

IN THE MATTER OF ***THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT*** AND
IN THE MATTER OF AN INVESTIGATION RESPECTING **MR. BILAL MAHBOOB**

DECISION AND ORDER

MEMBERS OF THE HEARING PANEL:

Brian AuCoin, P.Eng. – Chair of the Hearing Panel

Stu Ritchie - Public Appointee

Trevor Chadwick, P.Eng.

Peter Jackson, P.Eng.

Jody Scammell, P.Eng.

COUNSEL FOR INVESTIGATION COMMITTEE:

Lyle Jones, LL.B.

COUNSEL FOR MEMBER:

none

COUNSEL FOR DISCIPLINE COMMITTEE:

Ron Pearson, P.Eng., J.D.

REPORT OF THE HEARING PANEL APPOINTED AND EMPOWERED BY THE DISCIPLINE COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF SASKATCHEWAN PURSUANT TO SECTIONS 33, 34, AND 35 OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT, CHAPTER E-9.3 of the Statutes of Saskatchewan, 1996 as amended (HEREIN REFERRED TO AS "THE ACT"), AND SECTION 22(4) OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS REGULATORY BYLAWS, 1997 as amended (HEREIN REFERRED TO AS "THE BYLAWS"), TO HOLD A HEARING INTO THE CONDUCT OF MR. BILAL MAHBOOB.

The Complaint

The following complaint was made by the Investigation Committee of the Association of Professional Engineers and Geoscientists of Saskatchewan (herein known as "*the Association*") with respect to the conduct of **Mr. Bilal Mahboob**.

Mr. Bilal Mahboob was formerly licensed as a professional engineer with the Association. His license to practice ceased on February 1, 2020 for non-payment of fees. Mr. Mahboob returned his engineer-in-training and professional engineer seals to the Association in January 2021 and he advised that he would not be renewing his membership and licence. **Mr. Mahboob** continues to be a member of the Association while under investigation.

Count 1:

Mr. Bilal Mahboob provided a forged transcript from the Allama Iqbal Open University, contrary to subsections 20(1)(d)(i) of ***The Act*** which requires an applicant to have successfully completed a bachelor level university program of study in engineering recognized by the Council.

Particulars

Mr. Bilal Mahboob was assigned two deficiencies in the "Basic Studies". On August 17, 2017, **Mr. Mahboob** emailed the Association staff to obtain approval to take two online courses at Allama Iqbal Open University to fulfill the assigned deficiencies. The courses were approved by a member of the Academic Review Committee on August 25, 2017. **Bilal Mahboob** sent the Association the "forged" transcript on October 17, 2017.

The Discipline Committee

At its meeting held on December 14, 2020, the Discipline Committee received a report from the Investigation Committee and appointed Brian AuCoin, P.Eng., Trevor Chadwick, P.Eng., Peter Jackson, P.Eng., Jody Scammell, P.Eng. and Stu Ritchie, Public Appointee to constitute a Hearing Panel to hear the complaints against Mr. Bilal Mahboob.

The Discipline Hearing

The Discipline Hearing was convened at 10:00 am on January 28, 2021 via Microsoft Teams electronic meeting.

The Investigation Committee was represented by **Lyle Jones, P.Eng., LL.B.** and **Chris Wimmer, P.Eng., FEC, FGC (Hon.)** APEGS Director, Professional Standards.

Mr. Bilal Mahboob was present in the Microsoft Teams meeting and was not represented by counsel. **Mr. Bilal Mahboob** was advised by the chair of the Hearing Panel that he had the right to be represented by counsel and **Mr. Bilal Mahboob** confirmed that he was ready to proceed, without counsel.

Counsel for the Investigation Committee established jurisdiction by filing proof that a Notice of Discipline Hearing, containing a formal complaint within the meaning of Section 32(3)(a) of the Act, attached as **Exhibit A**, had been forwarded to **Mr. Bilal Mahboob** pursuant to **The Act** and **The Bylaws**. Attendance at the Microsoft Teams hearing by **Mr. Mahboob** was further evidence of satisfactory service of the Notice of Discipline Hearing and formal complaint upon **Mr. Mahboob**.

Evidence Presented to the Hearing Panel

The following Exhibits were entered into evidence and are appended hereto:

- A. Notice of Hearing – forwarded to **Mr. Bilal Mahboob** on or about January 12, 2021.
- B. Email from **Mr. Bilal Mahboob** acknowledging receipt of the Notice of Hearing.
- C. Report to the Discipline Committee from the Investigation Committee dated December 2020, for file 33-19-05.
- D. Agreed Statement of Facts signed by **Bilal Mahboob** on January 12, 2021 and signed by Lyle Jones, P.Eng., LL.B., legal counsel for the Association Investigation Committee on January 28, 2021.

