

Board of Professional Engineers v M

This was a disciplinary proceeding brought by the Board of Professional Engineers of Queensland (“**Board**”) against a registered professional engineer (deidentified to “**M**”) in the Commercial and Consumer Tribunal (“**Tribunal**”).

Disciplinary Ground

The Board alleged that M had behaved in a way that constituted unsatisfactory professional conduct by fabricating soil test reports to support his footing designs for a number of projects in a suburb of the Logan City area.

M’s Background

M was a registered professional engineer.

Conduct of M

In 2003, M fabricated soil test results for two lots to give the appearance that each site had been soil tested. He made copies of the test results from another lot and then changed the site address and plan on the report to match the address and topography of the subject lots.

M admitted to having altered a number of documents in a number of respects under the letterhead of a particular soil testing entity. In particular, M would order random testing over an area and then selectively apply test results to more than one lot. In preparing reports on the individual lots, M fabricated results to give the appearance that each site had been tested individually by making copies of the test result reports and changing the site address and plan on the report to suit the address and topography of additional lots.

What the Tribunal Said

The Tribunal found that it was M’s intention to give the impression to clients that M’s reports, and investigations upon which they were said to be based, were complete and supported by empirical data specific to the lots. The Tribunal further found that M had and intended to invoice clients for the fabricated soil test reports.

While the Tribunal did not find that there was any issue with the engineering conclusions represented in M’s reports, it was considered that M’s dishonesty amounted to unsatisfactory professional conduct.

In particular M’s conduct was held to be:

- of a lesser standard than that which might reasonably be expected of a registered professional engineer by the public or M’s professional peers;
- fraudulent and dishonest behaviour in the practise of engineering; and
- improper and unethical.

Consequences for M

The Tribunal ordered that M’s registration as an RPEQ be cancelled and imposed a monetary penalty.

The tribunal took into consideration, in arriving at the penalty that M would lose M’s main source of income and as such the relatively modest penalty was sufficient.