



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT*
S.B.C. 2018, C. 47

AND

IN THE MATTER OF A CONSENT ORDER BETWEEN:

DENNIS MAGUIRE ARCHITECT AIBC

AND

THE ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

CONSENT ORDER

The *Professional Governance Act* (“PGA”) authorizes the AIBC to propose resolution by consent order on matters that may otherwise be dealt with at a discipline hearing. Section 73 of the *PGA* and current AIBC Bylaws 7.16 through 7.20 provide the specific processes and procedures by which the AIBC and a registrant may reach agreement.

1.0 BACKGROUND AND AGREED FACTS

- 1.1 The parties agree that the relevant facts and circumstances leading to the investigation and this consent order (the “Order”) are set out below.

A. Overview

- 1.2 This matter began as a potential complaint regarding Dennis Maguire Architect AIBC, with respect to the provision of architectural services at the following locations in British Columbia:
- a. Prospect Street, Pemberton (“Project 1”);
 - b. Crabapple Court, Pemberton (“Project 2”);
 - c. Ebbtide Street, Sechelt (“Project 3”); and
 - d. Nancy Greene Drive, Whistler (“Project 4”)
- (together the “Projects”).
- 1.3 Following its review of Mr. Maguire’s response to the potential complaint, the AIBC’s Investigations Committee (the “Committee”) initiated a complaint against him in accordance with AIBC Bylaw 37.16(c).
- 1.4 On February 10, 2023, the AIBC transitioned to the authority of the *Professional Governance Act*, (“PGA”) which replaced the repealed *Architects Act*, R.S.B.C. 1996, c. 17 (the “Act”). While the former *Act* and the AIBC Bylaws (March 25, 2021) made under the *Act* are no longer in force, the *Architects Regulation* permits their continuance in cases where complaints and investigations were initiated before the transition, such as in this matter.
- 1.5 Following its investigation, the Committee recommended the matter proceed to a disciplinary inquiry for consideration of whether the respondent breached certain sections of the *Act*, the AIBC Bylaws made under the *Act*, and the applicable council rulings in the Code of Ethics and Professional Conduct effective March 25, 2021 (the “Code of Ethics”).
- 1.6 Following this determination, the Committee exhausted its powers and function under the *Act*.
- 1.7 The file was then referred to the new *PGA* Investigation Committee who followed the discipline process prescribed under the *PGA* and the current AIBC Bylaws.
- 1.8 The newly established *PGA* Investigation Committee has broader powers and functions than the previous Committee, including determining discipline resolutions which were not available under the *Act*.
- 1.9 Following a review of the file, the *PGA* Investigation Committee proposed this Order as a resolution to the matter.

B. Dennis Maguire

- 1.10 Mr. Maguire was first registered as an architect with the AIBC on July 1, 1985, and has maintained his registration since that time.
- 1.11 Mr. Maguire practices architecture in British Columbia through Dennis Maguire Architect Inc. (the “Firm”), a corporation that holds a certificate of practice.

C. The Information Request/Complaint

- 1.12 The AIBC received copies of drawings submitted to various local authorities in support of rezoning, development permit and building permit applications with respect to the Projects. The Projects’ drawings identified Mr. Maguire in the title block but did not display his seal.
- 1.13 The file was opened as a potential complaint, pursuant to AIBC Bylaw 37.2, and the AIBC informed Mr. Maguire of the concerns and requested his response.
- 1.14 At its December 2022 meeting, the Committee considered Mr. Maguire’s response to the potential complaint. The Committee reviewed the materials and determined there was sufficient basis to initiate a complaint for investigation against Mr. Maguire in accordance with AIBC Bylaw 37.16(c).

