

## NOTIFICATION TO MEMBERS

### Decisions of the Disciplinary Committee Hearing Panel (DCHP)

#### **HEARING HELD DECEMBER 8, 2016**

In the Matter of a complaint against a member of the Association of Newfoundland Land Surveyors (ANLS) by a member of the public, on a Hearing that was held on December 8, 2016 with the Findings and Recommendations of the DCHP on Sanctions made to council pursuant to Section 47(3) of the Land Surveyors Act, 1991, S.N.L. 1991, Chapter 37, as amended, which was signed and dated September 13, 2017; the following is a summary of Sanctions recommended that Council Approve:

The DCHP recommend the following sanctions to be imposed by Council:

- 1) That the Member be fined \$1,500.00 and that he be ordered to pay the said fine within 30 days of the date of Council's decision in this matter;
- 2) That the Member pay none of the investigation costs but that he pay one third of the costs of the Hearing in December, 2016 and one third of the costs subsequently incurred to the time of Council's decision on February 22, 2017;

That any costs incurred since February 22, 2017 to date including the costs of the Sanctions Hearing in May, 2017 are to be paid by the Member to the extent of 100% of the said costs; and

- 3) That there be publication of this decision or a summary thereof in a newsletter circulated to the profession on a no name basis.

Council made a motion at the October 27, 2017 council meeting to accept the proposed disciplinary measures as presented in in these Findings. Notification and Invoice went via Registered Mail to the member on November 27, 2017.

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## **HEARING HELD AUGUST 18, 2017**

ANLS and the member filed an Agreed Statement of Facts with respect to the Complaint and the Hearing convened into the Complaint. The member has filed an Admission with respect to the Complaint and the Secretary-Treasurer of the Association and the Member have reached agreement on all matters relating to the Complaint, including appropriate proposed disciplinary measures, and made a Joint Submission to the Discipline Committee Hearing Panel (DCHP), to fully and expeditiously conclude all matters arising out of the Complaint, which was signed and dated August 17, 2017.

Proposed appropriate disciplinary measures are as follows:

- 1) The Member will receive a written reprimand from the Council of Management of the Association;
- 2) There will be a one-year period of monitoring of the practice of the Member, with three (3) office and/or site inspections to be conducted at the discretion of the Secretary Treasurer of the Association over the one-year period. The cost of these inspections shall be borne by the Member, and shall be paid within 30 days of their invoice respectively, or such further time as may be approved by Council;
- 3) The Member will pay one half the expenses incurred by the Association with respect to the investigation and hearing of the Complaint. Payment of these expenses will be made within 60 days of the Order of the Council, or such other time as may be set by the Council. Failure to pay the expenses as ordered by the Council may result in the suspension of the registration of the Member until the expenses are paid as ordered;
- 4) The Member will pay to the Association the amount of \$2196.72, representing one half of the amount due to the Association for 1728 markers that were not placed by the Member contrary to By-law 19, such amount to be paid within 30 days of the Order of the Council, or such other time as Council may approve.
- 5) There shall be publication of the decision of the Discipline Committee and Council in the Association Newsletter, on an unnamed basis.

Council made a motion at the October 27, 2017 council meeting to accept the proposed disciplinary measures as presented in in the Joint Submission and Invoice went via Registered Mail to the member on November 20, 2017.

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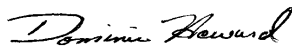
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Respectfully submitted,



Dominic Howard, NLS  
Secretary-Treasurer / Registrar  
Association of Newfoundland Land Surveyors

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