



File #20-02

Respondent: Registered Professional Biologist

Complaint Submitted: September 17, 2020

Date of Decision: March 5, 2021

Complaint Summary:

A complaint was submitted against a registrant of the College alleging unethical conduct. In particular, the allegations were that the respondent breached the following Principles of the Code of Ethics:

- Principle 3 - Provide a professional standard of service to clients and employers by conducting business practices fairly, avoiding conflict of interest and respecting client/employer confidentiality.

The complaint focused on a Riparian Areas and Protection Regulation (RAPR) submission. The complainant maintained that inadequate due care was taken in the field determination of an isolated wetland high water mark. As well, it was alleged that overland flow from the isolated wetland was not addressed and so the larger riparian area was not adequately managed. The complainant maintained the respondent did not conduct adequate field assessment and critical riparian protection measures were not adequately completed. The complainant had the site assessed by a third party RPBio and some aspects of that assessment were not in complete agreement with the respondents RAPR submission.

Decision:

The committee reviewed detailed submissions from both the complainant and the respondent. In their review, the committee determined that the RPBio had very thorough documentation and rationale for all legal criteria in the RAPR assessment. The RAPR submission was accepted as meeting the requirement in the regulation by the provincial government. As well, the RPBio addressed details made as a result of some of the assessment by the third party RPBio; however, the respondent maintained their original field verification was correct. The Investigations Committee determined this issue was considered professional disagreement of field verification, but not a breach of the College Code of Ethics and Professional Conduct.

In accordance with Bylaw 9-8(e), the Investigations Committee has dismissed the complaint and the file is closed.