

PRACTICE REVIEW BOARD

TITLE ENFORCEMENT CASE HISTORIES JANUARY 2011 TO DECEMBER 2011

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 April 21, 1997.

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, Instrumentation, 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, steel detailing and timber cruising.

“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 and Registrants 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 or Registrant’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.

Report from the Practice Review Board (PRB) for resolved Complaint Cases related to ASTTBC protected titles from January 2011 to December 2011:

CASE #10-37

STATEMENT OF COMPLAINT

An individual was using 'AScT' on his business cards when he was not a member of ASTTBC.

BACKGROUND

The designation 'AScT' (Applied Science Technologist) is a protected title defined by the ASTT Act.

INVESTIGATION

ASTTBC Legal Counsel sent a cease and desist letter and several follow up letters, none of which the individual responded to. The address the Association had for the individual was the same as on his company website. Staff reviewed his company website, which indicated that he was a 'key contact'; however, there was no evidence that he was using the 'AScT' title on that website. He did use 'MAIBC' and staff confirmed that he was a member of the Architects Institute of BC.

DISCUSSION

Staff also contacted the complainant to see if they had any further information on the individual or if they were aware if he was still using the 'AScT' title. They advised that they only had the one contact with him and had no other information.

OUTCOME

The Practice Review Board (PRB) determined that since it appears that the individual was not using the 'AScT' title on his website, and there was no new evidence of use on his business cards, no further action was required and the file was closed.

CASE #10-66

STATEMENT OF COMPLAINT

That an individual was using the 'CSO' title on business cards.

BACKGROUND

The designation CSO (Constructions Safety Officer) is an ASTTBC protected Trade Mark and identified in the ASTT Act Regulations.

INVESTIGATION

ASTTBC Legal Counsel sent a registered cease and desist letter to individual, as well as an email.

DISCUSSION

The individual did not pick up the registered letter and appeared to be ignoring the email. Legal Counsel then engaged in further email correspondence to which the individual responded that he had not used the CSO title since receiving the first email notification.

OUTCOME

Since the individual was no longer using the 'CSO' title, no further action was required and the Practice Review Board closed the file.

CASE #11-14

STATEMENT OF COMPLAINT

A Student Technologist, was incorrectly stating "Member, Association of Professional Technologist and Technicians of BC", on her résumé. She was registered as a Student member with ASTTBC.

BACKGROUND

Misleading title or language use that would lead to the belief that an individual was a certified Member of ASTTBC is a violation of the AST Act & Regulations.

INVESTIGATION

The Student Member was sent a cease and desist letter by the Registrar, advising her of her correct title and requesting that she immediately cease any further correspondence indicating she was a certified member of ASTTBC. She was also advised that if she had any business cards, or other advertising material indicating she was a certified member of ASTTBC, she was to immediately cease using such material.

DISCUSSION

The Student Member emailed the Registrar, acknowledging her mistake. She further advised that she now understands the proper protocol, and will be updating her résumé to remove any misrepresentation pertaining to membership with ASTTBC.

OUTCOME

The Practice Review Board determined that since the Student Member had confirmed that she understands the proper protocol for ASTTBC members, and the proper representation of membership with ASTTBC, no further action was required and this file was closed.

CASE #11-44

STATEMENT OF COMPLAINT

An individual was conveying himself to be a ROWP while not having any right to this title. He had requested an application for certification as a ROWP with ASTTBC, but never submitted one, and was not registered with ASTTBC as a ROWP.

BACKGROUND

A homeowner who had concerns about a septic system that was installed by the individual, as she was given to understand that he was a ROWP, contacted the complainant, who in turn contacted ASTTBC. The complainant was also provided with individual's business card, which contained the ROWP title after his name, as well as the ASTTBC logo.

INVESTIGATION

The individual was sent a cease and desist letter by ASTTBC's Trade Mark Legal Counsel, advising him that he was required to immediately cease all use of the ROWP designation and ASTT Logo. He was also required to provide a written undertaking, signed by him, confirming that he had ceased such use of titles. A copy of the letter was sent to the RCMP, as they were also investigating the case.

DISCUSSION

The individual provided a written response, indicating that he had printed business cards over a year ago, but had them destroyed when he realized they had erroneously printed the titles on them. His conclusion was that some cards may still be in circulation, but it was never his intention to misrepresent himself.

OUTCOME

The Practice Review Board determined that since the individual had confirmed that he understands the proper protocol for title use, and the proper representation of membership with ASTTBC, no further action was required and the file was closed.