

Discipline Case Digest

Case: 2008 - 03

Subject Member: Registered Professional Forester (name withheld)

Referred to: Complaints Resolution Committee

Date of Decision: June 26, 2008

Allegations:

The complainant alleged that a letter written by the subject member as a result of a contract dispute was a violation of the *Foresters Act* and bylaws. Allegations were made that the subject member was potentially guilty of conduct unbecoming a member and specifically violation of two sections of the code of ethics. In particular:

Bylaw 11.4.3.

Where a member believes another member may be guilty of infamous or unprofessional conduct, conduct unbecoming a member, negligence, or a breach of the *Foresters Act* or these bylaws:

- 11.4.3.1.1. To raise the matter with that other member, and if the matter is not resolved, to inform council immediately in writing of the particulars;

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.

Decision:

Upon reviewing the evidence and the recommendations of the Complaints Resolution Committee (CRC) the registrar declined to issue a citation.

Reasons for Decision:

With regards to the allegations of a breach of bylaw 11.4.3, the subject member made no allegations that another member may be guilty of infamous or unprofessional conduct, conduct unbecoming a member, negligence, or a breach of the *Foresters Act* or these bylaws. As a result bylaw 11.4.3.1 has no application.

With regards to the allegations of a breach of bylaw 11.6.2, the bylaw requires that members not unfairly criticize the work of other members or attempt to injure the professional reputation or business of another member. In the opinion of the CRC, the letter written by the subject member was a confidential letter to explain one side of a contract dispute. The subject member did not make the contents of the letter known to anyone other than the recipient and did inform the recipient that the letter was confidential.

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The letter written by the subject member was critical of the complainant's role as contract administrator. The complainant believes the criticism is unfair; the subject member believes it was fair based upon interpretation of the contract dispute. From the evidence provided, the registrar was not able to determine whether the criticism was fair or unfair.

With regards to whether the subject member made an attempt to injure the complainant's professional reputation or business, the CRC found that there was conflicting evidence. Although the letter was critical of the complainant's role as contract administrator it did not appear that there was an unjustified attempt to injure the complainant's professional reputation or business. Once again there is a difference of opinion between the parties on this point and no clear evidence to support one opinion over another.