- E. Statement of **Bilal Mahboob** dated July 20, 2020.
- F. Mediation Report of Roger W. Linka dated November 18, 2020.
- G. Threshold Review Report of Lyle Jones, P.Eng., LL.B., Legal Counsel for the Investigation Committee, dated August 8, 2019.
- H. Written Complaint from the Chair of the Association's Academic Review Committee, dated August 1, 2019, including a copy of the forged transcript and other academic records for **Bilal Mahboob**.

The Agreed Statement of Facts contained an admission by the member of the conduct alleged for Count #1 and that such conduct constituted professional misconduct. The member also acknowledged in the Agreed Statement of Facts that he was informed of his right to legal counsel and that the admissions made were voluntary, informed and unequivocal. Due to the extremely serious nature of the complaint and the potential implications for the member, the Hearing Panel took extra care to ensure that Mr. **Bilal Mahboob clearly and unequivocally pleaded guilty**. Mr. **Bilal Mahboob clearly declared that he was guilty**.

The Hearing Panel considered the evidence entered by the parties to determine whether professional misconduct was proven within the meaning of ***The Act***.

Summary of Evidence as Determined by the Hearing Panel

The evidence available to the Discipline Hearing Panel was presented as Exhibits A through H. The evidence was clarified through questions directed to Counsel for the Investigation Committee and questions directed to Mr. **Bilal Mahboob**.

The Investigation Committee rested its case.

Bilal Mahboob was given additional opportunities to explain his circumstances to the Discipline Hearing Panel.

Findings of Fact

The Hearing Panel has made the following findings of fact:

1. A forged transcript was received by the Association which showed that **Mr. Bilal Mahboob** had successfully completed course work required to be admitted as a member of the Association;
2. That **Mr. Bilal Mahboob** was admitted as a member of the Association in reliance upon the above-described forged transcripts;

3. That the Association subsequently discovered that the transcripts were forged; and
4. That **Mr. Bilal Mahboob** knew that the transcripts were forged.

Applicable Law

Section 30 of **The Act** defines professional misconduct as follows:

"Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members;
- (b) it tends to harm the standing of the profession;
- (c) it is a breach of this Act or the Bylaws, or
- (d) it is a failure to comply with an order of the investigation committee, the discipline committee or council."

Further, Section 20(1) of **The Bylaws** states:

"All members and holders of temporary licenses shall recognize this code as a set of enduring principles guiding their conduct and way of life and shall conduct themselves in an honourable and ethical manner, upholding the values of truth, honesty and trustworthiness, and shall safeguard human life and welfare and the environment."

Decision

The Hearing Panel determined that **Bilal Mahboob** breached Section 20(1)(d)(i) of **The Act**, in that he failed to produce genuine evidence of successfully completing the educational requirements of **The Act**. **Bilal Mahboob** also breached Section 20(1) of **The Regulatory Bylaws** by failing to follow the enduring principles established in the Code of Ethics, in particular, he did not conduct himself in an honourable and ethical manner and he did not uphold the values of truth, honesty and trustworthiness.

The above breaches by **Bilal Mahboob** constituted professional misconduct as defined in Sections 30 of **The Act**, in that (a) his conduct was harmful to the best interests of the public and the members, (b) his conduct harmed the standing of the profession; and (c) his conduct was both a breach of **The Act** and **The Regulatory Bylaws**.

Disposition

Counsel for the Investigation Committee and **Bilal Mahboob** made separate submissions as to disposition to the Hearing Panel.

The Investigation Committee, in its' Submission as to Disposition cited Casey, *Regulation of Professions*, 2005 – Release 1, Section 14.2, Purposes of Sentencing, pages 14-5 to 14-9.

The Investigation Committee further cited Salte, *The Law of Professional Regulation*, 2015, Chapter 8.2, Penalty Principles, pages 233 to 246.

