

July 6, 2010

PRACTICE REVIEW BOARD

CASE HISTORIES SEPTEMBER 2007 TO DECEMBER 2009

PRACTICE REVIEW BOARD DISCIPLINE REPORTS PREAMBLE.

The Applied Science Technologists and Technicians of British Columbia (ASTTBC) is incorporated under the Applied Science Technologists and Technicians (ASTT) Act RSBC 1979 c.16.1 in 1985; since revised as RSBC 1996 c.15 on October 29, 2009.

The ASTTBC provides professional certification to technologists and technicians in the applied science technologies related to Biological Sciences, Biomedical Engineering, Building, Chemical, Civil Engineering, Electrical, Electronics, Environmental, Forest Engineering, Gas & Petroleum, Geomatics, Industrial, Information, Mechanical, Metallurgical and Mining disciplines. The ASTTBC also grants technical specialist certification in technical areas such as building design, construction safety, fire protection, house and property inspection, onsite wastewater, public works inspection, site improvements surveys and steel detailing.

Our ‘purpose’, as generally stated in the ASTT Act is, “To maintain, improve and increase the knowledge, ability and competence of technologists and technicians; to regulate standards of training and practice of and for its members, and to protect the interests of the public.” The ASTT Act and Regulations, in the provision of professional certification of technologists, technicians and technical specialists, requires that members adhere to a Code of Ethics, provides a disciplinary mechanism to deal with breaches of the Code and protects ASTTBC’s titles and designations.

The ASTTBC Council has charged the Practice Review Board (PRB) of ASTTBC with the responsibility for enforcement of the ‘Code of Ethics’ for member’s professional practice and conduct, as well as with protecting ASTTBC’s titles and designations. The following report reflects the activities and resolved case files of the PRB.

It is the policy of ASTTBC to only report on the specific details of cases (names, places and dates etc.) when the case has resulted in censure as a result of a Disciplinary Hearing or the PRB has determined it is in the public interest to have such information provided.

**Practice Review Board Report For Complaint Cases Resolved In TITLES ENFORCEMENT -
(cases received since September 27, 2007)**

CASE # 08-21

STATEMENT OF COMPLAINT

Based on documentation and emails exchanged with an applicant, it appeared that the applicant was in violation of the CTech protected title by using the designation of 'CTec', when the individual was not currently an ASTTBC member.

An additional concern was that the applicant signed and returned a Declaration indicating completion of the required Professionalism in Practice Module, when in fact, by his own admission, it was not completed.

BACKGROUND

The applicant was in the process of applying for reinstatement as a CTech and as well is applying to become a Fire Protection Technician. It was noted on an initial email inquiry that he was using 'CTec'; the Associate Registrar sent him an email requesting that he cease using the title 'CTec' or 'CTech' as is the correct title. The applicant replied saying that he would not use the title until he received the certification documentation (referring to being reinstated).

INVESTIGATION

In documentation to support his ASTTBC Reinstatement and Fire Protection Technician applications, the applicant sent a copy of a certificate from the 'Northwest Washington Electrical Industry', which, in addition to their own information, also listed ASET and his previous certification number (was confirmed with ASET that he is not a member there) and ASTTBC and his previous certification number. This certificate from Northwest was dated May 17, 2008, two months after he had advised ASTTBC in an email that he would not use the 'CTec' title. An ASTTBC staff member called the Northwest Washington Electrical Industry to see why they put ASET and ASTTBC information on their certificate when it is not relevant. The person from that Association advised that this was provided as the individual in question had requested that they do so and had shown them his membership cards. ASTTBC staff advised her that both the ASET and ASTTBC memberships had been cancelled.

As part of his reinstatement application, the applicant was asked to complete the Professionalism in Practice Module and return a signed Declaration that he had completed it. He signed and returned the Declaration thus indicating that he had completed the module, however, when staff asked that he return it immediately, he replied in an email that he **did not have time to complete it.**

As a result of the applicant's behaviour, the Associate Registrar sent a letter to the applicant advising that his Reinstatement application would not be presented to the Board of Examiners, but rather, his file would be taken to the PRB for review and a recommendation.

DISCUSSION

In response to the letter from the Associate Registrar outlining the concerns and reasons for taking the matter to the Practice Review Board, the applicant sent a barrage of emails in defense of his claim that he had done nothing wrong. The applicant subsequently laid a complaint against ASTTBC with the Ombudsman.

ASTTBC cooperated with the Ombudsman's Investigation and the complaint against ASTTBC was later dismissed.

OUTCOME

The applicant was sent a strong letter of reprimand and required to only use titles appropriately provided by certification and registration. The applicant later withdrew his applications for membership and the file was closed. A letter was also sent to Northwest Washington Electrical Industry requesting that they revise the applicant's certificate by removing the ASTTBC information from it. ASET was also provided information on this case for possible follow up related to violations of Alberta's titles.

CASE # 08-25

STATEMENT OF COMPLAINT

It was alleged that there was an inappropriate use of the AScT designation by an ASTTBC member.

BACKGROUND

ASTTBC received an anonymous letter along with a company profile of Graduate Technologist member of ASTTBC using the AScT designation.

INVESTIGATION

The ASTTBC database records indicated that the member was a Graduate Technologist and not an Applied Science Technologist.

DISCUSSION

A cease and desist letter was sent to the member requesting a letter of compliance to the cease and desist order. A letter of compliance was received from the individual. He advised that the title violation was through an inadvertent error by his manager and had been corrected. The member further advised that he would apply for reclassification in the near future.

OUTCOME

Since the member corrected the situation and demonstrated that he would use the appropriate title in the future, the case was closed.

