

**DISCIPLINE COMMITTEE OF THE
ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO**

IN THE MATTER OF THE COMPLAINT of
_____, of the Ontario
Ministry of the Environment, in respect of
Alexander Bradley Bowman, P.Geo.

DISCIPLINARY PANEL:) HEARD ON THURSDAY THE 29th DAY
WAYNE CASTON, P.Geo.) OF OCTOBER, 2015
STEVE USHER, P.Geo. (Panel Chair))
DONALD B. JOHNSTON, public member)

B E T W E E N :

ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO,

Association

- and -

ALEXANDER BRADLEY BOWMAN, P.Geo.,

Member

DECISION AND REASONS FOR DECISION

THIS IS A DISCIPLINE HEARING initiated by the Association in response to the complaint of _____, of the Ministry of the Environment (as it was then called) office in Sudbury, Ontario ("Complainant"), in respect of the behaviour of the Member.

IT WAS ALLEGED by the Association that the Member is guilty of professional misconduct as defined in the *Professional Geoscientists Act 2000* and Ontario Regulation 258/02.

A HEARING before this Tribunal concerning the allegation was held on October 29, 2015 at Victory Verbatim, 222 Bay Street, Toronto, Ontario, at 10 a.m. or thereabouts.

ON HEARING the viva voce testimony of Mr. Ron Paolin, an employee of the Ministry of the Environment in the same office as the Complainant, and on reading Exhibits 1 through 5, inclusive, and on hearing the argument of Richard Steinecke, counsel for the Association, the

Member having waived in writing his right to be present at the hearing after having been properly served as appears from the affidavits of service, filed herein,

1. **THIS TRIBUNAL** finds that the Member breached the Code of Ethics enacted as O.Reg. 60/01, and in particular ss. 5 (3) (a) thereof, by failing to act towards other professionals with courtesy and good faith.
2. **THIS TRIBUNAL** further finds that the Member breached O.Reg. 258/02, and in particular ss. 16 (2) 3 thereof, by contravening the Code of Ethics.
3. **THIS TRIBUNAL** further finds that the Member breached O.Reg. 258/02, and in particular ss. 16 (2) 12 thereof, by engaging in conduct or an act, criminal or otherwise, that constitutes conduct unbecoming of a professional geoscientist.
4. The facts set out in Exhibits 3, 4 and 5 and the oral testimony of Mr. Ron Paolin were the only facts available to the Tribunal. Because the Member had waived his attendance at the hearing, the only exculpatory evidence available to the Tribunal was such evidence as was contained in the Exhibits and in the viva voce evidence of Mr. Ron Paolin. In the case of Exhibit 5, the Member had asked that his written comments contained in that Exhibit be made available to the Tribunal, and counsel for the Association consented to that request notwithstanding that the Member was not available to be cross-examined with respect to those comments.
5. **THIS TRIBUNAL** finds that the tone and content of the Member's written communications, in his capacity as a Professional Geoscientist and in the course of the practice of geoscience, with Mr. Ron Paolin and others at the Ministry of the Environment were combative, aggressive and unprofessional, displayed a pattern, over a lengthy period of several months, of belligerence, and were, as a whole, not of a quality and character generally expected from a Professional Geoscientist.
6. The most unprofessional of these written communications was an email sent by the Member on February 28, 2014 that warned, "Watch your back, you and just about everyone else." The "everyone else" was clearly a reference to other staff members at the Ministry of the Environment.
7. **THIS TRIBUNAL** finds that the communication referred to in paragraph 6 above constitutes professional misconduct by the Member.

8. Mr. Ron Paolin testified that he and others at the Ministry of the Environment felt personally threatened by the Member and that, as a result, the Ministry of the Environment office in Sudbury was extraordinarily declared off-limits to the Member, on the grounds that the employer had a duty to protect its staff from the possible physical harm that the Member appeared to threaten in the February 28, 2014 written communication. The Tribunal accepted Mr. Paolin's testimony in its entirety, including his reference to a certain email sent to the Member by Sandra Ausma, Sudbury Area Supervisor, Northern Region, the Ministry of the Environment, banning the Member from the Sudbury office of the Ministry.

9. While this Tribunal finds that the behaviour of the Member outlined in paragraph 6 is sufficient for a finding of professional misconduct by the Member, this Tribunal also finds that the following additional communications, taken as a whole and not separately, constitute a pattern of belligerence and conduct unbecoming a Professional Geoscientist:
 - (a) Email dated December 16, 2013, paragraphs 6 refers to Ministry of Environment staff's actions as "fundimentally [sic] stupid";
 - (b) Email dated February 5, 2014, paragraph 1 warned the recipient at the Ministry of the Environment, "Quite [sic] trying to micro-manage me, or hell will break loose."
 - (c) Email dated February 7, 2014 that characterized a Ministry of the Environment Regional Director as "an idiot and a bully, and I told him that to his face".
 - (d) Email dated April 4, 2014, paragraph 3, stated "... and for that you **should be** afraid." (*Emphasis on "should be" in original text.*)
 - (e) Email dated April 4, 2014, paragraph 4, referring to Ministry of Environment staff management style, "Hide in your office, with the door locked, and send e-mails out about things you know nothing about."

