

Discipline Case Study

Discipline Case: 2011-05

Subject Members: Registered Professional Foresters

Referred to: Complaints Resolution Committee

Date of Decision: July 2011

Allegations

This case resulted from a complaint from one ABCFP member about the conduct of another ABCFP member. The allegations are that the member subject to the complaint engaged in conduct unbecoming a member and may have contravened the following bylaws:

- 1) Bylaw 11.3.3 - To have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources, and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.
- 2) Bylaw 11.3.7 - To practice only in those fields where training and ability make the member professionally competent.
- 3) Bylaw 11.3.9 - To express a professional opinion only when it is founded on adequate knowledge and experience.
- 4) Bylaw 11.4.1 - To inspire confidence in the profession by maintaining high standards in conduct and daily work.
- 5) Bylaw 11.4.4 - Not to misrepresent facts.
- 6) Bylaw 11.4.7 - To state clearly on whose behalf professional statements or opinions are made.
- 7) Bylaw 11.5.3 - To obtain a clear understanding of the client's or employer's objectives.
- 8) Bylaw 11.6.1 - To abstain from undignified public communication with another member.
- 9) Bylaw 11.6.2 - Not to unfairly criticize the work of other members or attempt to injure the professional reputation or business of another member.

The complainant develops unique field sampling designs and products for his clients. He considers these designs and products to be his intellectual property. He has a history of maintaining written agreements protecting his intellectual property over the years. He has been assured that his unique designs and products are indeed his intellectual property.

He submits that the subject member acted unprofessionally by failing to contact him for two weeks about concerns with an intellectual property agreement and that the subject member lied about the fate of the agreement. He alleges that the subject member failed to recognize his legal rights to intellectual property.

Decision

The registrar reviewed the complaint with the Complaints Resolution Committee (CRC), who recommended to the registrar that the complaint not proceed to an investigation on the basis that the evidence presented did not support the allegations that there was professional misconduct on the part of the subject

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member, or that any of our bylaws were breached. Additionally, the evidence did not support the allegations that the subject member lied or that there was any intellectual property stolen or any contravention of the legal requirements regarding the protection of intellectual property. The registrar concurred with this recommendation

There is no doubt that members must respect the intellectual property rights of other members. In this case there is a professional disagreement between the members about how this should have taken place. Our expectation is that members will engage in processes to resolve professional disagreements such as this. We encouraged the members involved to engage the services of a neutral person to help reach a resolution to this disagreement.

This complaint is now closed.

In Memorium

It is very important to many members to receive word of the passing of a colleague. Members have the opportunity to publish their memories by sending photos and obituaries to **BC Forest Professional**. The association sends condolences to the family and friends of the following members:

Victor Heath

RPF(RET) #433
1918 - 2011

Born in Lloydminster, Alberta, Victor passed away at Lions Gate Hospital in North Vancouver on September 20, 2011. Predeceased by his wife Barbara, he is survived by son, Charles (Fran), daughter, Bevin (Rich), grandsons; Aaron (Darcey), Tim (Brenda), Mike and Dan and great grandsons; Ronin, Kairo and Zac.

Victor set an example for family, friends and colleagues with his integrity, curiosity and passion. Respected as a teacher, forester, and international consultant, he enriched the lives of those he met. His family will remember him as the teasing Poppa with a twinkle in his eye and the gentleman with a rose. Canada's first National Tree Day occurred the day after he died, a fitting reminder of the importance of trees and the significance of the natural world in our lives. Victor taught us all to see the forest for the trees.

Donations in Victor's memory may be made to First United Church in Vancouver

First published in The Prince George Citizen on September 30, 2011.



James Ralph Johnston

RPF(RET) #30, LIFE MEMBER
1917 - 2011

James Ralph Johnston died at the age of 94 of age-related causes on August 18, 2011.

Ralph is survived by his wife Caroline and former wife Joan, sister Joy, daughters Lynne and Trish, step-children Douglas, Judy, Jay, Nancy, Susan, David and Stephen, grandchildren Allison, Jordon, Courtenay, Simon and Kurt, and great grandchildren Grace, Joy, Addison, Zion and Eden, as well as many other extended family members and friends. He was pre-deceased by his sister Doreen, second wife Rhoda and daughter Sheila.

Ralph was born on January 30, 1917, and started life on a ranch in the Invermere Valley, where he was home-schooled by his mother until he was nine. In 1926, the family moved to Invermere, where he attended regular classes, and graduated from high school in 1935. He then made his way to UBC, where he studied forest engineering. He received his degree in 1941, and was immediately employed by the BC Forest Service.



Ralph enlisted in 1942 and spent the war years as a navigation instructor. He returned to the Forest Service and began his rise through the ranks, eventually serving as district forester in Prince Rupert, Nelson, and Kamloops. He retired from his last posting in 1979.

A consummate outdoorsman and avid hunter, Ralph delighted in sharing his love of nature and his vast knowledge of the natural world with his family. In his retirement years, besides hunting, he enjoyed travelling, camping, square dancing, gardening and prospecting.

Ralph's Christian beliefs were evident in his every-day living. He will be greatly missed by his family and friends.

Submitted by Anthony Robinson, RPF(Ret)

William Richard (Bill) Batten

RPF(RET) #405, LIFE MEMBER
1922 - 2011

Bill passed away at Durand Manor, Golden on Thursday, October 20, 2011 at the age of 89 years. Bill was born in Vancouver on July 5, 1922 and had been a resident of Golden since the early 1960s.



