RSA 2000, c H-7</p> <p>(t) “investigated person” means a person with respect to whom</p> <p>(i) a complaint has been made under Part 4, (ii) information has been treated as a complaint in accordance with section 56, or (iii) a notice has been given under section 57(1),</p> <p>48(1) A person who meets the requirements of section 46(1) but does not comply with a request under section 46(2) is guilty of an offence. (1.1) A person who knowingly employs a person in contravention of section 47(1) is guilty of an offence.</p>
<p>Maximum discipline-related fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>50(1) If the review panel or, on appeal, the Council finds that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, the review panel or the Council, as the case may be, may make any one or more of the following orders:</p> <p>51(1) The review panel or, on appeal, the Council may, in addition to or instead of dealing with the conduct of an investigated person in accordance with <u>section 50</u>, order that the investigated person pay</p> <p>(a) all or part of the costs of the hearing or appeal in accordance with the bylaws, (b) a penalty not exceeding \$10 000 for each finding of unskilled practice of architecture or unprofessional conduct,</p>	<p>Act</p> <p>48(1) A person who meets the requirements of section 46(1) but does not comply with a request under section 46(2) is guilty of an offence. (1.1) A person who knowingly employs a person in contravention of section 47(1) is guilty of an offence. (2) A person who is guilty of an offence under subsection (1) is liable</p> <p>(a) for a first offence, to a fine of not more than \$2000, (b) for a 2nd offence, to a fine of not more than \$4000, and (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.</p>

	Alberta Association of Architects	Alberta Dental Association and College												
	<p>or</p> <p>(c) both the costs under clause (a) and the penalty under clause (b).</p> <p>71(1) Every person and every officer, employee or agent of a corporation or firm who contravenes this Act is guilty of an offence and liable</p> <p>(a) for a first offence, to a fine of not more than \$2000, (b) for a 2nd offence, to a fine of not more than \$4000, and (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.</p>	<p>(2.1) A person who is guilty of an offence under subsection (1.1) is liable</p> <p>(a) for a first offence, to a fine of not more than \$4000, (b) for a 2nd offence, to a fine of not more than \$8000, and (c) for a 3rd and every subsequent offence, to a fine of not more than \$12 000 or to imprisonment for a term of not more than 12 months or to both a fine and imprisonment.</p> <p>(3) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards</p> <p>158 For the purposes of this Act, the unprofessional conduct fines table is the following:</p> <p>The following columns of maximum fines apply to proceedings under Part 4:</p> <table border="1" data-bbox="1199 906 1946 1284"> <thead> <tr> <th></th> <th>Column 1</th> <th>Column 2</th> <th>Column 3</th> </tr> </thead> <tbody> <tr> <td>maximum fine for each finding of unprofessional conduct</td> <td>\$1000</td> <td>\$5000</td> <td>\$10 000</td> </tr> <tr> <td>maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing</td> <td>\$5000</td> <td>\$25 000</td> <td>\$50 000</td> </tr> </tbody> </table> <p>The unprofessional conduct fines table applies to proceedings of the Alberta Dental Association and College under Part 4.</p>		Column 1	Column 2	Column 3	maximum fine for each finding of unprofessional conduct	\$1000	\$5000	\$10 000	maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing	\$5000	\$25 000	\$50 000
	Column 1	Column 2	Column 3											
maximum fine for each finding of unprofessional conduct	\$1000	\$5000	\$10 000											
maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing	\$5000	\$25 000	\$50 000											

