

DECISION AND ORDER OF THE DISCIPLINE COMMITTEE PANEL OF THE ASSOCIATION OF  
PROFESSIONAL GEOSCIENTISTS OF ONTARIO

Panel: Mike Jones, P. Geo. (Chair), Todd McCracken, P. Geo. and Donald Johnston (Public Member)  
Hearing Date: June 4, 2018  
Complaint: C-126

Between:  
Association of Professional Geoscientists of Ontario

Association

And  
John C. Archibald, P. Geo. #0xxx

Member

DECISION AND REASONS FOR DECISION

This is a Discipline Hearing initiated by the Association in response to complaints in respect of the behaviour of the Member.

It was alleged by the Association that the Member is guilty of professional misconduct and incompetence as defined in the Professional Geoscientists Act 2000 and Ontario Regulation 258/02.

An electronic hearing before this Tribunal concerning the allegations was scheduled for and convened on June 4, 2018 by teleconference at 1:40pm or thereabouts.

The Member, residing in Victoria, British Columbia, did participate in the Hearing and was self-represented. Participating in the hearing teleconference, in addition to Mr. Archibald and the Panel Members, were Ms. Carol Street, Independent Legal Counsel to the Panel, Mr. Richard Steinecke, Counsel for the Association, and Mr. Aftab Khan (Registrar, APGO). Mr. Darin Wisylk and Mr. Joel Hill (BC Securities Commission) and Mr. Greg Gosson (Wood Canada Limited) participated in the teleconference as observers.

On hearing the submissions of Richard Steinecke, the Tribunal found that the Member was properly served with the Notice of Hearing, as appeared from the Affidavit of Service, filed as Exhibit 1.

Mr. Steinecke then submitted documentation showing that the Member had been charged and agreed to a Joint Submission on Finding (filed as Exhibit 2) in which is described that the Member demonstrated unprofessional conduct and incompetence by preparing and issuing a press release and a NI 43-101 Technical Report on First Mexican Gold Corp.'s Hilda 30 Concession Sonora State, Mexico Project. The press release and report include statements that Mr. Archibald was a Qualified Person for purposes of the report, that he was responsible for the report preparation, that he had no prior involvement in the project, that he was independent of the issuer, and that he was in compliance with the NI 43-101 instrument and forms, when in fact, he was not. This conduct is the subject matter of this Hearing. Mr. Archibald waived the reading of the allegations, and agreed that he is guilty of the charges. Exhibit 2 is signed by Mr. Aftab Khan, Registrar of the APGO and dated April 24, 2018.

Mr. Steinecke then submitted a Joint Submission on Order (filed as Exhibit 3). The Joint Submission on Order includes five (5) items that would form an Order by the Tribunal in finding Mr. Archibald guilty of the charges.

Mr. Steinecke then submitted Signature Pages of Exhibit 2 (page 4) and Exhibit 3 (page 2), which were signed separately by Mr. Archibald and dated April 26, 2018 (filed as Exhibit 4).

Mr. Steinecke then submitted the First Mexican Gold Corp. Press Release, dated October 28, 2014 as Exhibit 5, and the updated NI 43-101 Report dated October 28, 2014 as Exhibit 6.

Mr. Steinecke then submitted as Exhibit 7, an Expert Opinion prepared by Mr. Greg Greenough, P.Geo., and dated January 25, 2018. The Expert Opinion concluded that the NI 43-101 report prepared by Mr. Archibald was not compliant with the NI 43-101 instrument and forms, and made misleading and false statements. The Expert Opinion conclusions were not contested by Mr. Archibald during the Hearing.

