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I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL OF WHICH IT PURPORTS TO BE A COPY.

DATED THIS 13th DAY OF May 20, 13


Clerk of the Provincial Court of Alberta

**IN THE PROVINCIAL COURT OF ALBERTA
CRIMINAL DIVISION**

BETWEEN:

HER MAJESTY THE QUEEN

- and -



BRIAN DAVID BUOY

BEFORE THE HONOURABLE)
JUDGE M. G. Allen)
AT EDMONTON, ALBERTA)

On Monday, the 13th day of
May, 2013.

**ORDER PURSUANT TO SECTION 234(1) OF THE
ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT**

WHEREAS Brian David Buoy has pled guilty to an offence under the *Environmental Protection and Enhancement Act*, to wit:

Count 3:

On or about the 28th day of December, 2009, at or near Edmonton, in the Province of Alberta did knowingly provide false or misleading information pursuant to a requirement under the *Environmental Protection and Enhancement Act* to provide information, contrary to section 227(a) of the *Environmental Protection and Enhancement Act*, evidence of the said offence having first come to the attention of the Director on November 4, 2010.

AND WHEREAS Brian David Buoy agreed, prior to being sentenced, to be sentenced on all facts forming part of the circumstances of the offences that could constitute the basis for separate charges pursuant to s. 725(1)(c) of the Criminal Code of Canada.

AND WHEREAS in addition to a fine of \$20,000.00 as against Brian David Buoy, imposed under the *Environmental Protection and Enhancement Act*, inclusive of victim fine surcharge. **AND WHEREAS** time to pay such fine is extended until January 31, 2015 and is to be paid in monthly installments of \$1,000.00 due on or before the last day of each month commencing on June 30, 2013.

AND WHEREAS having regard to the nature of the offence and the circumstances surrounding its commission, the parties propose that this Honourable Court additionally impose a stop order in respect to Count #3;

IT IS HEREBY ORDERED THAT:

1. Pursuant to the provisions of section 234(1)(a) of the *Environmental Protection and Enhancement Act*, BRIAN DAVID BUOY shall not submit any reports or documents to Alberta Environment and Sustainable Resource Development under Enviro Scan Technologies Inc.'s APEGA Permit to Practice P5677 for a period of 1 year from the date of this Order.
2. Pursuant to the provisions of section 234(1)(a) of the *Environmental Protection and Enhancement Act*, BRIAN DAVID BUOY shall not submit any reports or documents to Alberta Environment and Sustainable Resource Development under any entity's Permit to Practice where Brian David Buoy is the Responsible Professional Member for the Permit to Practice for a period of 1 year from the date of this Order.

AND WHEREAS Mr. Buoy agrees to arrange for the publication of an article in the Environmental Services Association of Alberta Weekly News publication;

IT IS HEREBY ORDERED THAT:

1. Pursuant to the provisions of section 234(1)(c) of the *Environmental Protection and Enhancement Act*, BRIAN DAVID BUOY shall arrange and allow the Environmental Services Association of Alberta to publish and

freely distribute, without compensation and without restriction, the article attached hereto as Schedule "A" in the ESAA Weekly News for publication in the month of September 2013.

DATED this 13th day of May, 2013 in Edmonton, in the Province of Alberta.

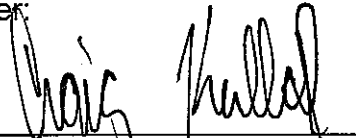


Judge M. G. Allen
Provincial Court of Alberta

APPROVED AS TO FORM AND CONTENT BY:

Alberta Justice, Specialized Prosecution Branch

Per:



Craig A. Kallal
Counsel for the Attorney General of Alberta

McLennan Ross LLP

Per:



Sean D. Parker
Solicitor for Brian David Buoy and Enviro Scan Technologies Inc.

Schedule "A"
ESAA Weekly News Article

"Learn from my mistakes"

I am writing this article to inform my colleagues about the importance of accurate reporting to government regulators and the potentially disastrous consequences that may follow if one does not do so.

I am a professional who has been providing environmental consulting services for more than 20 years. In the mid 2000s, I was retained to assist some people clean up an environmental hazard.

As the project progressed, we became aware that both I and another environmental consultant who had previously looked at the project had significantly underestimated the size of the environmental hazard. Our budget was set based upon our initial estimates. We finished the initial portion of our work despite these problems. However, the completion of the overall project was now going to be more difficult.

In an effort to manage costs and expedite the completion of the project, we decided to adjust the way that we were going to complete the project. We chose to proceed with a less expensive method that would help clean up the environmental hazard but that also did not strictly meet Alberta Environmental and Sustainable Resource Development's guidelines in the area (as the completion of the project would take longer using the other method). This was a bad decision.

Then I made another bad decision. For the purposes of keeping the project moving and to reduce the paperwork and waiting times, I stated in my report to the government regulators that we had proceeded using the originally proposed methods, when in fact we had not.

Time passed and the project appeared to be completed as required by the landowner and contractor, although using the incorrect method. I then performed the work necessary to close the project.

Then I made another bad decision. I submitted the closure report to the government regulators and again stated that the project had been completed using the originally approved method rather than the unapproved alternate method.

At the time, this did not seem like a big deal because the project had been completed and the site was in far better shape than before. I was wrong.

A few years later, the project was subject to an audit by government regulators. The audit soon turned into a formal investigation. After some initial interactions with the investigators, I realized that this matter was becoming serious and decided to come clean and tell them what actually happened.

Not long after, I was served with a Summons. I had been charged with offences under the *Environmental Protection and Enhancement Act*, including providing false information to the regulators.

After a long, painful, embarrassing and expensive process, I pled guilty to a charge relating to the false information contained in the reports I submitted. The penalty I received includes a suspension of my environmental consulting practice and a fine which significantly exceeds the payment I received for working on this project.

I feel humiliated professionally. This matter has caused me to refuse new projects in an effort to avoid problems that may arise for potential clients due to the penalty I face and the stigma that now surrounds me. I have not taken on any new consulting work for more than one and a half years now. Refusal of new projects has negatively affected the success of my business and my personal income.

My poor judgment has also caused negative impacts in my personal life. My family has suffered due to the stress that I feel. The effects on my personal life alone cause me to regret my poor judgment.

As a closing note, I would like to advise all of the readers to always maintain your professional ethics, standards and integrity regardless of how small you might feel the infraction or misinformation is. You will ultimately be held accountable for your decisions and it will be an emotionally and professionally difficult time that you will surely wish you could reverse.

I deeply regret my actions and will never make poor decisions like these again. Learn from my mistakes.