	Alberta Association of Architects	Alberta Dental Association and College
Costs:	Regulation	Act
Legislation	46 If the Complaint Review Committee, the Practice Review Board or the Council makes an order as to the payment of costs of the investigation, hearing and appeal or any of them under section 51(1)(a) of the Act, those costs may include all or any of the following costs and expenses:	82(1) If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make one or more of the following orders:
Clearly defined	(a) any transportation, accommodation and living expenses paid to a person conducting a preliminary investigation or a practice review or a member of the Complaint Review Committee, the Practice Review Board or the Council involved in investigating or hearing the matter;	(j) direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to
Orders for fines and costs enforced and recovered	(b) any honorarium or payment made to a person referred to in clause (a) for participating in the matter;	(i) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint,
	(c) cost of any transcript;	(ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,
	(d) witness fees;	(iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,
	(e) cost of renting rooms, renting recording equipment or hiring a reporter to take a transcript of the evidence;	(iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,
	(f) fees payable to the solicitor acting on behalf of the Association or the investigated person, as the case may be;	(v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and
	(f.1) cost of the staff time in preparing for and attending the hearing and in preparing and distributing the decision;	(vi) any other expenses of the college directly attributable to the investigation or hearing or both;
	(g) any other expenses incurred that are attributable to the investigation hearing or an appeal resulting from it.	(k) direct that the investigated person pay to the college within the time set in the order a fine not exceeding the amount set out in the column of the unprofessional conduct fines table that is specified for the college in a schedule to this Act for each finding of unprofessional conduct or the aggregate amount set out in that column for all of the findings arising out of the hearing;
	Act	(3) If the complaints director is satisfied that a person has not complied with an order under this section or section 89(5)(b), the complaints director may
	51(1) The review panel or, on appeal, the Council may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 50, order that the investigated person pay	
	(a) all or part of the costs of the hearing or appeal in accordance with the bylaws,	

	Alberta Association of Architects	Alberta Dental Association and College
	<p>(b) a penalty not exceeding \$10 000 for each finding of unskilled practice of architecture or unprofessional conduct, or</p> <p>(c) both the costs under clause (a) and the penalty under clause (b).</p> <p>(2) If the person ordered to pay a penalty, costs or both under subsection (1) fails to pay the penalty, costs or both within the time ordered, the review panel or Council may suspend the registration of that person until the person has paid the penalty, costs or both.</p> <p>(3) If the Council finds that a complaint is frivolous or vexatious, it may order the complainant to pay the costs of the preliminary investigation and the hearing before the Council determined in accordance with the bylaws.</p> <p>(4) A penalty or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.</p>	<p>(a) treat the matter as information under section 56,</p> <p>(b) refer the matter to the hearings director to schedule a hearing before the hearing tribunal, or</p> <p>(c) in the case of non-payment of a fine described in subsection (1)(k) or expenses described in subsection (1)(j) or section 89(6), suspend the practice permit of the investigated person until the fine or expenses are paid in full or the complaints director is satisfied that they are being paid in accordance with an agreement entered into with the investigated person.</p> <p>(4) A fine or expenses ordered to be paid under this section and section 89 are a debt due to the college and may be recovered by the college by an action in debt.</p> <p>89 (6) Subject to any regulations under section 134(a), the council may direct the investigated person to pay, within the time set by the council, in addition to expenses, costs and fees referred to in section 82(1)(j), all or part of the expenses of, costs of and fees related to the appeal, including</p> <p>(a) legal expenses and legal fees for legal services provided to the college, complaints director and council,</p> <p>(b) travelling expenses and a daily allowance, as determined by the council, for the complaints director and the members of the council who are not public members,</p> <p>(c) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and</p> <p>(d) any other expenses of the college directly attributable to the appeal.</p> <p>(7) A fine or expenses ordered or directed to be paid under this section are a debt due to the college and may be recovered by the college by an action in debt.</p> <p>128(1) No person or group of persons shall represent or imply</p>

	Alberta Association of Architects	Alberta Dental Association and College
		<p>that the person is a regulated member or that the group of persons consists of regulated members unless the person is a regulated member or the group of persons consists of regulated members.</p> <p>129 A person who contravenes section 128 is guilty of an offence and liable</p> <p>(a) for a first offence, to a fine of not more than \$2000, (b) for a 2nd offence, to a fine of not more than \$4000, and (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.</p>
Who is the case manager for settlement mechanisms	<p>Act</p> <p>31 (3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.</p>	<p>Act</p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under <u>section 55(2)(c)</u> with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person</p>

