

Discipline Case Digest

Discipline Case: 2009-11

Subject Member: Registered Professional Forester (name withheld)

Referred to: Complaints Resolution Committee

Date of Decision: December 2009

Allegations:

This case resulted from a complaint from an ABCFP member about the conduct of another member. The complainant felt that the subject member engaged in conduct unbecoming a member and may have contravened the following bylaws:

11.4.4 Not to misrepresent facts

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:

This complaint addresses a very serious matter and involves difficult and complex professional issues regarding management of cone collection and storage. The two members in the complaint were involved in administering the same cone collection and storage contract, but at different times. The members were in disagreement about management of the contract and the handling of a subsequent professional disagreement. The complainant put forward the argument that the other member had misrepresented the facts and he had been unfairly criticized by the other member. The subject member argued that his concerns were valid and were made in what he believed was a confidential manner.

The evidence presented by the complainant was relevant to making the case that there is a professional disagreement between the two members. The subject member also sent information to the ABCFP indicating that this professional disagreement had occurred. After a thorough review of the information provided to us we were unable to ascertain that there was a breach of the Foresters Act or the ABCFP Code of Ethics. This does not mean that there was not a serious and important professional disagreement in this matter or that there does not need to be action taken to resolve this disagreement. However a disagreement such as this between two ABCFP members does not necessarily lead to a contravention of the Foresters Act of the ABCFP bylaws.

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This case is the result of a difference of opinion with different interpretations of the requirements of forest professionals. The complainant feels very passionately about his contentions of misconduct. The subject member feels strongly that he has acted professionally. There is evidence from both parties that support their contentions.

We believe that it is important that the professional disagreements that are at the heart of this matter are dealt with outside of the ABCFP complaint resolution process. The issue is an internal dispute within the staff of a single employer and it should be settled between the two parties. Although the employer appears to be unable or unwilling to provide the necessary support to the two members so that they can negotiate a solution to the dispute between themselves, this does not provide the grounds for a formal complaint resolution process by the ABCFP.