D. The Investigation/Agreed Facts

- 1.15 The investigation involved a review of the material submitted to the local authorities for the Projects and Mr. Maguire’s response to the potential complaint, as well as his response to subsequent questions asked by the Committee. Mr. Maguire also attended an interview with the Committee.
- 1.16 The facts in paragraphs 1.17 – 1.26 below are based on materials reviewed during the investigation and agreed to by Mr. Maguire and the *PGA* Investigation Committee.
- 1.17 In response to the potential complaint, Mr. Maguire expressed his surprise at receiving AIBC’s letter and found it strange that he was questioned about his professionalism at this stage of his career. The response also stated that he assumed the AIBC had changed the normal standards of practice and was enforcing them after the fact without warning, or that someone was trying to damage his reputation.
- 1.18 Mr. Maguire stated that his seal was not applied to Project 1’s drawings because, at that time, the authority having jurisdiction did not require it for a development permit application. He stated this might have been a temporary Covid provision, but it was the local authority’s policy when he made the application.
- 1.19 With respect to Project 2, Mr. Maguire’s response was that he did not apply a seal on the development permit drawings because the local authority did not require them on development permit applications, and interim design drawings had been sent to them.
- 1.20 With respect to Project 3, Mr. Maguire stated he did not apply his seal on the rezoning drawings because the local authority did not require sealed drawings for rezoning.

- 1.21 Mr. Maguire stated that he has sealed all the Projects' building permit application materials, or intends to seal them when they are ready.
- 1.22 On December 20, 2022, the Committee directed that a complaint for investigation be initiated against Mr. Maguire.
- 1.23 In reply to the notice of complaint, Mr. Maguire questioned why the AIBC was continuing with the complaint and investigation after the explanation he had already provided.
- 1.24 His reply also stated that his last communication provided a detailed explanation of why he had not sealed certain development permit applications, and stated that everything had been carried out as required by the local authorities having jurisdiction, especially in the context of Covid restrictions. He stated that the AIBC was wasting both its time and his time.
- 1.25 During his interview, Mr. Maguire stated that he was not aware that it was an AIBC requirement that all official submissions to local authorities had to be sealed regardless of what the local authority required.
- 1.26 Following its review of the material gathered during the investigation, the Committee determined to refer this matter to discipline, effectively exhausting its powers and function under the Act.
- 1.27 The matter, now in the discipline stage, was referred to the *PGA* Investigation Committee for consideration.
- 1.28 Following a review of the file, the *PGA* Investigation Committee proposed this Order as a resolution to the matter.

E. Relevant Professional Standards

- 1.29 Under the former *Act* the AIBC Bylaws established the underlying principles, values, standards and rules of behaviour for registrants. These Bylaws were supplemented by council rulings which were binding rules that elaborated on the Bylaws' fundamental statements.
- 1.30 AIBC's Bulletins provide specific information and guidance to registrants about the professional standards and practice expectations related to the standards for the profession.
- 1.31 Section 77 of the *Act*, AIBC Bylaw 34.2, and the practice information in AIBC Bulletins 60 and 61 are relevant to the complaint about Mr. Maguire.
- 1.32 Section 77 of the *Act* states:

Architect's seal

- 77 (1) An architect must apply a seal, with signature and date, to letters of assurance, certificates, drawings and specifications prepared by or under the architect's supervision, direction or control if the architect practices architecture
- (a) as a member of the institute holding a current certificate of practice,

- (b) as a sole proprietor or partner of an architectural firm, or
- (c) on behalf of an architectural corporation as a continuing employee or shareholder of the corporation.

1.33 The relevant AIBC Bylaws in the Code of Ethics states:

Bylaw 34.2 An Architect shall seal the architect's work in accordance with the requirements of the Architects Act of British Columbia and the Bylaws and Council rulings.

1.34 Practice information relevant to the professional standards articulated in AIBC Bulletin 60 states:

1.0 Background and Authority

...