Bill served his country overseas during World War II and was awarded the Military Cross by King George for distinguished and gallant service. He worked as a professional forester for the majority of his life. He was the manager/vice president of Kicking Horse Forest Products Golden, woodlands manager for Evans Forest Products and worked in Latin America, Africa and across Canada as an forestry consultant. Bill in partnership with his wife Fanita and son Tom operated woodlot 456 from 1989 to 2003, when Tom assumed responsibility for the woodlot.

Bill loved spending time outdoors and enjoyed walking in the forest usually with his dog at his side. He also enjoyed gardening, many sports; including tennis, swimming, cross country skiing and trail riding in the Blaeberry and was an avid reader. He was a long-time member of the Royal Canadian Legion, Branch #122, Golden.

Bill was predeceased by his only sister Dora Marshall in 1974. He is survived by his loving wife of 34 years, Fanita of Golden; four children: Leslie (Homme) Van der Meer of Armstrong, Tom Batten of Golden, Barbara (Carl) Sandberg of Victoria and Margarita (Corey) Drage of Airdrie; six grandchildren: Dirk (Jodi) Van der Meer of Armstrong, Blair (Nikki) Van der Meer of Abbotsford, Will (Katie) Batten of Golden, Robbie (Raelene) Batten of Golden and Lucas and Andrew Drage of Airdrie; five great grandchildren: Aleen and Chloe of Armstrong, Julian and Avry of Abbotsford and Sylas of Golden; one niece Sandra (Dave) Taylor, two nephews: Donald Marshall and Laurie Marshall as well as several cousins and a host of good friends.

The family would like to thank the Durand Manor staff, nurses and care aide for their excellent care, kindness and compassion during Bill's residency and especially in his final days. Also to the Golden Hospital staff, and the community physicians for their dedicated care over the years and finally to Bill's extended family and many friends who took the time to visit him.

Submitted by Denise English, RPF

M. Bruce Clark

RPF(RET) #171, LIFE MEMBER
1923 - 2011



Murray Bruce Clark died August 22, 2011. Bruce was born in Nova Scotia in 1923 and attended UBC after serving in the Canadian Navy in World War II. He graduated with a BSF in 1950 and immediately joined the BC Forest Service as a junior forest researcher. Bruce transferred to Kamloops in 1954 where he served as the district and then region research forester for 31 years, retiring in 1985. Over the course of his career Bruce worked on many projects including cutting methods in Engelmann spruce sub-alpine fir stands, investigating the potential of direct seeding, improving planting methods, pre-commercial thinning of fire origin lodgepole pine, tree pest impacts, growth and yield, and grass seeding of clearcuts. He published a number of papers describing the results of his work but his principle role was as an intermediary between the field staff, forest researchers in Victoria and UBC and the wider research community. At this he was most successful. He worked hard to establish a rapport with field staff, delivering practical solutions and advice based on his detailed knowledge of silviculture and forestry, and was well-respected by industry and government foresters of the time. He also mentored many young summer students who learned how to work in the forest under his direction.

I first met Bruce in the early 1970s when I was recruited to work in the newly formed Cariboo District, which included parts of the Kamloops and Prince George Districts. Although I was taking over part of his "beat" Bruce was most welcoming and always a source of sage advice. When Bruce retired, I took over his role in Kamloops and inherited his meticulous notes, files and photographs.

Bruce was a keen curler and lawn bowler and won many trophies and medals over the years. In retirement he served his community, especially the Kamloops Lawn Bowling Club, and was awarded a life membership in that organization. Bruce was predeceased by his wife Lois and is survived by four children and five grandchildren.

Submitted by Alan Vyse, RPF

W. Bert (Bern) Gayle

RPF(RET) #155
1924 - 2011



Bert Gayle passed away on July 23, 2011 at the age of 87 with his family by his side. Bert was born on June 21, 1924 in Salmon Arm, BC and grew up in Powell River, BC. On his 18th birthday he joined the RCAF. After earning his pilot wings and a commission in 1943 he became a flying instructor. A year later, just after D-Day, he was transferred overseas. Based in England he flew Wellington and Lancaster bombers until the end of the war. Upon returning to BC, Bert attended UBC where he earned his forestry degree and later became a Registered Professional Forester.

Bert worked in the forest industry for 43 years. He began with the BC Forest Service and then moved to the Powell River Company (later Macmillan Bloedel Ltd.). Bert's final 25 working years were spent with Canadian Forest Products Ltd. where he retired in 1989 as vice president and director. Throughout his career he was active in forest related organizations, serving as president of the Northern Interior Lumberman's Association, vice president of the Junior Forest Wardens of BC, director of the Council of Forest Industries of BC, and a founding director of the BC Forest Alliance. In 1990 he was the recipient of the 'Tree of Life Award' presented by the Canadian Institute of Forestry.

Away from the office and into retirement, Bert enjoyed swimming and tennis, and was an avid boater, gardener, cross-country skier, wine-maker and a world traveler. He was active with the Gyro Club of Vancouver, Branch #610 Royal Canadian Legion in West Vancouver, and was proud of his service with the Air Cadets of West Vancouver.

Bert will be greatly missed by Betty, his wife of 63 years, his family — son Warren and daughter Nancy — and his many friends and colleagues.

Submitted by Doug Rickson, RPF

ABC FP Membership Statistics

Association of BC Forest Professionals – November 2011

NEW ASSOCIATE MEMBER

Michael John Drinkwater, FIT, ATC

NEW RFTS AND NEW RPFs

For a list of new RFTs and RPFs, please see Registration Exam Special Feature on page 25.

REINSTATEMENTS

Doug Konkin, RPF

THE FOLLOWING PEOPLE ARE NOT ENTITLED TO PRACTICE PROFESSIONAL FORESTRY IN BC:

REMOVALS

James William Hunter

RESIGNATIONS

John J. Perras

Robert Allison Weeks