	Alberta Association of Architects	Alberta Dental Association and College
		<p>conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or <u>section 60(7)(b)</u> or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <p>(a) if an investigation has not been commenced, commence an investigation under Division 3,</p> <p>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</p> <p>(c) dismiss the complaint, or</p> <p>(d) in all other cases, refer the matter to the hearings</p>

	Alberta Association of Architects	Alberta Dental Association and College
		<p>director for a hearing.</p> <p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <ul style="list-style-type: none"> (a) review the records and proposed settlement it received pursuant to section 59(1)(a), and (b) require any of the following to appear before it to answer questions regarding the proposed settlement: <ul style="list-style-type: none"> (i) the complainant; (ii) the investigated person; (iii) the member of the college who participated in or conducted the alternative complaint resolution process. <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> (a) ratify the settlement, (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or (c) refuse to ratify the settlement.

	Alberta Association of Architects	Alberta Dental Association and College
		<p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <p>(a) treat it as information and act on it under section 55, or</p> <p>(b) treat it as a complaint and refer it to the hearings director for a hearing.</p> <p>Regulation</p> <p>21 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>22 The person conducting the alternative complaint resolution process must in consultation with the complainant and the investigated person establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p>

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Who can be fined, otherwise penalized, or both under an order	<p>Health Professions Act, RSA 2000, c H</p> <p>48(1) A person who meets the requirements of section 46(1) but does not comply with a request under section 46(2) is guilty of an offence.</p> <p>(1.1) A person who knowingly employs a person in contravention of section 47(1) is guilty of an offence.</p>	<p>Act</p> <p>41.1(1) If the Hearing Tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the Hearing Tribunal may make any one or more of the following orders:</p>
<p>Maximum discipline-related fines</p> <p>Maximum enforcement fines for title and practice violations</p>	<p>Act</p> <p>48(1) A person who meets the requirements of section 46(1) but does not comply with a request under section 46(2) is guilty of an offence.</p> <p>(1.1) A person who knowingly employs a person in contravention of section 47(1) is guilty of an offence.</p> <p>(2) A person who is guilty of an offence under subsection (1) is liable</p> <p>(a) for a first offence, to a fine of not more than \$2000,</p> <p>(b) for a 2nd offence, to a fine of not more than \$4000, and</p> <p>(c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.</p> <p>(2.1) A person who is guilty of an offence under subsection (1.1) is liable.</p> <p>(a) for a first offence, to a fine of not more than \$4000,</p> <p>(b) for a 2nd offence, to a fine of not more than \$8000, and</p> <p>(c) for a 3rd and every subsequent offence, to a fine of not more than \$12 000 or to imprisonment for a term of not more</p>	<p>Act</p> <p>41.1(1) If the Hearing Tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the Hearing Tribunal may make any one or more of the following orders:</p> <p>(k) directing that the investigated person pay to the Association within the time set in the order a fine not exceeding \$10 000 for each finding of unprofessional conduct and not exceeding a maximum aggregate fine of \$50 000 for all findings of unprofessional conduct arising out of a hearing;</p> <p>67(1) Every person and every member, officer, employee or agent of a partnership or other association of persons, a society or a corporation who contravenes Part 1, section 24(2)(b) or 25(4) or this Part is guilty of an offence and liable.</p> <p>(a) for the first offence, to a fine of not more than \$2000,</p> <p>(b) for the 2nd offence, to a fine of not more than \$4000, and</p> <p>(c) for the 3rd and each subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.</p> <p>(2) A prosecution under this section may be commenced</p>