1.6 Applying an image (picture) of an architect's professional seal and signature is not the same as digitally signing and sealing that document with a digital certificate. An image alone of a seal is not secure, and any such document is vulnerable to being seamlessly modified by others without the issuing architect's knowledge. It is fundamental to the protection of the public that the architectural seal applied by the architect is secure, i.e. that i[t] can be reasonably relied upon as being accurate and not having been tampered with. **For electronically transmitted documents, the only acceptable means of signing and sealing is with the AIBC Digital Signature "digital certificate".**

1.35 Practice information relevant to the relevant professional standards articulated in AIBC Bulletin 61 states:

2.0 Definition of seal

2.1 "Seal" is the word used in the *Architects Act* and AIBC documents. It is used to refer to either the traditional embossed seal or the inked 'stamp', as well as the use of an electronic seal (see AIBC Bulletin 60). Descriptions in this bulletin relating to "sealing" documents are shorthand and include the expectation, discussed in more detail below, that the application of an architect's seal will include the architect's signature and date.

...

4.0 Practical Use of a Seal

...

Documents and Instruments of Service that Must be Sealed

4.2 Section 77(1) of the *Architects Act* establishes the documents that require the application of a seal by the architect who prepared them or who provided supervision, direction or control of their preparation. **Note that it is not relevant to an architect's statutory and professional**

conduct obligations whether an authority (or client) has a seal requirement or expectation that differs from the obligations outlined below. For example, it is not acceptable to dispense with the sealing requirements merely because, for example, a particular authority does not require development permit drawings to be sealed, whether that “requirement” derives from advice, policy or customary practice. The proper use of an architect’s seal is a matter for the *Architects Act* and AIBC professional standards such as Bylaw 34.2, Council rulings thereto and this bulletin, not expectations established by local governments, clients or third parties.

4.3 The following document must be sealed:

...

Drawings

All drawings issued by an architect for approval by an authority or for reliance by a client or third party, including the general public, must be sealed. This includes drawings submitted for rezoning, development permit (including such processes as “development permission”, “preliminary plan approval”, etc.), design panel review, community presentation, building permit, tender, construction (working) drawings, addenda and drawings accompanying change orders, change directives and site instructions. Drawings submitted for amendments to applications must also be sealed.

The requirement for sealing “drawings” under the *Architects Act* is not limited to building permit drawings. The requirement for sealing drawings is not defined by the BC *Building Code* or an authority’s practice, expectations or guidelines.

2.0 ADMISSIONS

2.1 Considering the facts agreed to above, Mr. Maguire acknowledges and admits that he contravened:

- 2.1.1 section 77(1) of the *Act* and AIBC Bylaw 34.2, as supplemented in AIBC Bulletin 61 by failing to seal the architectural drawings issued for rezoning and development for the Projects submitted to local authorities.

3.0 PENALTY ORDER

3.1 The following penalty and terms have been agreed upon by Mr. Maguire and the AIBC:

- 3.1.1 A reprimand will be recorded against Dennis Maguire Architect AIBC;
- 3.1.2 Mr. Maguire is required to pay a fine in the amount of \$3,000 to the AIBC, within 30 days after this Order has been executed; and
- 3.1.3 Mr. Maguire is required to attend and complete the AIBC’s “Professional Practice Standards and Ethics” online course at his expense, within 90 days after this Order has been executed.

The Director of Professional Conduct and Illegal Practice is authorized to provide a reasonable extension, upon request by Mr. Maguire, if he is unable to complete the course by the prescribed date due to extenuating circumstances.