(f) Email dated June 12, 2014, paragraph 5, stated, "Cheers, and please hit delete. The Client would not be happy about this Communication, but frankly I don't give a damn anymore."

(g) Email dated June 14, 2014, paragraph 2, "Clearly Professionalism and Client Service at MoE is dead."

10. **THIS TRIBUNAL ORDERS** that the Member be reprimanded in writing in the form set out in Appendix A annexed to this decision and that a copy of the reprimand be placed in the Member's record and be made publicly accessible.

11. **THIS TRIBUNAL ORDERS** that notice of the Member's written reprimand be placed on the Association's website so as to be publicly accessible and that a notice containing a summary of this tribunal's decision be published in appropriate media to be selected by the Registrar as well as announced at the Association's next annual meeting.

12. **THIS TRIBUNAL ORDERS** that the Member be required to take, at the Member's own expense, an anger management course from a provider satisfactory to the Registrar and complete such course no later than June 30, 2016 (or such other date as is satisfactory to the Registrar), and to provide the course provider's certificate of satisfactory completion to the Registrar.

13. **THIS TRIBUNAL ORDERS** that, following completion of the anger management course, the Member shall write a letter of apology to the appropriate staff at the Ministry of the Environment and Climate Change containing statements satisfactory to the Registrar.

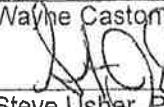
14. **THIS TRIBUNAL ORDERS** that, if the Member does not comply with the provisions of paragraphs 12 and 13 above by June 30, 2016 (or such other date as is satisfactory to the Registrar), the Member be suspended from practice until he complies.

15. **THIS TRIBUNAL** does not have the power to order the payment of costs. However, if the Tribunal had such power, it would order the payment by the Member.


Date: November 19, 2015



Wayne Caston, P. Geo.



Steve Usher, P. Geo. (Chair)



Donald B. Johnston

APPENDIX A TO DECISION AND REASONS FOR DECISION
DISCIPLINE COMMITTEE OF THE
ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO

B E T W E E N :

ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF ONTARIO,

Association

- and -

ALEXANDER BRADLEY BOWMAN, P.Geo.,

Member

REPRIMAND

TO: ALEXANDER BRADLEY BOWMAN

The panel of the Discipline Committee of the Association, consisting of Wayne Caston, P.Geo., Steve Usher, P.Geo. and Donald B. Johnston, public member, declared in its Decision and Reasons for Decision dated November 19, 2015 that you should be reprimanded in writing for your unprofessional conduct as a Professional Geoscientist. This is that reprimand.

The members of the Panel were appalled at the discourteous and combative manner in which you conducted yourself while dealing with personnel at the Ministry of the Environment office in Sudbury over a period of approximately 10 months. While you sent one particular email that was literally threatening to Ministry of the Environment staff, you also sent to Ministry staff many other emails over that time period that, individually and collectively, were rude, combative, uncivil and, on the whole, egregiously unprofessional. In contrast, emails from the Ministry of the Environment staff were universally polite. Because of your unprofessional behaviour, the Ministry had to take the unusual steps of both banning you from its office in Sudbury and of causing a complaint to be filed against you.

We are embarrassed for you and for the profession of which you are such a long-standing practitioner.

Your behaviour is unacceptable and will not be accepted in future.

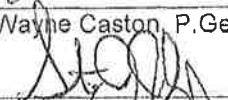
The members of the panel sincerely hope that you will take this reprimand to heart and will change how you deal with others, both in person and in writing.

A copy of this reprimand is being placed in your member file and will be publicly accessible via the website of the Association of Professional Geoscientists of Ontario.

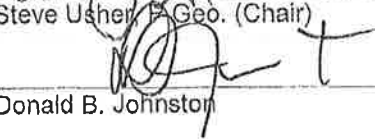
DATED the 19th day of November, 2015.



Wayne Caston, P. Geo.



Steve Usher, P. Geo. (Chair)



Donald B. Johnston

ASSOCIATION OF PROFESSIONAL GEOSCIENTISTS OF
ONTARIO

and

ALEXANDER BRADLEY BOWMAN, P. Geo.

(Short title of proceedings)

Discipline File No. C-114

**DISCIPLINE COMMITTEE OF THE
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OF ONTARIO**

DECISION AND REASONS FOR DECISION

November 19, 2015