

IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT

R.S.B.C. 1996, CHAPTER 116 as amended

and

IN THE MATTER OF VICTOR PROCTOR, P. Eng.

CONSENT ORDER

WHEREAS on December 19, 2016, a Notice of Inquiry in Association file T14-050, dated December 16, 2016, was served upon Victor Proctor, P. Eng. ("Mr. Proctor"), containing the following allegations:

1. That in connection with a project located at 10 Eberts Street Victoria, contrary to the Act, you have demonstrated unprofessional conduct by affixing your seal to drawings for a guard rail design submitted to the City of Victoria for a permit where those drawings (the "Drawings") were materially incomplete and contained structural deficiencies

Particulars of the allegation that the Drawings were materially incomplete and contained structural deficiencies are set out in numbered paragraphs below:

- (1) Insufficient detail provided for the glass engagement in the top rail.
- (2) Insufficient detail provided for the top rail attachment to the post.
- (3) Glass is overstressed by approximately 30%.
- (4) Fasteners specified for wood connection are overstressed.
- (5) Insufficient detail provided for the wall thickness of the post.
- (6) Insufficient detail provided for the dimensions of the post.
- (7) Insufficient detail provided for the connection between the post and base plate.
- (8) Insufficient detail provided for the dimensions of the base plate connector placement.

- (9) The aluminum post is overstressed by approximately 50% due to the strength reducing effect of the weld specified.

AND WHEREAS on December 19, 2016, a Notice of Inquiry (T16-008) dated December 16, 2016 was served upon Mr. Proctor, containing the following allegations:

1. That in connection with a project located at 790 Hockley Ave, Langford, BC (the "Hockley Project"), you have demonstrated incompetence, negligence, and/or unprofessional conduct by:

- a. failing or neglecting to include critical design detail information on shop drawings that you prepared for a guard rail assembly for the Hockley Project (the "Guard Rail Assembly"); and
- b. failing or neglecting to perform critical design calculations and critical design checks required for the design of the Guard Rail Assembly,

in circumstances where you did not, and by virtue of your training and experience could not, conduct an appropriate review of much of the professional work related to the Guard Rail Assembly.

2. That in connection with the Hockley Project, you have demonstrated unprofessional conduct by affixing your seal to:

- a. shop drawings for the Guard Rail Assembly;
- b. a letter of assurance to your client stating that the Guard Rail Assembly met the intent of the British Columbia Building Code; and
- c. a Schedule B and Schedule C-B, in each of which you assured the City of Langford that, among other things, the Guard Rail Assembly substantially complied in all material respects with the applicable requirements of the British Columbia Building Code;

in circumstances where you did not, and by virtue of your training and experience could not, conduct an appropriate review of much of the professional work related to the Guard Rail Assembly.

3. The conduct set out above at paragraphs 1 and 2 is contrary to Principles 1 to 3 of the APEGBC Code of Ethics.

AND WHEREAS the Association of Professional Engineers and Geoscientists of British Columbia (the "Association") and Mr. Proctor wish to resolve these matters by consent in order to avoid the need for a disciplinary inquiry.

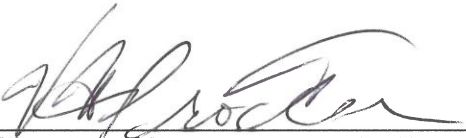
AND WHEREAS Mr. Proctor admits the allegations contained in the two Notices of Inquiry set out above.

THEREFORE, by consent, this Order is made pursuant to section 32.1 of the Act:

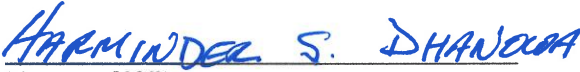
1. Mr. Proctor's membership in the Association is suspended for a period of two months, commencing May 15, 2017 and completing on July 15, 2017 (the "Suspension");
2. Mr. Proctor's membership in the Association is subject to a condition that he not perform structural engineering work;
3. Mr. Proctor shall pay a fine in the amount of \$5,000 to the Association (the "Fine");
4. Mr. Proctor shall pay the amount of \$10,000 to the Association towards its investigation and inquiry costs (the "Costs");
5. If, prior to the expiry of the Suspension, Mr. Proctor fails to pay the Fine or the Costs, the Suspension shall be extended and continue until such time as Mr. Proctor pays each;
6. Mr. Proctor shall by July 15, 2017 take the Association's Professional Engineering and Geoscience Practice in BC Online Seminar, complete and pass the Association's Professional Practice Examination, and inform the Association once this has occurred;
7. The full text or a summary of this Consent Order will be published by the Association in print and electronic publications including on the Association's website;
8. Mr. Proctor agrees that he has had the benefit of independent legal advice regarding this Consent Order.
9. This Consent Order has the same force and effect as an Order made under section 33(2) of the Act and may be dealt with under section 34 of the Act if conditions in the Consent Order are not met; and

10. The Association and Mr. Proctor agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

This Consent Order is approved and accepted by Mr. Proctor and the members of the Discipline Committee Review Panel this 5th day of April, 2017.




Signature of Victor Proctor, P. Eng.
APR 6, 2017




Name of Witness



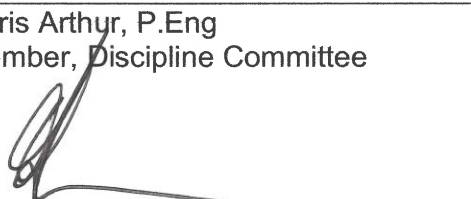
Signature of Witness



Ed Bird, P.Eng
Member, Discipline Committee



Chris Arthur, P.Eng
Member, Discipline Committee



Oliver Bonham, P.Geo, FGC, FEC (Hon)
Member, Discipline Committee