

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

and

**IN THE MATTER OF ALEXANDER McNALLY, P.ENG.**

**ENGINEERS AND GEOSCIENTISTS BC  
FILES D26-001, T23-058, T24-032, T25-028 & T26-021**

**DECISION AND ORDER OF THE EXTRAORDINARY ACTION PANEL**

Extraordinary Action Panel: Ron Yaworsky, PhD, P.Eng., Chair  
Frank Denton, P.Eng., FEC, FGC  
Jiak Chin Koh (public member)

Counsel for Engineers and Geoscientists BC: Lisa Feinberg

Counsel for Alexander McNally, P.Eng.: Roy Donghee Kim

Counsel for the Panel: Jean P. Whittow, KC

1. This Extraordinary Action Panel (the "Panel") was appointed by the Chair of the Discipline Committee of the Association of Professional Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC ("EGBC") to consider, pursuant to section 67 of the *Professional Governance Act* (the "PGA"), whether to impose limits, conditions, or a suspension on the registration of Alexander McNally, P. Eng. ("Mr. McNally or the "Registrant").

**Joint Proposal for Interim Order**

2. The parties have proposed an interim order, by consent, as follows:

1. The Registrant may not conduct any engineering work related to wastewater sewerage systems in British Columbia or act as an Authorized Person pursuant to the Sewerage System Regulation, B.C. Reg. 326/2004 and Sewerage System Standard Practice Manual, Version 3 (the "Interim Condition").

2. The Interim Condition set out in paragraph 1 is in effect until the earlier date that:
  - a. Files T23-058, T24-032, T25-028, and T26-021 are all concluded in one of the following manners:
    - i. a Consent Order is made between the Investigation Committee or the Discipline Committee and Mr. McNally pursuant to section 73(2) of the PGA;
    - ii. a discipline hearing is held and a final determination is made in the matter pursuant to section 75(5)(a) or 75(6) of the PGA; or

b. the Discipline Committee determines pursuant to section 67(4) of the PGA that the Interim Condition is no longer necessary to protect the public.

3. The parties provided Joint Submissions as to Interim Order dated January 21, 2026, written submissions of EGBC dated January 21, 2026, the Affidavit of the EGBC Investigator, Christopher Hawley, affirmed December 9, 2025, and submissions of the Registrant dated January 22, 2026.
4. For the reasons set out below, having reviewed the material, the Panel accepts the parties Joint Proposal.

### **Analysis**

5. The PGA provides:

**67(1)** If the board of a regulatory body, or a discipline committee established under section 75 [*discipline hearings*], considers the action necessary in the public interest during an investigation under section 66 (1) (a) or pending a hearing under section 75, the board may, by order and without giving the registrant an opportunity to be heard,  
(a) impose limits or conditions on the practice of the regulated practice by the registrant, or  
(b) suspend the registration of the registrant.

6. Pursuant to the provisions of the PGA and EGBC Bylaws, the authority to conduct the current proceedings has been assigned to this Panel.
7. EGBC extraordinary action panels have consistently adopted the test for extraordinary action set out in *Scott v. College of Massage Therapists of British Columbia*, 2016 BCCA 180. (See *Duerichen (Re)* 2022 EGBC 3 and *Dwyer (Re)* 2023 EGBC 6). Simply stated the following three criteria must be met for an order under s. 67 to be made:
  - a. a "*prima facie* case";
  - b. risk to the public interest; and
  - c. urgency to the matter.
8. The material provided to the Panel concerns five separate complaints regarding Mr. McNally's design of wastewater sewerage systems:

- a. The first three complaints (Files T23-058, T24-032, & T25-028) were referred for investigation in 2024. In September, 2025, an expert retained by EGBC opined that the eighteen wastewater sewerage systems which were the subject of their review substantially depart from the standards set in the Sewerage System Standard Practice Manual Version 3 (the "SPM V3") and the deficiencies in a number of these systems may compromise human health or the environment.

- b. A fourth complaint (T26-01) received in September 2025 included a report from an engineering firm retained by the complainant to review the Registrant's design, which opined that the Registrant's design of two wastewater sewerage systems failed to meet the minimum standards of the SPM V3 and may pose a risk to the environment and public health.
  - c. A fifth complaint, (GC25-071), which has not yet been authorized for investigation by EGBC, concerns allegations that Mr. McNally was negligent and unprofessional in service to clients in the design of wastewater sewerage systems.
9. The Panel agrees that the investigative material provided to the Panel raises concerns with non-compliance with the SPM V3, lack of requisite knowledge and experience and a risk of harm to human health and the environment. It finds that a *prima facie* case is established.
10. Furthermore, the information provided to the Panel shows numerous and serious deficiencies, which present a real and immediate risk to the public if the Respondent continues to provide wastewater sewerage system design.
11. The Panel also finds that this is a matter of urgency. The information reveals serious and continuing concerns regarding the Registrant's practice regarding wastewater sewerage systems. Without immediate action, the Registrant is able to continue to design additional systems which do not comply which pose a risk to human health or the environment.
12. The authorities provide that an extraordinary action panel must balance the need for an interim order against the consequences upon the Registrant. In this case, due to the gravity of the risk to the public, the Panel is satisfied that it is essential to impose an interim order that precluding the Registrant's continued practice relating to wastewater sewerage systems.

## **Order**

13. For the reasons set out above, the Panel accepts the parties' joint submissions and orders as follows:
  1. The Registrant may not conduct any engineering work related to wastewater sewerage systems in British Columbia or act as an Authorized Person pursuant to the Sewerage System Regulation, B.C. Reg. 326/2004 and Sewerage System Standard Practice Manual, Version 3 (the "Interim Condition").
  2. The Interim Condition set out in paragraph 1 is in effect until the earlier date that:
    - a. Files T23-058, T24-032, T25-028, and T26-021 are all concluded in one of the following manners:

i. a Consent Order is made between the Investigation Committee or the Discipline Committee and Mr. McNally pursuant to section 73(2) of the PGA;

ii. a discipline hearing is held and a final determination is made in the matter pursuant to section 75(5)(a) or 75(6) of the PGA; or

b. the Discipline Committee determines pursuant to section 67(4) of the PGA that the Interim Condition is no longer necessary to protect the public.

14. The Panel thanks the parties for their cooperation in the resolution of these extraordinary action proceedings. In view of the number and extent of the allegations against Mr. McNally, and the fundamental nature of the alleged deficiencies, the Panel urges EGBC to complete its investigations and initiate any discipline proceedings as soon as possible.

DATED THIS 24th DAY OF JANUARY 2026

<original signed by>

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Ron Yaworsky, PhD, P.Eng., Chair, on behalf of the Panel