



## File #18-02

**Subject Member:** Registered Professional Biologist

**Complaint Submitted:** July 19, 2018

**Date of Decision:** March 15, 2019

### Complaint Summary:

A complaint was submitted by a member of the public (the complainant) against a Registered Professional Biologist (RPBio) alleging unethical conduct. In particular, the allegations were that the RPBio breached the following Principles of the Code of Ethics:

- a) Code of Ethics – Principle 1. Provide objective, science-based, unfettered, forthright and intellectually-honest opinion, advice and reports in applied biology.
- b) Code of Ethics – Principle 3. Ensure they meet a professional standard of care by practicing applied biology with attention, caution, prudence, and due diligence.
- c) Code of Ethics – Principle 4. Provide a professional standard of service to clients and employers by conducting business practices fairly, avoiding conflict of interest and respecting client/employer confidentiality.
- d) Code of Ethics – Principle 7. Maintain a standard of personal and professional conduct that does not reflect adversely on the College or its members.

The complainant alleges the RPBio relied on an unqualified layperson to conduct field assessments for riparian setbacks, and that the RPBio allowed the layperson to determine appropriate setbacks even though they were the landowner and client. The RPBio was also alleged to have relied on another Qualified Environmental Professional (QEP) to designate appropriate setbacks, and to have conducted field work at an inappropriate time of year.

### Decision:

The Discipline Committee reviewed the information provided by complainant and the RPBio including detailed information regarding decisions made by the RPBio. Although a previous QEP had delineated setbacks, the RPBio completed all the appropriate methodologies and so arrived at the same results because the same methodologies were applied. The RPBio did involve the assistance of the client during measurements, however the individual followed the instructions from the RPBio to hold the zero meter mark of the measuring tape over stakes marked in the field and so was not involved in professional decision making.



The RPBio was requested by the Discipline Committee to describe how they utilized relevant Professional Practice Guidelines. The RPBio described pertinent sections of the guidelines that applied to the project and how they were utilized in the decision making process.

Regarding the allegations that work was conducted at an inappropriate time, the methodologies used were followed appropriately and so other site indicators are used to determine setbacks required rather than visible high water.

Upon review of the information provided by the RPBio including requests for additional details, the Discipline Committee determined that the allegations were not substantiated by the evidence provided and the complaint was dismissed.

Complaint file 18-02 is closed.