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association												
	<p>than 12 months or to both a fine and imprisonment.</p> <p>(3) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards</p> <p>158 For the purposes of this Act, the unprofessional conduct fines table is the following:</p> <p>Unprofessional Conduct Fines Table</p> <p>The following columns of maximum fines apply to proceedings under Part 4:</p> <table border="1"> <thead> <tr> <th></th> <th>Column 1</th> <th>Column 2</th> <th>Column 3</th> </tr> </thead> <tbody> <tr> <td>maximum fine for each finding of unprofessional conduct</td> <td>\$1000</td> <td>\$5000</td> <td>\$10 000</td> </tr> <tr> <td>maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing</td> <td>\$5000</td> <td>\$25 000</td> <td>\$50 000</td> </tr> </tbody> </table> <p>4 Column 3 of the unprofessional conduct fines table applies to proceedings of the College of Physicians and Surgeons of Alberta under Part 4.</p>		Column 1	Column 2	Column 3	maximum fine for each finding of unprofessional conduct	\$1000	\$5000	\$10 000	maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing	\$5000	\$25 000	\$50 000	<p>within 2 years after the commission of the alleged offence, but not afterwards.</p>
	Column 1	Column 2	Column 3											
maximum fine for each finding of unprofessional conduct	\$1000	\$5000	\$10 000											
maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing	\$5000	\$25 000	\$50 000											
Costs:	Act	Regulation												
	61(1) If an investigation is to be conducted under this Part, the	13(1) If the Council, the Hearing Tribunal, the Complaint												

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Legislation	complaints director	Review Committee or the Practice Review Board makes an order under the Act for the payment of all or part of the costs of an investigation, inquiry, hearing or appeal, those costs may include all or any of the following:
Costs clearly defined	<p>(a) must give the complainant the name of the investigator, and</p> <p>(b) must, unless it would significantly harm the investigation, give the investigated person the name of the investigator and reasonable particulars of the complaint to be investigated.</p>	<p>(a) any transportation, accommodation and living expenses paid to a person conducting a preliminary investigation or to a member of the Council, the Hearing Tribunal, the Complaint Review Committee or the Practice Review Board involved in a review, inquiry or hearing;</p> <p>(b) any honorarium or payment made to a person referred to in clause (a) for participating in the matter;</p> <p>(c) the cost of any transcript of the proceedings or charge for the attendance of a reporter;</p> <p>(d) any witness fees and any transportation, accommodation or living expenses incurred by a witness;</p> <p>(e) the cost of renting rooms or recording equipment;</p> <p>(f) any fees payable to a lawyer acting on behalf of the Association or any Board or Committee of the Association;</p> <p>(g) the cost of service of any notice or documents;</p> <p>(h) generally, any other costs or expenses incurred that are attributable to the investigation, inquiry, hearing or appeal.</p>
Orders for fines and costs enforced and recovered	<p>66(1) When an investigator concludes an investigation, the investigator must make a report within a reasonable time and, if the investigator is not the complaints director, submit the report to the complaints director.</p> <p>(3) If, on reviewing a report prepared under this section, the complaints director determines that the investigation is concluded, the complaints director must</p> <p>(a) refer the matter to the hearings director for a hearing, or</p> <p>(b) dismiss the complaint, if in the opinion of the complaints director</p> <p>(i) the complaint is trivial or vexatious, or</p> <p>(ii) there is insufficient or no evidence of unprofessional conduct.</p> <p>82(1) If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make one or more of the following orders:</p> <p>(j) direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to</p> <p>(i) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint,</p>	<p>(2) Notwithstanding subsection (1), the Council, the Hearing Tribunal, the Complaint Review Committee or the Practice Review Board, when ordering costs, may order a specific sum to be paid as costs.</p> <p>65.7 A fine or costs ordered to be paid under this Act are a debt due to the Association and may be recovered by the Association by an action in debt.</p>

