

**IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT  
R.S.B.C. 1996, C. 116, AS AMENDED  
AND**

**IN THE MATTER OF KULDIP RANDHAWA, P.Eng.**

**ORDER**

On May 3, 2005, the Panel delivered its Determination in respect of this matter in which it found that the Association had proved the allegations set forth in the Notice of Inquiry.

The Panel convened on May 31, 2005 to hear arguments as to the appropriate penalty and costs to be imposed upon Mr. Randhawa pursuant to Sections 33(2) and 35 of the *Engineers and Geoscientists Act* (the "Act").

**Penalty:**

Mr. Randhawa proposed that there be no further penalty as he had already suffered considerable distress as a result of the investigation and hearing, and that his lessons have been learned. In the view of the Panel, Mr. Randhawa does not accept that the sealing of incomplete drawings and his breach of Bylaw 14(3)(b) was a serious departure from the standards of professional conduct and practice expected of a member of the Association.

The Association asked for a three month suspension, the successful passing of the Professional Practice exam, peer review of his work for a period of twelve months and a practice review at his cost.

In imposing a penalty upon Mr. Randhawa in this matter, the Panel must keep in mind that the penalty must be appropriate to the gravity of the proven misconduct. Where there has been serious misconduct, the penalty must serve to not only deter Mr. Randhawa from similar misconduct in the future, but also serve to deter other members of the Association from engaging in similar misconduct.

The Panel is agreed that while Mr. Randhawa still does not fully understand the gravity of his actions, a three month suspension is not warranted in this matter. Instead, the Panel has chosen to impose as part of his penalty conditions upon his continued membership in the Association that reflect not only the gravity of the proven misconduct, but the potential for the rehabilitation of Mr. Randhawa.

The Panel is of the view that Mr. Randhawa will benefit from further study of professional practice standards, and from having his work peer reviewed by a senior practitioner. Under the circumstances a Practice Review is also warranted.

Accordingly, the Panel Orders the following penalty in accordance with Section 33(2) of the Act:

- (1) Starting no later than July 31, 2005, Mr. Randhawa's professional services shall be peer reviewed by a professional engineer approved, in writing and in advance, by the Registrar of the Association for a period of twelve months from that date. The cost of the peer reviewer shall be borne by Mr. Randhawa. The peer reviewer will report on the reviews every 3 months in writing to the Registrar of the Association;
- (2) Mr. Randhawa must write and pass the Association's Professional Practice examination no later than December 31, 2005, and if he fails to pass the Professional Practice examination within that period, then his membership shall be suspended until such time as he has passed the Professional Practice examination;

(3) Mr. Randhawa must attend an Association of Professional Engineers Law and Ethics Seminar, in person, no later than December 31, 2005

(4) Mr. Randhawa will be the subject of a Practice Review (general and technical) at his own expense, at an estimated cost of \$2,000 plus GST and the Practice Review must be completed by March 31, 2006 unless additional time is required by the Practice Review Committee, in which case the deadline for the completion of the Practice Review may be extended, at the discretion of the Practice Review Committee, up to December 31, 2006; and

(5) In the event that Mr. Randhawa fails to meet any of these conditions his membership will immediately be suspended. In such event, Mr. Randhawa must immediately return his professional seal to the Association. In accordance with the Association's Bylaw 12(b) and if his professional seal is not in the possession of the Association within seven days of a request for same, the suspension period will be extended by one day for each day the seal is not in the possession of the Association thereafter.

**Direction as to Costs:**

The Association is awarded its costs in the amount of \$30,000 representing approximately 70% of actual costs, not including counsel for the panel, in accordance with Section 35 of the Act.

Dated in the City of Vancouver, British Columbia June 3 , 2005

On Behalf of the Panel:

A handwritten signature in black ink, appearing to read 'John F. Watson', with a large, stylized flourish at the end.

John F. Watson, P. Eng., Chair