- 3.2 Mr. Maguire acknowledges and agrees that failure to complete the requirement in paragraphs 3.1.2 or 3.1.3 above within the time specified will result in his suspension from the register of the AIBC.
- 3.3 Mr. Maguire acknowledges and agrees that if he is suspended from the register for failure to complete any of the requirements of this Order, he must do the following within 10 days of being advised in writing by the AIBC of his suspension from the register:
- 3.3.1 Return his professional seal to the AIBC, and if applicable, his digital seal as required by his agreement with Notarius, the Canadian company authorized to issue digital seals to British Columbia architects;
 - 3.3.2 Return the Firm's certificate of practice to the AIBC;
 - 3.3.3 Return any project site signs under the Firm name to the AIBC; and
 - 3.3.4 Provide the AIBC with a letter of undertaking confirming that he has:
 - a) concluded all architectural business operations through the Firm;
 - b) assigned, with client consent, any ongoing projects under his name to another architect or architectural firm holding a current certificate of practice. In this portion of the undertaking letter, Mr. Maguire is to provide the project owner's name, project name and location and the name of the architect or architectural firm assuming responsibility for the project. This list must include all projects undertaken which are not completed;
 - c) informed the appropriate officials and authorities having jurisdiction, in writing, of his or the Firm's status on any projects submitted for municipal approval as a development permit application, building permit application, subdivision application or any other municipal process. Such notification letters must be copied to the AIBC; and
 - d) confirmed that he will not refer to himself as an architect and that he will not practise architecture or offer to provide architectural services as defined by the *Professional Governance Act* and the *Architects Regulation*, until such time as he has been returned to the AIBC register.
- 3.4 Mr. Maguire acknowledges and agrees that if he is suspended from the register for failure to complete the requirements of this Order, or if he resigns from the register prior to completing all requirements, he may not apply for reinstatement until he has done so. Upon completion of all outstanding requirements, he may apply for reinstatement and will be subject to all applicable fees and requirements for reinstatement.

4.0 COSTS

- 4.1 Mr. Maguire agrees to pay costs for this consent order, fixed at an amount of \$1,500, payable to the AIBC within 30 days after this Order has been executed.
- 4.2 The parties acknowledge that costs are not intended as a punitive measure reflecting the conduct that is the subject of this Order. The assessment of costs against Mr. Maguire is an acknowledgement of the AIBC's partial costs resulting from the consent order process, and is separate from the agreed-upon penalty.
- 4.3 The parties have referred to the AIBC Bylaws: Schedule S: Costs Administrative Guidelines in agreeing on the amount of costs.

5.0 PUBLICATION

- 5.1 This Order, including the attached penalty schedule, must be published by the AIBC on its website, pursuant to Section 73 of the *PGA* and current Bylaw 8.15, and distributed to all registrants of the AIBC, in a manner that the AIBC deems fit in the public interest.
- 5.2 An explanatory notation of and/or a link to this Order will also be included in the AIBC register pursuant to Bylaw 8.5.8.
- 5.3 In the event Mr. Maguire is suspended from the register for non-compliance with this Order, the AIBC will notify the public, registrants, and other interested parties where appropriate.

6.0 ACKNOWLEDGEMENT

This Order may be executed and delivered in one or more counterparts, whether by facsimile transmission or other electronic means, with the same effect as if all parties had signed and delivered the same document and all counterparts.

Dennis Maguire acknowledges that he has been given adequate opportunity to seek legal or other professional advice with respect to the negotiation, execution and consequences of this Order and has taken such advice or freely elected not to do so.

The facts and terms of this Consent Order are acknowledged and agreed to by Dennis Maguire Architect AIBC and the Investigation Committee. The Order was signed on September 11, 2024.

SCHEDULE – REASONS FOR PENALTY

TO

CONSENT ORDER

BETWEEN

DENNIS MAGUIRE ARCHITECT AIBC

AND

THE ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

1.0 REASONS FOR PENALTY

- 1.1 Dennis Maguire Architect AIBC and the AIBC agree that, in light of the agreed facts and admissions, the proposed penalty is proportionate, fair, and consistent with the public interest. A detailed analysis follows.

A. The Public Interest and Principles of Sentencing (Sanctions)

- 1.2 Pursuant to Section 73 of the *PGA*, the *PGA* Investigation Committee may, before the commencement of the discipline hearing, propose, in writing, to the person who is the subject of an investigation that a consent order be made for the voluntary resolution of one or more matters that may otherwise be dealt with at the discipline hearing. Under current Bylaw 7.17, the *PGA* Investigation Committee makes a final determination as to whether all terms of the consent order have been satisfied.
- 1.3 The role of a reviewing panel was discussed in *Law Society of BC v. Rai*, 2011 LSBC 2. In that case, a panel was considering an agreement between a lawyer and the regulator on agreed facts and discipline action. The panel conducted an analysis of its role in determining whether to accept the agreement as proposed. The discussion in that case is relevant to the AIBC's process. The panel stated:

[6] This proceeding operates (in part) under Rule 4-22 of the Law Society Rules. That provision allows for the Discipline Committee of the Law Society and the Respondent to agree that professional misconduct took place and agree to a specific disciplinary action, including costs. This provision is to facilitate settlements, by providing a degree of certainty. However, the conditional admission provisions have a safeguard. The proposed admission and disciplinary action do not take effect until they are “accepted” by a hearing panel.