Bilal Mahboob made the following submissions as to disposition:

1. His expertise is in information technology and he has no knowledge of the law;
2. He talked about his family circumstances and the harm that this hearing will cause to his family;
3. He believes that he is a victim;
4. He believes that he is taking full responsibility;
5. He advised that he possessed no paper evidence and that it is not possible for him to obtain replacement copies;
6. He advised that he is not working as an engineer and therefore does not need professional engineer status;
7. He does not believe that he committed any professional misconduct;
8. He believes that he has good character;
9. He is willing to redo the courses;
10. He has surrendered his P.Eng. status and seals;
11. He asked the Hearing Panel to consider his credentials, a four-year engineering degree and a two-year master's degree.
12. He advised the panel that he respects ***The Act*** and ***The Bylaws*** of the Association, including the Code of Ethics of the Association;

In conclusion, **Bilal Mahboob** asked the Hearing Panel to consider the facts, be lenient and he advised that he trusts the judgment of the Hearing Panel.

The Hearing Panel wishes to make it clear that they carefully listened to the submission of **Bilal Mahboob** and that his submissions were considered as mitigating factors in determining the final disposition of this matter.

The Hearing Panel acknowledges that the fundamental principle for sentencing professional misconduct is the protection of the public.

The Hearing Panel also considered the following factors when determining its sentence:

- nature and gravity of the offence;
- risk to public safety;
- need to ensure the public's confidence in the integrity of the profession;
- advantage gained or to be gained by the member;
- effect on the victim;
- the number of times the offending conduct occurred;
- specific deterrence of the member from engaging in further misconduct;
- general deterrence of other members of the profession;
- rehabilitation of the offender;
- punishment of the offender;
- denunciation by society of the conduct; and
- range of sentences in other cases.

The Hearing Panel also considered mitigating circumstances:

- member's age and experience;
- family and personal circumstances;
- history of the member's professional conduct;
- member's acknowledgement of responsibility and steps taken to disclose and redress the wrong;
- previous service history of the member;
- effect on the member of sanctions; and
- effect of the proposed penalty on the member.

The Hearing Panel wishes to make it clear that it considers obtaining membership by providing forged documents to be an extremely serious form of professional misconduct. Such behaviour is corrosive to the high standards of integrity expected by the public of professional engineers and professional geoscientists.

Decision and Order

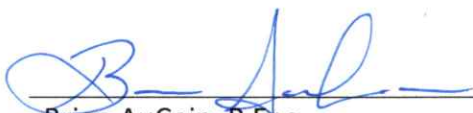
Having considered all the above, the Hearing Panel made the following orders:

1. That **Bilal Mahboob** is hereby reprimanded for professional misconduct;
2. That **Bilal Mahboob is hereby suspended from the Association** and he shall be ineligible to re-apply as a member of the Association for a period of three years from the date of this Decision and Order and membership shall be subject to the conditions described below:
 - a. That if **Bilal Mahboob** wishes to be reinstated with APEGS, he must reapply as an international graduate engineer-in-training,

- b. That **Bilal Mahboob** shall pay a fine of \$5,000, to be paid prior to registration as an engineer-in-training,
 - c. That **Bilal Mahboob**, shall pay costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the investigation committee and the discipline committee and costs of legal services. Costs shall be assessed to a maximum of \$10,000, of which 50% shall be paid by **Bilal Mahboob**, to be paid prior to registration as an engineer-in-training, and
 - d. That **Bilal Mahboob** satisfactorily completes all academic deficiencies identified by the APEGS Academic Review Committee at the time of his re-application as an international graduate engineer-in-training;
3. That as a condition of any application for registration with APEGS as a professional engineer, **Bilal Mahboob** completes four years of acceptable engineering work experience, commencing on the date of his future registration as an engineer-in-training and submits that work experience through the Competency-Based Assessment process;
 4. That as a condition of any application for registration with APEGS as a professional engineer, **Bilal Mahboob**, completes the APEGS Law & Ethics Seminar prior to writing and passing the Professional Practice Exam; and
 5. That the Decision & Order shall be published on the APEGS website and in *The Professional Edge*, with name.

Bilal Mahboob is reminded that, while not registered with APEGS, he may not use the title "engineer" in any form, nor imply that he is a professional engineer, as per Section 26 of ***The Act***.

Respectfully submitted and ordered on behalf of the Discipline Committee at Regina, Saskatchewan, Canada, this 8th day of February 2021.



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Chair, Hearing Panel



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Member, Hearing Panel

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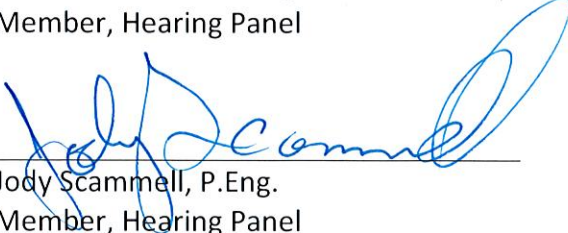
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