

Professional Practice Examination -- Study Guide -- Part "A" -- December 5th, 2015

ppeStdyGdeA2015Dec05

The purpose of Part "A" is to examine a knowledge of PEO functions (question 1), and an understanding of the Misconduct and Ethics Codes, as in Regulation 941, sections 72. and 77. (questions 2, 3 and 4).

Sections 72. and 77. will be supplied at the examination, but they should be studied carefully before the examination. Advance study will facilitate an ability to match the situations in the codes, with the situations in the questions, and the inclusion of exact code numbers and their sub-sections within written answers.

To give answers in about 20 minutes, an efficient writing process is needed. Practice writing and review should help. Initial writing may use study aids but later it should be without aids and under self-imposed time pressure. The focus is on process, and not so much on academics, so questions may be reused.

The references given below are from the PE Act (A), or from Regulation 941 (R), both July 1, 2015. References are here for study purposes only, and are not expected in an answer, except for R 72. and 77.

1 (a) Being a member and holding a licence, the difference. The holders of licences - Temporary (TL), Provisional (PL), or Limited (LL) - can do professional engineering under specified conditions but are not members, A 18.(5). Only PEng licence holders are members, A 5.(1), and this is the difference. A TL holder is not a member but can use the designation PEng, A 40.(2).

1 (b) Certificate(s) of Authorization (C of A), who can be holders - PEng's, TL's, and LL's can be holders of a C of A, R 47.1. Limitations apply when holders are TL's. For 1 holder, a C of A expires when the TL expires, R 49.(1). For 2 or more holders, a C of A expires when the last of the TL's expire, R 49.(2).

1 (c) Code of Ethics (C of E), under the PE Act - is not enforceable. Professional misconduct is defined as a breach of the Act or regulations, other than a breach of the C of E, R 72.(2)(g).

1 (d) Practice of professional engineering, definition - 3 elements are, 1) any act of designing, evaluating, reporting or supervising, that 2) requires the application of engineering principles, and that 3) where the outcomes may affect the safety or welfare of persons, or of economic interests, or of the environment, A 1.

2 (a) Proteus and Green, conduct of - Proteus was to review Green's work but, after receiving an urgent request, quickly changes direction and is heading out of the office. A business trip was given as sufficient reason for this behaviour. Proteus should be concerned about a failure to supervise Green, A 12.(3)(b). Proteus could review the draft report on an iPad or smartphone while waiting in 'departures'.

Green is left practicing without a licence, A 12.(1), and should be concerned about enforcement by PEO under A 40.(1). For contravening A 12., Green is subject to prosecution in provincial court. The signature, A. Green, Eng., could lead to the belief Green was licensed when that is not the case, A 40.(2)(a.1).

2 (b) Disciplinary hearings, could these happen - Proteus could be disciplined for giving direction to sign and permitting Green, an unlicensed person, to engage in practice, 72.(2)(m). Proteus has failed to supervise as a condition of holding a C of A, 72.(2)(k). Proteus is disloyal to Green, 77.1.i., and further could be disciplined for failure to maintain the standards of a prudent practitioner, 72.(2)(a), for an act of misconduct in giving incorrect advice, to submit the material under Green's name, 72.(2)(j).

Even allowing for no impact on public safety or welfare, it would be better to miss the deadline and lose the business, than to be exposed to an insurance claim for professional liability. Proteus would not be disciplined for breaches of ethics because these breaches are not misconduct, 72.(2)(g).

Green is not a PEng and is not subject to PEO discipline but, regardless of direction by Proteus to 'go ahead and sign it under your own name', Green should have an intuitive sense that this is against ideals of honour and integrity, 77.1.iii. The Registrar may refuse a licence based on past conduct, A 14.(2).

2 (c) Proteus conduct, commendable - yes, it is commendable to provide Green with mentoring and an opportunity for professional development and advancement, 77.7.v., but Proteus gave a poor example.

3 (a) Chancer's behaviour - deciding not to inform the client of the error, is unprofessional and a serious misconduct, 72.(2)(j). At the first stage, Chancer should be fair and loyal to the client, 77.1.i. If the financial infeasibility is revealed, the error will be shown as negligence, 72.(2)(a). More work from the client should not be a concern at this time. Of greater priority is devotion to ideals and honour, 77.1.iii.

Although the regulator does not have a financial interest, Chancer should now, as a second stage, inform the regulator of the error, so that they are aware of this type of case for the future. Chancer is then acting with fidelity to public needs, 77.1.ii, and with a duty to safeguard life, health and property, 72.(2)(b).

When it was known that requirements had changed, Chancer should have immediately and formally requested more resources from Northshore, 77.1.i., and not simply be depending on the cooperation and guidance of other engineers, 77.6. To take the work on alone and to work under great time pressure, are conditions prone to errors, and this was a misjudgment of competence, 72.(2)(h) and 77.1.v.

3 (b) Northshore's behaviour - when requirements changed, Northshore should have re-arranged work priorities and assigned at least one person to help Chancer, 77.1.i. Northshore has a duty to abide by their C of A, as it requires supervision, 72.(2)(k), and to support Chancer in the way of high ideals, 77.1.iii.

Northshore should revise the analysis and proposal, and minimize errors and negligence, 72.(2)(a). They have an obligation to inform the client, 77.1.i., and to act as a faithful agent or trustee, 77.3.

4 (a) Scrabble's conduct, in dealing with the public - was compromised. The duty to the public welfare is paramount, 77.2.i., and to act with fidelity to public needs, 77.1.ii. This was not happening when Scrabble was being loyal to the requests of King, 77.1.i., and to a duty of confidentiality, 77.3. It would be better for the public to be informed through local authorities and the Ministry of the Environment (MoE), 72.(2)(c).

4 (b) Scrabble's conduct in dealing with King - Scrabble should have presented clearly to King the consequences of failing to notify the MoE, 72.(2)(f). Once knowing about anything that may endanger the public, Scrabble has a duty to report the situation, 72.(2)(c), to make provision for the safeguarding of people who may be affected, 72.(2)(b), and to follow the statutes, 72.(2)(d).

4 (c) Scrabble's conduct in dealing with Duke and local authorities - Scrabble should have provided Duke with the report, 77.6., and should have reported the situation to the local health authorities and to MoE, 72.(2)(c). Although trying to be loyal to King, 77.1.i., Scrabble's duty to the public welfare is paramount. 77.2.i. Scrabble should not have taken the position the report was confidential to King. Having regard for all the circumstances, Scrabble's conduct could reasonably be regarded as unprofessional, 72.(2)(j).

It seems that King wanted a public meeting to establish a position against the offending party, but still to avoid repercussions from them. If intending to proceed with a court case against the offending party, it would be better for King to have MoE on-side, and allow them to take the lead in the case.

4 (d) Consequences to Scrabble - could be charged with unprofessional conduct, 72.(2)(j), for failure to report a situation of danger, 72.(2)(c), and failure to make provision for safeguarding life, 72.(2)(b). Scrabble may be fired by King but this would be the lesser of other potential problems.