CASE # 08-26

STATEMENT OF COMPLAINT

The inappropriate use of the term 'Cert. Eng. Technician' by an individual.

BACKGROUND

An individual was using the designation 'Cert. Eng. Technician' on a university website.

INVESTIGATION

Inquiries to other provincial associations found that the individual did not have a current membership anywhere in Canada.

DISCUSSION

The use of the term 'Cert. Eng. Technician' in British Columbia could lead the public to believe that an individual is certified and registered by ASTTBC under the ASTT Act. Legal Counsel sent a cease and desist letter to the individual and they replied that they would cease using the Certified Engineering Technician designation and had appropriate changes made to the university's website.

OUTCOME

Since the individual confirmed that they had removed the offending title from the website (checked by staff) the file was closed.

CASE # 08-28**STATEMENT OF COMPLAINT**

It was alleged that an individual was using the AScT designation in their reports

BACKGROUND

The individual was a member of ASTTBC for a short time but was struck from membership in 1992 for non-payment of annual dues.

INVESTIGATION

The individual was sent a cease and desist letter, which they responded to by advising that the AScT designation would no longer be used.

DISCUSSION

A clear case of a violation of the ASTT Act and Regulations

OUTCOME

Since the individual submitted a letter confirming that they had ceased using the AScT designation, no further action was required and the file was closed.

CASE # 08-29**STATEMENT OF COMPLAINT**

A Graduate Technologist member of ASTTBC was inappropriately using the designation AScT.

BACKGROUND

This came to the attention of staff when the individual was used as a reference for an applicant. The member had provided the applicant with his business card to attach to the application, in which he inappropriately used the AScT designation.

INVESTIGATION

The Grad Tech member was sent a cease and desist letter to which he responded, advising that he will no longer use the AScT designation.

DISCUSSION

In the response to ASTTBC, the member stated *“I have been misinformed about different ASTTBC membership designations, thinking that this designation is awarded to anyone who pays the membership fees”*. There was clearly a misunderstanding by a new Grad Tech member to certification and registration requirements and use of titles under the ASTT Act.

OUTCOME

Since the individual confirmed that he had ceased using the AScT designation, no further action was required and the file was closed.

CASE # 08-53

STATEMENT OF COMPLAINT

A Graduate Technologist member was using the AScT designation on business cards.

BACKGROUND

A member of the Association came into possession of business cards provided by the Grad Tech member and forwarded the information to ASTTBC.

INVESTIGATION

A cease and desist letter was sent requesting that the Grad Tech member immediately confirm that they would cease using AScT until such time as their membership had been reclassified

DISCUSSION

An email was provided to ASTTBC apologizing for the error and confirmed that the Grad Tech member would cease using the AScT designation.

OUTCOME

Since the member confirmed that they had ceased using the AScT designation, no further action was required and the file was closed. (The individual applied for reclassification shortly after and was certified as an Applied Science Technologist.)

CASE # 09-51

STATEMENT OF COMPLAINT

It was alleged that an Associate member was using an inappropriate designation to identify their membership in ASTTBC.

BACKGROUND

An Associate member of ASTTBC was found to be using 'ASTT' behind their name on business cards, thus implying a level of certification with ASTTBC; rather than clearly identifying their non-certified level as an Associate member.

INVESTIGATION

The Associate member was sent a cease and desist letter to which he had concerns regarding how he could clearly identify himself as a member of ASTTBC.

DISCUSSION

In a follow up letter sent by the Registrar to the Associate member, he advised that he could use 'Associate member of ASTTBC' terminology under his name, which would clarify to clients that he was a non-certified member. The Associate member then submitted a letter confirming that he will not use 'ASTT' behind his name but rather use the term suggested.

OUTCOME

Since the Associate member confirmed that he will no longer use 'ASTT' behind his name, no further action was required and the file was closed.

CASE # 09-64

STATEMENT OF COMPLAINT

An individual was using the CTech designation on his business cards while not a current member of ASTTBC.

BACKGROUND

The individual's membership was cancelled in 1994 for nonpayment of Annual Membership Fees.

INVESTIGATION

The individual was sent a cease and desist letter to which he responded that, due to financial hardship in 1994, he could not pay his annual dues. He did not realize however, that he must cease using the CTech title. He has now removed CTech from his business cards.

DISCUSSION

This was a clear violation of the ASTT Act and Regulations by use of the CTech protected designation.

OUTCOME

Since the individual complied with the cease and desist order to stop using the CTech designation, no further action was required and the file was closed.

CASE # 09-66

STATEMENT OF COMPLAINT

An individual was inappropriately using the 'CET' designation on their website.

BACKGROUND

A member of ASTTBC brought to the Association's attention that an individual was using the CET designation, which was a federal trade mark owned by the Canadian Council of Technicians and Technologists. As a Constituent Member of CCTT, ASTTBC was expected to protect this designation within this province although the designation was not protected under provincial legislation.

INVESTIGATION

The individual was sent a cease and desist letter requesting that he immediately cease using this designation. The individual responded stating that: *"While going through Okanagan University College Civil Engineering Technology program in the early/mid nineties it was explained to the students by several professors that the mark AScT and CTech were associated with ASTT (and required the subsequent membership), but the mark C.E.T. was what we achieved upon graduation and were free to use"*.

DISCUSSION

The individual had been clearly misinformed or did not understand what had been communicated related to CET use. The individual advised that they would comply with the cease and desist order and correct their website.

OUTCOME

Since the individual confirmed that they would cease using the CET designation, no further action was required and the file was closed.