



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

and

IN THE MATTER OF DR. SEYED-AHMAD PISHVAEI, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-052

Consent Order

Background

1. On September 28, 2023, the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued a Citation to Dr. Seyed-Ahmad Pishvaei, P.Eng. pursuant to section 66(1)(d) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”).
2. Engineers and Geoscientists BC and Dr. Pishvaei 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.
3. Dr. Pishvaei consents to the disposition set out below.

Legislation

4. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA*.
5. The conduct in question occurred when the *EGA* was in force. As a result, Engineers and Geoscientists BC has considered Dr. Pishvaei’s conduct pursuant to the *EGA* and the Bylaws and Code of Ethics under the *EGA*. While Dr. Pishvaei’s conduct is considered under the *EGA*, pursuant to sections 35(2) and 36(1)(c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, this matter proceeds procedurally under the *PGA*.

Admissions

6. Dr. Pishvaei admits that he demonstrated unprofessional conduct in relation to the engineering services that he provided for the glass guard rails (the “Guard Rails”) for five buildings located in Pemberton, BC (the “Project”), in particular:
 - a. failing to prepare engineering calculations for the Guard Rails (the “Calculations”) in accordance with the 2015 NBCC, 2018 BCBC, CGSB-12.20, the CSA A500, and the Professional Practice Guideline *Designing Guards for Building Projects*, version 2.0 (collectively the “Canadian Glass Codes”), which regulate glass guard design in Canada;
 - b. referencing the IBC 2407.1.1 (the “American Glass Code”) for the Calculations without providing a reasonable explanation as to why he departed from the Canadian Glass Codes;
 - c. preparing the Calculations with several deficiencies, which includes the following: the specified vertical design load is incorrect; the actual design wind load is not calculated; the peak glass moment calculation does not address the post-breakage scenario and the combination of guard and wind loads; the proposed use of one-half (1/2”) inch tempered glass thickness does not meet the design loads; and the load capacity is not calculated for the type of fasteners (wood, concrete and steel) typically used for glass guard rails;
 - d. using two engineering calculation packages prepared by ██████████ in 2013 and 2020 for ██████████ in compliance with the American Glass Codes without a full understanding of the background science and its applicability to the Project, and without providing any reference to ██████████ work in the Calculations;
 - e. sealing the Calculations when he did not have access to sufficient information, including the Project’s architectural and structural drawings, to finalize the Calculations;
 - f. failing to mark the Calculations as “Preliminary”, “For Review Only”, or “For Information Only”;
 - g. failing to make contact with the professional who prepared the initial design drawings for the Guard Rails in order to sufficiently take over the responsibility of Engineer of Record;
 - h. failing to clearly explain the scope of his work and the extent of his engagement with the Project to the inspector for the Village of Pemberton (the “Inspector”); and
 - i. failing to inform the Inspector that his services had been terminated by the installer of the Guard Rails.

7. The conduct set out above at paragraphs 6 (a) – (g) is contrary to Principle 1 of the Engineers and Geoscientists BC Code of Ethics, created pursuant to the *EGA* (the “Code of Ethics”), which required that members and licensees hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.
8. The conduct set out above at paragraphs 6 (a) – (g) is contrary to Principle 3 of the Code of Ethics, which required that members and licensees provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction.
9. The conduct set out above at paragraphs 6 (a) – (g) is contrary to Principle 6 of the Code of Ethics, which required that members and licensees keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their associate.
10. The conduct set out above at paragraph 6 (d) is contrary to Principle 7 of the Code of Ethics, which required that members and licensees conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment.

Disposition

11. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
12. Dr. Pishvaei’s registration with Engineers and Geoscientists BC is suspended for a period of four months commencing September 3, 2024 (the “Suspension Period”).
13. During the period from the effective date of this Consent Order until the commencement of the Suspension Period, Dr. Pishvaei will:
 - a. make reasonable arrangements for the orderly transfer of his ongoing professional engineering project files to other professional engineers; and
 - b. limit his practice to those project files that he is currently engaged on and will not take on any new project files or other engineering work.
14. On or before the end of the Suspension Period, Dr. Pishvaei must provide written confirmation to Engineers and Geoscientists BC that he has, at his own expense, successfully completed the Professional Engineering and Geoscience Practice in BC Online Seminar.
15. Dr. Pishvaei must, at his own expense, successfully complete and pass at least one of the following courses offered by the Structural Engineers Association of British Columbia within 12 months of the effective date of this Consent Order, or at the first opportunity one of the listed courses is offered following the effective date of this Consent Order:

- i. C1 Analytical Methods in Structural Engineering;
- ii. C2 Effective Structural Modeling;
- iii. E10 Structural Analysis Fundamentals: A Refresher;

or an equivalent course approved in writing by Engineers and Geoscientists BC.

16. Six months after the conclusion of the Suspension Period Dr. Pishvaei will undergo a practice review conducted by the Audit and Practice Review Committee, and pay the costs associated with the practice review. The precise timing and process of the practice review will be determined by the Audit and Practice Review Committee.
17. Dr. Pishvaei will pay \$16,800 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution towards the legal and investigative costs incurred in this matter.
18. In the event that Dr. Pishvaei fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be, or will remain, suspended until every default has been remedied in accorded with the terms of this Consent Order.

Consequences of the Consent Order

19. 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.
20. This Consent Order has the same force and effect as an action taken or penalty imposed under section 75(6) of the *PGA*.
21. Dr. Pishvaei agrees that Engineers and Geoscientists BC has advised him that he should receive independent legal advice regarding this Consent Order and that he has had the benefit of independent legal advice regarding this Consent Order.
22. Engineers and Geoscientists BC and Dr. Pishvaei agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

This Consent Order is approved and accepted by Dr. Pishvaei and the members of the Discipline Resolution Panel this 14 day of August, 2024.

<original signed by>

Dr. Seyed-Ahmad Pishvaei, P.Eng.

Nasim Mahmoudi

Name of Witness

<original signed by>

Upul Atukorala, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Signature of Witness

<original signed by>

Jurgen Franke, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Reshmeena Lalani, CPA, CA
Member, Discipline Resolution Panel