Recent Discipline Cases

In 2014 PEGNL brought closure to four cases; one resolved at the Registrar level, two resolved at the CAC level and one at the Adjudication Tribunal level.

The following links provide a short summary of two cases. The two others were described in the February 2015 issue of Dialogue. It is important that those licensed with PEGNL review these cases as they provide guidance as to what is considered appropriate and inappropriate conduct. Also attached is a link to PEGNL’s Professional Conduct Procedure Guideline which more fully describes PEGNL’s disciplinary processes.

1. Link to Case Resolved at the Registrar Level
2. Link to Case Resolved at the Adjudication Tribunal Level

Disciplinary procedures are an important responsibility of a professional regulatory organization, especially for self-regulated professions. They provide fair, open and transparent processes whereby a licensed professional member can be called to account based on the regulatory body’s professional standards. This article provides a brief summary of the PEGNL disciplinary procedure. The full process is provided in the Professional Conduct Procedure Guideline (link below) or in print by request.

PEGNL’s disciplinary process starts with a written allegation against a current or former licensed person or permit holder. PEGNL will work with the person making an allegation, also known as the Complainant to ensure that a properly formulated allegation is made where appropriate. Following written notice to the professional member against whom the allegation is made, also known as the Respondent, and once the parties have agreed to full disclosure of all documents between the parties, the allegation is filed by the Registrar. The date of filing is important as it determines the time lines for many of the processes which may follow. The allegation may be brought to closure at any one of three distinct levels.

Registrar Resolution

If the allegation matter is of a nature that it may be resolved by the Registrar working with the parties, this option is proposed to the parties. For the allegation to be appropriate for Registrar Resolution, the Registrar must recognize the allegation as one where public safety or welfare, or the stature of the profession as a whole is not at risk. Both parties and the Registrar
must agree to the process. Any resolution proposed by the Registrar is not binding upon the parties and any party may end the process at any time. Resolution through this option does not result in a finding of conduct deserving of sanction.

Complaints Authorization Committee

If the allegation is not resolved at the Registrar level, it is referred by the Registrar to the Complaints Authorization Committee (CAC). This is a committee drawn from the Board of Directors and consists of elected board members and at least one board member appointed by government. The CAC may refer an allegation for Alternate Dispute Resolution if it feels appropriate. It may also appoint an investigator, conduct a practice review, subpoena witnesses and subpoena evidence under the Public Inquiries Act. Further to its deliberations it may dismiss the allegation or it may pursue the matter further, either by cautioning and counselling the member with respect to the member’s activities, or by temporarily removing the member’s license. Where the CAC cannot determine the facts of the allegation based upon what is before it or if the matter is of a more serious nature that may result in limits being placed on a license or removal of the license, the allegation may be referred to the Disciplinary Panel for appointment of an Adjudication Tribunal for a Hearing.

Adjudication Tribunal

At an Adjudication Tribunal, the process takes the form of a semi-judicial procedure where witnesses are called and both the respondent and PEGNL may be represented by lawyers who appear on their behalf before the Adjudication Tribunal. The tribunal is drawn from members of the Disciplinary Panel and consists of 2 licensed members of the profession and 1 public representative appointed by government. The tribunal may dismiss the complaint, require the respondent to undertake certain activities, or may restrict or remove the respondent’s license, or other sanctions at the discretion of the tribunal.

For more information regarding PEGNL Disciplinary Procedures please see the attached link.

[Link to Professional Conduct Procedure Guideline]