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>(ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,</p> <p>(iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,</p> <p>(iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,</p> <p>(v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and</p> <p>(vi) any other expenses of the college directly attributable to the investigation or hearing or both;</p> <p>(k) direct that the investigated person pay to the college within the time set in the order a fine not exceeding the amount set out in the column of the unprofessional conduct fines table that is specified for the college in a schedule to this Act for each finding of unprofessional conduct or the aggregate amount set out in that column for all of the findings arising out of the hearing;</p> <p>(3) If the complaints director is satisfied that a person has not complied with an order under this section or section 89(5)(b), the complaints director may</p> <p>(a) treat the matter as information under section 56,</p> <p>(b) refer the matter to the hearings director to schedule a hearing before the hearing tribunal, or</p> <p>(c) in the case of non-payment of a fine described in subsection (1)(k) or expenses described in subsection (1)(j) or section 89(6), suspend the practice permit of the investigated person until the fine or expenses are paid in full or the complaints director is satisfied that they are being paid in accordance with an agreement entered into with the investigated person.</p> <p>(4) A fine or expenses ordered to be paid under this section</p>	

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>and section 89 are a debt due to the college and may be recovered by the college by an action in debt.</p> <p>89 (6) Subject to any regulations under section 134(a), the council may direct the investigated person to pay, within the time set by the council, in addition to expenses, costs and fees referred to in section 82(1)(j), all or part of the expenses of, costs of and fees related to the appeal, including</p> <ul style="list-style-type: none"> (a) legal expenses and legal fees for legal services provided to the college, complaints director and council, (b) travelling expenses and a daily allowance, as determined by the council, for the complaints director and the members of the council who are not public members, (c) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and (d) any other expenses of the college directly attributable to the appeal. <p>(7) A fine or expenses ordered or directed to be paid under this section are a debt due to the college and may be recovered by the college by an action in debt.</p> <p>128(1) No person or group of persons shall represent or imply that the person is a regulated member or that the group of persons consists of regulated members unless the person is a regulated member or the group of persons consists of regulated members.</p> <p>Regulation 28 Any action that a regulated member must undertake in response to a direction by the Competence Committee or Registrar under section 27 is undertaken at the cost of the regulated member.</p>	

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Who is the case manager for settlement mechanisms	<p>Act</p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under <u>section 55(2)(c)</u> with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint</p>	<p>Act</p> <p>29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.</p> <p>(2) If the Complaints Director makes a referral under subsection (1), a member of the Association must participate in or conduct the alternative complaint resolution process.</p> <p>30.1(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the Complaint Review Committee.</p> <p>(2) The Complaint Review Committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <p>(a) ratify the settlement,</p> <p>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</p> <p>(c) refuse to ratify the settlement.</p> <p>(3) The Complaint Review Committee must notify the Complaints Director of its actions under subsection (2) and if the settlement was not ratified the Complaints Director must act under section 29(10).</p> <p>(4) On being aware that a ratified settlement is not complied</p>

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <p>(a) if an investigation has not been commenced, commence an investigation under Division 3,</p> <p>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</p> <p>(c) dismiss the complaint, or</p> <p>(d) in all other cases, refer the matter to the hearings director for a hearing.</p> <p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <p>(a) review the records and proposed settlement it received pursuant to section 59(1)(a), and</p>	<p>with, the Complaints Director may</p> <p>(a) treat the non-compliance as information under section 27.1 and act on the information in accordance with section 27.1, or</p> <p>(b) treat the non-compliance as a complaint and refer it to the Complaint Review Committee to determine whether it should be referred to the Hearings Director for a hearing.</p> <p>(5) If the Complaints Director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the Complaints Director must notify the complainant and the investigated person.</p> <p>(7) The Association must retain a copy of the ratified settlement.</p> <p>(8) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only some of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the Complaints Director of the matters that do not form part of the ratified settlement and on being notified the Complaints Director must act under section 29(10).</p>

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>(b) require any of the following to appear before it to answer questions regarding the proposed settlement:</p> <ul style="list-style-type: none"> (i) the complainant; (ii) the investigated person; (iii) the member of the college who participated in or conducted the alternative complaint resolution process. <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> (a) ratify the settlement, (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or (c) refuse to ratify the settlement. <p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <ul style="list-style-type: none"> (a) treat it as information and act on it under section 55, or (b) treat it as a complaint and refer it to the hearings director for a hearing. <p>Regulation</p>	

	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>31 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>32 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p>	