[7] The Panel must be satisfied that the proposed admission on the substantive matter is appropriate. In most cases, this will not be a problem. The Panel must also be satisfied that the proposed disciplinary action is “acceptable”. What does that mean? This Panel believes that a

disciplinary action is acceptable if it is within the range of a fair and reasonable disciplinary action in all the circumstances. The Panel thus has a limited role. The question the Panel has to ask itself is, not whether it would have imposed exactly the same disciplinary action, but rather, “Is the proposed disciplinary action within the range of a fair and reasonable disciplinary action?”

[8] This approach... protects the public by ensuring that the proposed disciplinary action is within the range of fair and reasonable disciplinary actions. In other words, a degree of deference should be given to the parties to craft a disciplinary action. However, if the disciplinary action is outside of the range of what is fair and reasonable in the circumstances, then the Panel should reject the proposed disciplinary action in the public interest.

[Emphasis added]

- 1.4 As stated above in *Rai*, it is important to note that there will be a *range* of fair and reasonable outcomes in any particular file. The complexity of sentencing does not admit to only one appropriate outcome.
- 1.5 This principle was well-articulated in the case of *Peet v. The Law Society of Saskatchewan*, 2014 SKCA 109 where the Chief Justice wrote for a unanimous panel of the Court of Appeal:

[84] All of this is significant because sentencing of any sort, including sentencing for professional misconduct, is a difficult business. There is no single “right answer”. This is so because the sentencing authority must consider, balance, and reconcile a number of different considerations...
- 1.6 The parties submit that the penalty proposed in this case appropriately balances the mitigating and aggravating factors, and is consistent with previous decisions and the public interest in professional discipline matters.

B. *Ogilvie* Factors

- 1.7 In determining an appropriate penalty, professional regulatory bodies in British Columbia have often referred to the factors considered in the case of *Law Society of British Columbia v. Ogilvie* [1999] LSBC 17 (known as the “*Ogilvie* Factors”).
- 1.8 This involves an assessment of whether the *Ogilvie* Factors apply and if so, whether they are aggravating or mitigating. The *Ogilvie* Factors include the following:
 - (a) the nature and gravity of the conduct proven [or admitted];
 - (b) the age and experience of the respondent;
 - (c) the previous character of the respondent, including details of prior discipline;
 - (d) the impact upon the victim;
 - (e) the advantage gained, or to be gained, by the respondent;
 - (f) the number of times the offending conduct occurred;

- (g) whether the respondent has acknowledged the misconduct and taken steps to disclose and redress the wrong and the presence or absence of other mitigating circumstances;
 - (h) the possibility of remediating or rehabilitating the respondent;
 - (i) the impact upon the respondent of criminal or other sanctions or penalties;
 - (j) the impact of the proposed penalty on the respondent;
 - (k) the need for specific and general deterrence;
 - (l) the need to ensure the public's confidence in the integrity of the profession; and
 - (m) the range of penalties in similar cases.
- 1.9 The *Ogilvie* Factors were subsequently consolidated and streamlined in the case of *Edward Dent (Re)*, 2016 LSBC 5. In that case, the hearing panel acknowledged that the *Ogilvie* Factors are not all applicable in every case, and will overlap in many cases.
- 1.10 The panel in *Dent* consolidated the *Ogilvie* Factors into four broad categories:
- (a) Nature, gravity and consequences of conduct;
 - (b) Character and professional conduct record of the respondent;
 - (c) Acknowledgment of the misconduct and remedial action; and
 - (d) Public confidence in the profession, including public confidence in the disciplinary process.
- 1.11 Since the decision was issued in *Dent*, the consolidated framework (informed by the complete list from *Ogilvie*) has become the preferred approach in Law Society disciplinary proceedings. However, the jurisprudence acknowledges that the simplified approach may not be appropriate in every case. For example, the Law Society returned to the full *Ogilvie* analysis in a case that was “very difficult” [and] “unlike any previous discipline hearing”: *Sabota (Re)*, 2017 LSBC 18.
- 1.12 The parties agree that the consolidated *Ogilvie* Factors are appropriate in this case. They are reviewed in detail below.

