



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF SOFYA FREY

Engineers and Geoscientists BC File No. T18-004

CONSENT ORDER

Background

1. On February 11, 2021, the registration of Sofya Frey was cancelled as a result of Ms. Frey not completing the annual renewal process.
2. On April 19, 2021, the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC (“Engineers and Geoscientists BC”), issued a Citation dated April 9, 2021 (the “Citation”) to Ms. Frey, pursuant to the *Professional Governance Act*, S.B.C. 2018, chapter 47 (the “PGA”).
3. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”) was repealed and replaced by the PGA. While allegations in the Citation are made under the EGA, the proceeding against Ms. Frey commenced by the Citation (the “Proceeding”) is brought under and in conformity with the PGA, so far as it may be done consistently with the PGA, and the procedure established by the PGA will be followed as far as it can be adapted in the Proceeding.
4. Engineers and Geoscientists BC and Ms. Frey wish to resolve the matter by consent pursuant to section 73(2) of the PGA in order to avoid the need for a disciplinary hearing.

5. Ms. Frey consents to the disposition set out below.

Admissions

6. Ms. Frey admits that:
 1. In the course of carrying out structural engineering services related to exterior wall repairs, balcony slab demolition and repairs, and canopy extensions for residential buildings in Burnaby, British Columbia from 2016 to 2018 (the “Project”), she accepted responsibility for a pre-construction structural assessment of the concrete balconies and concrete railings (the “Balcony Assessment”).
 2. In the course of the Project, she did not adequately perform the Balcony Assessment. In particular, she did not document the calculations necessary to determine the reinforcing requirements needed for the balcony slab to act as a cantilever, and she failed to adequately document her pre-construction investigation including in relation to reinforcing quantities, spacing and size.
 3. In the course of carrying out the Project, she undertook and accepted responsibility for the design and replacement of a hot tub on top of the carpark concrete structure (the “Hot Tub Replacement”).
 4. In the course of the Project, she did not adequately document the calculations for the Hot Tub Replacement. In particular, she did not document the calculations necessary to show loads acting on the suspended slab, to compare the impact of the new versus existing hot tub, to support an analysis of the suspended tub bottom slab design or the suspended deck surrounding the tub, or to verify shear stresses across new construction joints in suspended slabs. In addition, she failed to document her on site investigations regarding existing structural information.
 5. In the course of carrying out the Project, she failed to ensure that documented independent structural reviews of the Balcony Assessment were conducted.
 6. In the course of carrying out the Project, she failed to ensure that documented independent structural reviews of the Hot Tub Replacement were conducted.
 7. The conduct set out above at paragraphs 2 and 4 is unprofessional conduct under s. 33(1) of the EGA and is contrary to Principle 1 of Engineers and Geoscientists BC’s Code of Ethics, as it stood at the time, which, in part, provided that members shall hold paramount the safety, health, and welfare of the public.
 8. The conduct set out above in paragraphs 5 and 6 is contrary to section 14(b)(4) of the Engineers and Geoscientists BC’s Bylaws, as it stood at

the time, which provided that members shall establish and maintain documented quality management processes for their practices, including documented independent review of structural designs prior to construction.

Disposition

7. By consent, this Order is made pursuant to section 73(2) of the PGA.
8. Ms. Frey's registration in Engineers and Geoscientists BC is cancelled.
9. If at any time Ms. Frey wishes to apply for reinstatement of practicing status with Engineers and Geoscientists BC:
 - a. she must as a condition of such application provide written notice to Engineers and Geoscientists BC that she has at her own expense:
 - i. completed and passed the Engineers and Geoscientists BC Professional Practice Examination;
 - ii. completed the Professional Engineering and Geoscience in BC Online Seminar;
 - iii. completed and passed the E11 National Building Code Structural Design Course offered by the Structural Engineers Association of BC; and
 - b. she must comply with all requirements of the Credentials Committee of Engineers and Geoscientists BC and all Bylaws, policies, and guidelines respecting registration and competency.
10. If Ms. Frey's practising status is reinstated with Engineers and Geoscientists BC at any time in the future, any structural engineering work undertaken by Ms. Frey must be peer reviewed pursuant to Engineers and Geoscientists BC's *Discipline Committee Ordered Peer Review Policy*, by a peer reviewer approved by Engineers and Geoscientists BC's Registrar (the "Peer Reviewer") as follows:
 - a. the peer review must continue for a minimum of either one year from the date a peer reviewer is approved by the Engineers and Geoscientists BC Registrar, or the completion of eight (8) structural engineering projects, whichever comes later (the "Peer Review Period");
 - b. the costs of the peer review, if any, shall be borne by Ms. Frey;
 - c. the Peer Reviewer shall report in writing to Engineers and Geoscientists BC's Registrar either every six months during the Peer Review Period, or after the completion of five (5) projects, whichever comes earlier, on the performance of Ms. Frey; and

- d. following the Peer Review Period, Ms. Frey shall obtain an opinion from the Peer Reviewer that Ms. Frey is competent to undertake structural engineering work and provide that opinion to Engineers and Geoscientists BC's Registrar. If the opinion of the Peer Reviewer is that Ms. Frey requires further peer review, the Peer Review Period shall continue for a period of either an additional six months, or completion of four (4) additional structural engineering projects, whichever comes later.
11. Six months after the completion of the Peer Review Period (including as extended per paragraph 10(d)), Ms. Frey will commence a Practice Review, at her own cost, the precise timing of which will be determined by the Audit and Practice Review Committee.
12. Ms. Frey shall pay \$10,000 toward Engineers and Geoscientists BC's legal costs within 60 days of the date of this Consent Order.

Consequences of the Consent Order

13. The full text or a summary of this Consent Order will be published by Engineers and Geoscientists BC in print and electronic publications including on the Engineers and Geoscientists BC website.
14. This Consent Order has the same force and effect as an Order made under section 75 of the PGA.
15. Ms. Frey agrees she has received independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given her the time necessary to get said independent legal advice.

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16. Engineers and Geoscientists BC and Ms. Frey agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

This Consent Order is approved and accepted by Ms. Frey and the members of the Discipline Resolution Panel this 25 day of January, 2023.

Francesca Carelli

Witness Name

<original signed by>

Sofya Frey, P.Eng.

<original signed by>

Witness Signature

<original signed by>

Chris Arthur, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Chris Newcomb, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Keith Sashaw
Member, Discipline Resolution Panel