

Collusion and corruption: the Office of the Syndic of the Ordre des ingénieurs du Québec files disciplinary complaints against five engineers

Montreal, September 10, 2013 – The Ordre des ingénieurs du Québec is announcing today that the Office of the Syndic has completed some of its inquiries and will file disciplinary complaints against 5 engineers involved in corruption and collusion schemes. The engineers who will have to answer to their Disciplinary Council are Claudio Balliana, André Lebeuf, Luc Leclerc, Robert Marcil and Gilles P. Vézina. The complaints filed concern the engineers' violations of the Professional Code or the Code of Ethics of Engineers.

“The OIQ has committed to deploying the necessary means to ensure that thorough inquiries are carried out and that the engineers who have committed potentially reprehensible acts are judged by their Disciplinary Council. The complaints announced today show that the OIQ intends to respect its commitment to the public and its 60,000 members,” stated Daniel Lebel, Eng., FIC, PMP, President of the OIQ.

Most of the complaints announced today are connected to the Charbonneau Commission's activities. However, some complaints are related to exclusive information obtained by the Office of Syndic. In light of this information, complaints can be filed against engineers who were not associated with the testimonials heard by the Charbonneau Commission.

It should be noted that while the Office of the Syndic opens inquiries based on the testimonials heard by the Charbonneau Commission, it is not legally allowed to use their content before the Disciplinary Council. It has to conduct its own inquiry and gather its own evidence before it can file a complaint.

This is a complex task for the Office of the Syndic. It is currently conducting around one hundred other inquiries in connection with the collusion and corruption schemes. There are also approximately 350 active inquiries involving cases of illegal political contributions.

“Like the public and OIQ members, we hope the penalties imposed on the professionals who violated their Code of Ethics or the Professional Code send a message and are proportional to the acts they committed and the harm they have caused society as a whole,” explained Mr. Lebel. It should be noted that the Disciplinary Council is responsible for determining the penalties that will be imposed on the engineers who are found guilty.

Next step: the Disciplinary Council

The dates of the hearings for the complaints announced today will be made public on the [OIQ's Disciplinary Council hearing roll](#).

The Disciplinary Council has 15 members: the Chair, an attorney designated by the Québec government, and 14 engineers appointed by the Board of Directors of the OIQ. When a hearing is held, three people examine the complaint: the Chair of the Disciplinary Council and two engineers. All hearings are public.

Applicable penalties

The penalties that will be imposed are set out in the Professional Code and may include permanently striking an engineer's name from the roll or revoking his or her permit.

Except in the case of an acquittal, the decisions of the Disciplinary Council concerning the complaints announced today will be made [available on the OIQ's Web site](#). Furthermore, these decisions may be appealed with the Professions Tribunal or subjected to judicial review.

Prevention

Parallel to the inquiries that it conducts, the Office of the Syndic team has developed prevention measures aimed at members and the general public, such as the 1 877 ÉTHIQUE hotline, which was set up to answer questions about ethics and professional conduct from engineers, their clients and the general public.

This hotline handled over 1,100 calls in 2012-2013, and some of them led to the opening of disciplinary inquiries.

About the Ordre des ingénieurs du Québec

Founded in 1920, the Ordre des ingénieurs du Québec has a membership of more than 60,000 engineering professionals in all fields, except forest engineering. The mission of the OIQ is to ensure the protection of the public by supervising the practice of the profession within the framework of its constituent laws and ensure that the profession serves the public interest. For more information, go to the Web site <http://www.oiq.qc.ca>.

-30-

Interested parties can find more information about [all the steps in the disciplinary process](#) on the OIQ's Web site.

Information:

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Appendix: Names of the engineers charged and their alleged offences

Engineer	Registration on the Membership Roll	Offences <i>(Note: the applicable sections are cited after the table)</i>
Robert Marcil (member no. 45475)	1990-05-02	<p>Charge 1: Violation of section 3.05.03 of the <i>Code of Ethics of Engineers</i></p> <p>Charge 2: Violation of section 3.02.01 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 3: Violation of section 3.05.02 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p>
Luc Leclerc (member no. 24611)	1974-05-01	<p>Charge 1: Violation of sections 3.02.01 and 3.02.08 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 2: Violation of sections 3.02.01 and 3.02.08 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 3: Violation of section 3.05.02 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 4: Violation of section 3.05.03 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 5: Violation of sections 3.02.01 and 3.05.02 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 6: Violation of section 4.01.01 g) of the <i>Code of Ethics of Engineers</i></p> <p>Charge 7: Violation of section 3.05.01 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p>

Gilles P. Vézina (member no. 13942)	1962-05-18	<p>Charge 1: Violation of section 3.05.02 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 2: Violation of section 3.02.04 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 3: Violation of section 3.02.08 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 4: Violation of section 3.05.02 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p>
Claudio Balliana (member no. 39512)	1987-01-03	<p>Charge 1: Violation of sections 3.02.01 and 3.02.08 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 2: Violation of section 3.05.02 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 3: Violation of section 3.05.03 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p> <p>Charge 4: Violation of section 3.02.08 of the <i>Code of Ethics of Engineers</i> and section 59.2 of the <i>Professional Code</i></p>
André Lebeuf (member no. 39865)	1985-04-01	<p>Charge 1: Violation of section 149.1 of the <i>Professional Code</i></p> <p>Charge 2: Violation of section 59.3 of the <i>Professional Code</i></p>

Professional Code (R.S.Q., c. C-36):

59.2. No professional may engage in an act derogatory to the honour or dignity of his profession or to the discipline of the members of the order, or practise a profession, carry on a trade, enterprise or business or hold an office or function that is inconsistent with the honour, dignity or practice of his profession.

59.3. A professional must, within 10 days from the day on which he is himself informed, notify the secretary of the order of which he is a member that he is or has been the subject of a judicial or disciplinary decision referred to in section 55.1 or 55.2.

149.1. A syndic may, by way of a complaint, seize the disciplinary council:

- (1) of any decision of a Canadian court finding a professional guilty of a criminal offence;
- (2) of any decision made in Québec finding a professional guilty of an offence under section 188 or of an offence under a provision of a Québec or a federal Act; or
- (3) of any decision made outside Québec finding a professional guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act.

The decision referred to in the first paragraph must, in the opinion of the syndic, be related to the practice of the profession.

A certified copy of the judicial decision is proof before the disciplinary council that the offence was committed and that any facts reported in the decision are true. The disciplinary council then imposes on the professional, where expedient, one or more of the sanctions prescribed by section 156.

Code of Ethics of Engineers (R.R.Q. 1981, c. I-9, r.6):

3.02.01. An engineer must fulfill his professional obligations with integrity.

3.02.04. An engineer must refrain from expressing or giving contradictory or incomplete opinions or advice, and from presenting or using plans, specifications and other documents which he knows to be ambiguous or which are not sufficiently explicit.

3.02.08. An engineer shall not resort nor lend himself to nor tolerate dishonest or doubtful practices in the performance of his professional activities.

3.05.01. An engineer must, in the practice of his profession, subordinate his personal interest to that of his client.

3.05.02. Any engineer must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

Without restricting the generality of the foregoing, an engineer shall not accept, directly or indirectly, any benefit or rebate in money or otherwise from a supplier of goods or services relative to engineering work which he performs for the account of a client.

3.05.03. An engineer must safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest.

4.01.01. In addition to those mentioned in sections 57 and 58 of the Professional Code (chapter C-26), the following acts are derogatory to the dignity of the profession:

(...)

g) not notifying the syndic without delay if he believes that an engineer infringes this Regulation.