(a) The nature, gravity and consequences of the conduct

- 1.13 Mr. Maguire failed to apply his seal to development permit and rezoning drawings for the Projects that were submitted to local authorities for the purpose of obtaining permits. This is a reasonably serious matter.
- 1.14 The requirement for an architect's seal on architectural drawings is established in the *Act* and the AIBC Bylaws. An architect's seal is a representation to the public that an architect has prepared or supervised the preparation of the document it is applied to, and is responsible for the contents. It is only to be applied in the manner prescribed.
- 1.15 It is not relevant to an architect's statutory and professional conduct obligations that an authority having jurisdiction has a seal requirement that differs from the obligations required by the regulator of the profession. The proper use of an architect's seal is a matter for the AIBC's professional standards and not expectations established by local authorities.

(b) Character and professional conduct record of the respondent

- 1.16 Mr. Maguire is 77 years old. He has been registered as an architect with the AIBC since July 1, 1985.
- 1.17 Mr. Maguire does not have a professional conduct record with the AIBC, which is a neutral factor.

(c) Acknowledgement of the misconduct and remedial action

- 1.18 Although indignant about the basis for the complaint and investigation into this matter, Mr. Maguire has been cooperative and candid in the course of the investigation and forthcoming with information.
- 1.19 After the complaint was brought to Mr. Maguire's attention, he stated that he was unaware of his professional obligation to seal official submissions to local authorities. However, as an experienced and senior architect, there is an expectation that Mr. Maguire would have been more fully informed with professional standards and bylaw requirements regarding the fundamental aspects of providing architectural services.
- 1.20 Mr. Maguire's position that a newly registered architect with the AIBC would likely be more familiar with this requirement since they had recently taken the relevant courses and that more senior registrants like himself ought to have been contacted by the AIBC instead of having the matter proceed under the professional conduct process, is untenable. The AIBC follows the same process and procedures for all its registrants and to proceed otherwise is contrary to its legislation and the principles of professional regulation.
- 1.21 Mr. Maguire's participation in the complaint, investigation, and discipline process suggests that the concerns arising in this matter have been brought to his attention in a meaningful way.
- 1.22 His acknowledgment is a mitigating factor.

(d) Public confidence in the profession, including public confidence in the disciplinary process

- 1.23 This involves an analysis of whether there is sufficient specific or general deterrence in the proposed disciplinary action, whether the proposed disciplinary action upholds the public's confidence in the AIBC's ability to regulate its members in the public interest, and whether the proposed disciplinary action is appropriate when compared to similar cases.
- 1.24 'Specific deterrence' means deterring the respondent from repeating the conduct in question. In this case, Mr. Maguire has engaged in a meaningful exchange with the AIBC to gain an understanding of the issues resulting in this Order; and the parties are of the view that the combination of the investigation and discipline process, and the penalty, should deter the respondent from non-compliance in the future.
- 1.25 'General deterrence' is a sentencing objective promoting reduction of improper conduct in the community by the example, message, or influence established by the penalty in the present matter.

The proposed penalties in this Order will serve to caution and remind registrants of the importance of compliance with the *PGA* and the current AIBC Bylaws.

- 1.26 The public has the right to expect that registrants will know and comply with all applicable professional standards. The public also has the right to expect that the AIBC will address instances of misconduct by its registrants through a process that is fair, proportionate, and consistent.
- 1.27 While no two files are identical, the following AIBC precedent demonstrates the penalties and sanctions that have been imposed in a file where similar conduct was at issue. The files which are most similar to the one at hand is summarized below.

