

COURT FILE NUMBER: \_\_\_\_\_

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF MELFORT

**IN THE MATTER OF A COMPLAINT OF PROFESSIONAL MISCONDUCT BEFORE THE  
DISCIPLINE COMMITTEE OF THE SASKATCHEWAN INSTITUTE OF AGROLOGISTS  
AGAINST GARRY MEIER, RIDGEDALE, SASKATCHEWAN**

APPELLANT: **GARRY MEIER**

RESPONDENT: **SASKATCHEWAN INSTITUTE OF AGROLOGISTS**

**NOTICE OF APPEAL**

TAKE NOTICE:

1. That Garry Meier the above named Appellant hereby appeals to the Court of Queen's Bench from the Decisions and Sentence of the Discipline Committee of the Saskatchewan Institute of Agrologists issued on the 31<sup>st</sup> day of July, 2013 and the 25<sup>th</sup> day of April, 2014 and delivered to the Appellant May 6, 2014.
2. The whole of the decision and penalty is being appealed saving and excepting only that portion of the penalty providing for a reprimand and the requirement to take an ethics course.
3. That the source of the Appellant's right of appeal and the Court's jurisdiction to entertain the appeal is:
  - (a) Section 32 *Agrologists Act*, 1994, c A-16.1

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4. That the appeal is taken upon the following grounds:
- (a) The entire decision rests upon an erroneous finding or assumption by the Discipline Committee that a seeding depth error actually occurred in the particular field observed and commented upon by the Appellant as part of his research (land location SW 35-21-13-W2nd and NW 35-21-13-W2nd). This fundamental error leaves no evidence supporting the decision with the result of overriding and palpable error.
  - (b) The Discipline Committee erred in determining the existence of a "seeding depth error" based upon evidence from the complainant (Pat Beaujot) when such evidence on the entirety of evidence called, was demonstrated to be false, misleading, irrelevant and sourced from an obvious conflict of interest on the part of Beaujot. As a result there is overriding and palpable error which goes to the root of the decision.
  - (c) The decision of the Discipline Committee is erroneous and unsustainable in the face of uncontradicted highly qualified expert testimony that the Appellant, in conducting his legitimate research and observations, met the expected ethical standards of an agrologist.

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- (d) The Decision of the Discipline Committee is in itself contrary to the Code of Ethics and Professionalism in that it denies the Appellant the right to express a professional opinion based upon his training, knowledge, experience, scientific experimentation, scientific observation and the opinion of other recognized experts in the field. As such overriding and palpable error is present in the decision.
  
- (e) The decision of the Discipline Committee in itself is contrary to the Code of Ethics and Professionalism in that it thwarts the "good stewardship of agricultural resources based on sound scientific principles", that it restricts the public's right of knowledge in sustainable agricultural systems, and hampers and restricts the research, development and improvement to agricultural implements by manufacturers.
  
- (f) The Decision of the Discipline Committee is contrary to law and fails to apply the applicable legal standard of care to an Agrologist in the intelligent exercise of judgment and use of the scientific method.
  
- (g) Certain conduct of the Chairperson George Lewko, in the course of the proceedings demonstrated actual bias against the Appellant and the Appellant's employer. In the alternative, the conduct discovered in the course

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of the proceedings resulted in a reasonable apprehension of bias by the Appellant with the result that the decisions dated July 31, 2013 and April 25, 2014, are void and should be quashed.

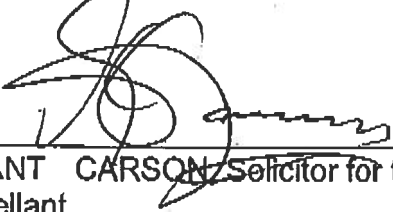
- (h) The unsworn evidence given by Chairperson, George Lewko, by way of statement in response to the affidavit of Eugene Eggerman, filed, creates a reasonable likelihood of bias on his behalf and on behalf of all members of the panel with the result that the decision is void and should be quashed. The entire process was tainted as a result of Chairperson Lewko giving evidence violating the fundamental principle that "justice should not only be done but also be seen to be done".
- (i) The award of costs in the amount of \$15,000.00 is excessive and unreasonable in all of the circumstances and, in particular, in light of Pat Beaujot's breach of ethics in relation to the profession, namely, to raise any allegation of unprofessional conduct with another member and only inform the Registrar if it is not resolved. Proper compliance with this rule of ethics would reasonably avoided a complaint and any subsequent disciplinary proceedings.

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5. That the Appellant requests the following relief:
- (a) That the appeal be allowed and the Decision finding professional misconduct be quashed.
  - (b) That the decisions of July 31, 2013 and April 25, 2014, be quashed on the grounds of bias or a reasonable apprehension of bias .
  - (c) That the Appellant be paid his costs on a solicitor/client basis.
  - (d) If applicable, an order denying the Respondent any costs based upon its permissive breach of a rule of ethics governing complaints of one member against another member.

DATED at Melfort, Saskatchewan, this 8th day of May, 2014.

CARSON & CO.

Per:   
GRANT CARSON Solicitor for the  
Appellant

TO: The Saskatchewan Institute of  
Agrologists and its Solicitors,  
Cuelenaere, Kendall, Katzman  
& Watson

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**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

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