



Notice to Members: Falsified Billing by a Professional

Date: July 12, 2002

Introduction:

This notice arises out of a discipline concern brought to the attention of the Association of BC Professional Foresters. The matter was resolved through an admission by the member early in the process and an alternative dispute resolution proposal accepted by the Discipline Committee 'A' Panel. A case number was not assigned due to the immediate resolution.

Facts:

Over a period of years, the member submitted falsified invoices to the employer and in some cases forged authorizations to pay such invoices. The member eventually admitted these acts to the employer and made full restitution to the employer for all of the money inappropriately invoiced.

The member and employer both agreed to inform the association of the member's conduct. The employer also referred the member for counselling, at which time it was determined that the member's conduct was attributable to a medical condition which could be addressed through counselling and assessment. The employer agreed to continue the member's employment subject to stringent terms and conditions, including an assessment of the situation by the Association of BC Professional Foresters.

The association referred the member for an independent medical opinion by a recognized expert in the relevant field of medicine. The medical opinion confirmed that the conduct was attributable to a medical condition and that with continued treatment and counselling the member would be at very low risk of repeating the negative behaviour.

Determination:

The Discipline Committee 'A' Panel determined that the member could continue as a member of the Association of BC Professional Foresters under terms and conditions. These terms and conditions include:

1. A requirement that the member continue with treatments and counselling for a period of three years and that medical reports be sent to the association.
2. A condition that should the medical reports indicate anything but good progress, the member's continuation as a member would be reassessed.
3. A condition that no further incidents of misconduct occur throughout the member's career.
4. A requirement that a generic notice to members be issued.

Interpretation:

Incidents of misconduct such as falsified billing by a professional are usually cause for expulsion from practice. Such conduct strikes at the heart of the public trust and confidence, and the obligation of professionals to put the greater good above considerations of personal gain.

A person's actions must, however, be judged in light of all of the relevant circumstances. In this case, the member's actions were attributable to a medical condition beyond that member's control. A leading medical expert assessed the member and concluded that the condition could be addressed through treatment. More importantly, the medical opinion is that during and after treatment, the risk of adverse conduct is very small.

Further mitigating factors included the facts that the member: (a) admitted to the conduct; (b) immediately repaid the employer in full; (c) agreed to attend for medical assessment and counselling; and (d) agreed with the employer to report the situation in full to the association and abide by whatever decision the association may make regarding the situation.