

Discipline Hearing, June 23, 2011

Under Regulation 4.7 'Practice Review Board & Discipline Committee' a Hearing was convened to resolve a complaint against a Registered Onsite Wastewater Practitioner. The complaint was received on November 3, 2009 and after investigation by the Practice Review Board and proposed recommendations, the member chose to have the case heard before a Discipline Hearing Committee.

A Hearing was convened on June 23, 2011 and during the Hearing a Stipulated Order agreement was entered into between the member and the Practice Review Board. The Hearing was then adjourned without the Committee being required to make a finding. The member agreed to the following Stipulated Order.

STIPULATED ORDER

**IN THE MATTER OF
THE APPLIED SCIENCE TECHNOLOGISTS AND
TECHNICIANS OF BRITISH COLUMBIA**

and

CARL MICHAEL ROSANG, ROWP (Registration #OW0233)

RECEIVED
JUL 17 2011

WHEREAS:

1. Carl Michael Rosang, ROWP, is the subject of a complaint by John-Paul Wenger concerning Mr. Rosang's practice as a Registered Onsite Wastewater Practitioner ("ROWP) as a result of his work at 3115 Stones Bay Road, Fort St. James, British Columbia (the "Premises");
2. The Practice Review Board appointed a Discipline Committee to adjudicate the complaint by discipline hearing and such hearing was commenced on June 23, 2011;
3. The hearing was adjourned on June 23, 2011 by agreement, to allow for the parties to enter into this Stipulated Order in substitution for a decision by the Discipline Committee;
4. This Stipulated Order will become binding when accepted by Carl Michael Rosang and the Practice Review Board.

In recognition of the foregoing, Carl Michael Rosang, ROWP and the Practice Review Board agree as follows:

- A. Carl Michael Rosang, ROWP accepts that he was in breach of the Code of Ethics of the Applied Science Technologists and Technicians of British Columbia; specifically, by failing to file an amendment in accordance with the Sewerage System Regulation Section 8(4) that states: "If there is a material change in the information filed under subsection (2) before the authorized person provides a letter of certification under section 9 (1) (b) [letter of certification], the authorized person must promptly file an amendment with the health authority".

- B. Carl Michael Rosang, ROWP accepts that he was in breach of the Code of Ethics of the Applied Science Technologists and Technicians of British Columbia; specifically, by failing to provide a copy of the sewerage system maintenance plan and letter of certification within 30 days of completing construction of the system as required by Section 9(1) of the Sewerage System Regulation that states "Within 30 days of completing the construction of a sewerage system to which section 8 [filing] applies, an authorized person must (a) provide the owner with a: (i) a copy of the sewerage system plans and specifications as provided to the health authority under section 8 (2) (b), (ii) a maintenance plan for the sewerage system that is consistent with standard practice, and (iii) a copy of the letter of certification provided to the health authority under paragraph (b)."

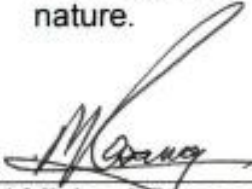
- C. The Practice Review Board, after careful review of these admissions, has determined that an appropriate remedy for these offences to be as follows:
 - i) Carl Michael Rosang, ROWP's certification as a "Planner" be immediately suspended;

 - ii) Carl Michael Rosang, ROWP will pay a fine to the Applied Science Technologists and Technicians of British Columbia of \$250 for each of said breaches, for a total of \$500, and that such fine be paid within 30 days of the date of this Stipulated Order;

 - iii) Carl Michael Rosang, ROWP will successfully complete the course entitled "Introduction to Onsite Wastewater Systems" provided by the British Columbia Onsite Wastewater Association (BCOSSA) and an additional specialized soils course prepared by Mr. John Rowse, Executive Director for the BCOSSA. Mr. Rowse is to provide documentary evidence of the successful completion of these courses;

 - iv) Carl Michael Rosang, ROWP is to immediately return his ROWP stamp so that a new stamp can be issued to reflect his current change in certification. The costs of producing a new stamp shall be borne by him;

- v) Following payment of said fines and successful completion of the course, Carl Michael Rosang, ROWP will be entitled to reinstatement of certification as a "Planner" without further fee, which certification will be provided at the first available meeting of the Practice Review Board. His original stamp will also then be returned.
- D. Carl Michael Rosang, ROWP after carefully considering this matter and obtaining the advice of counsel, accepts the above penalty and conditions and acknowledges that, in the event the above conditions are not fulfilled within the time periods specified, his "Planner" certification will continue to be suspended and will not be reinstated until after he has complied with the above conditions.
- E. Carl Michael Rosang, ROWP, acknowledges and accepts that this Stipulated Order may be used as evidence against him in respect of any future complaints of a similar nature.



Carl Michael Rosang, ROWP

Date:

July 8/11



for the Practice Review Board of
the Applied Science Technologists
and Technicians of British
Columbia

Date: July 12, 2011