Mr. Steinecke asked the Tribunal to order that the five (5) items described in the Joint Submission on Order, namely that:

1. The Discipline Committee order that Mr. Archibald appear before the Panel by teleconference to be reprimanded,
2. The Discipline Committee order that Mr. Archibald's registration with the APGO shall be suspended for six months,
3. The Discipline Committee order that (a) Mr. Archibald shall not perform mineral resources or mineral reserve estimations as contemplated by NI 43-101 until he has successfully passed to the satisfaction of the Registrar, a course on NI 43-101 that has been approved by the Registrar, and (b) after completing the term, condition and restriction in paragraph (a), Mr. Archibald shall ensure that his next NI 43-101 report / submission, regardless of jurisdiction, shall be peer reviewed by a peer acceptable to the Registrar and that Mr. Archibald shall not issue the report / submission until the peer has reported to the Registrar in writing that in the peer's opinion the report / submission complies with NI 43-101, and
4. The Discipline Committee order that the name of Mr. Archibald be published by the Association with the summary of the decision and reasons in this matter.

There followed a series of questions from the Panel regarding the repercussions of the issued documents. Mr. Archibald responded that there were no repercussions because the company has been on hold since 2008, that the company had no money, that no further work was completed in Mexico and the stock was worthless, although the property has some merit. He had not been paid, did not own stock and had intended by filing the NI 43-101 report / submission only to be of voluntary assistance to the issuer.

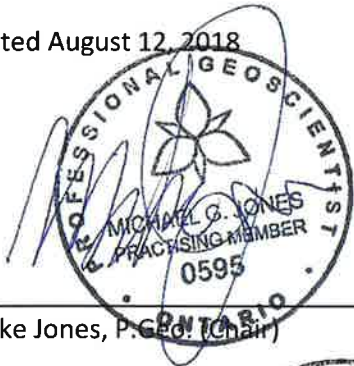
Mr. Steinecke argued that the objectives of the hearing process are that the Member not repeat those activities and be rehabilitated, and that the public have confidence that the APGO is protecting the integrity of the discipline process and the interests of the public. Mr. Steinecke argued that there are aggravating factors that Mr. Archibald signed and sealed the documents in question, that the documents included a variety of faults and that public investors rely on this information to make informed decisions. Mr. Steinecke argued that there are mitigating factors, namely that Mr. Archibald fully cooperated with the BC Securities Commission and the APGO, acknowledged his conduct as serious and has no prior offences.

After in-camera deliberation, the Panel requested clarification regarding the length of the suspension described in item 2 of the Joint Submission Order. Mr. Steineke argued that the term was consistent with a precedent finding against Mr. Dennis Patron in a similar matter. The precedent finding was submitted as Exhibit 8.

After further in-camera deliberation, the Panel presented its verbal decision to order the five (5) items described in the Joint Submission on Order, except for item 2, that the period of suspension is to be three months, commencing June 5, 2018 to September 5, 2018. The Panel reached this conclusion in considering the aggravating and mitigating factors in this case, and that Mr. Archibald's actions related to a single time period and did not result in damages to third parties.

This written Decision presents that verbal decision and its reasons. This Tribunal further ordered that the Member be notified of this Decision and Order, and that the Decision be made publicly accessible.

Dated August 12, 2018



A circular seal for the Professional Geoscientists of Ontario. The seal features a stylized flower in the center. The text around the border reads "PROFESSIONAL GEOSCIENTIST" at the top and "ONTARIO" at the bottom. Inside the seal, the text reads "MICHAEL G. JONES" and "PRACTISING MEMBER" above the number "0595". A handwritten signature in blue ink is written over the seal.

Mike Jones, P. Geo. (Chair)



A circular seal for the Professional Geoscientists of Ontario. The seal features a stylized flower in the center. The text around the border reads "PROFESSIONAL GEOSCIENTIST" at the top and "ONTARIO" at the bottom. Inside the seal, the text reads "TODD H.P. MCCRACKEN" and "PRACTISING MEMBER" above the number "0631". A handwritten signature in blue ink is written over the seal.

Todd McCracken, P. Geo.



A handwritten signature in blue ink, appearing to read "D. Johnston".

Donald B. Johnston, Public Member  
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