Seal issues

- 1.28 In AIBC File 22.02, the architect applied an image of his seal to Project drawings that were submitted to a local authority. The matter was resolved by consensual resolution with the following penalty: a reprimand, \$2,000 fine, completion of the “Ethics, Act and Bylaws’ course.
- 1.29 In AIBC File 21.27, the architect failed to apply his seal, signature and date to a project’s rezoning application that was submitted to a local authority. Additional charges included using the original architectural firm’s documents without authorization and failing to provide project attribution. The matter was resolved by consensual resolution with the following penalty: a reprimand, \$5,000 fine, and completion of the AIBC’s ‘Ethics, Act, and Bylaws’ course.
- 1.30 In AIBC File 20.03, the architect failed to apply his seal to drawings that were prepared by him or under his supervision, and such drawings were issued for a development permit application. An additional charge included the architect’s failure to attend a formal presentation before the City of Victoria Design Panel and permitting a staff member, who was not an architect, to make a presentation in his absence. The complaint was resolved by consensual resolution agreement with the following penalty: a reprimand, \$2,000 fine, and completion of the AIBC’s ‘Ethics, Act, and Bylaws’ course.
- 1.31 In AIBC File 18.14 the architect failed to apply his seal to drawings and allowed a person not registered with the AIBC to practise architecture. He was a long-standing registrant and incorrectly believed an architect was not required for the project. The matter was resolved by consensual resolution agreement with the following penalty: a reprimand, \$3,500 fine, and completion of the AIBC’s ‘Ethics, Act, and Bylaws’ course.
- 1.32 In AIBC File 18.11, the architect submitted unsealed drawings to the local authority as part of a development permit application. He also admitted to permitting a staff member who was not an architect, make a presentation to the local authority’s design panel without a supervising architect in attendance. The matter was resolved by consensual resolution agreement with the following penalty: a reprimand, \$2,000 fine, and completion of the AIBC’s ‘Ethics, Act, and Bylaws’ course.
- 1.33 The above files demonstrate that the failure to apply a seal to drawings that are to be relied upon by an authority having jurisdiction or even incorrect application of a seal to drawings is a serious regulatory matter.

- 1.34 A higher penalty has been imposed in Mr. Maguire's case in light of the number of projects for which drawings were submitted for reliance to different local authorities without a seal, over a number of years by an experienced registrant of the profession, notwithstanding the fact that he was unaware of the AIBC's professional standards or Bulletins 60 and 61.
- 1.35 As noted in *Peet* above, there will rarely, if ever, be only one single appropriate outcome in a professional disciplinary file.
- 1.36 Based on the case above, and upon a careful review of the consolidated *Ogilvie* Factors, the proposed penalty is consistent with the range of sanctions that have been imposed for similar conduct in the past.

2.0 PUBLICATION

- 2.1 This Order will be published as required by the *PGA* and the current AIBC Bylaws, including website publication, distribution to registrants of the AIBC, and inclusion on the register.
- 2.2 Publication helps fulfill the important transparency expectation that the public has of professional regulators and enhances the public's confidence in the integrity of the profession as a self-regulated entity. Publication to registrants acts as a further deterrent and as an educational message with respect to ethical and professional conduct matters.

3.0 ACKNOWLEDGEMENT

This Schedule may be executed and delivered in one or more counterparts, whether by facsimile transmission or other electronic means, with the same effect as if all parties had signed and delivered the same document and all counterparts.

Dennis Maguire acknowledges that he has been given adequate opportunity to seek legal or other professional advice with respect to the negotiation, execution and consequences of this Schedule and has taken such advice or freely elected not to do so.

The facts and terms of this Schedule – Reasons for Penalty to Consent Order are acknowledged and agreed to by Dennis Maguire Architect AIBC and the Investigation Committee.

For further information on the AIBC's discipline process, please contact the Professional Conduct and Illegal Practice department at complaints@aibc.ca.