



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF BRET COLBY HUTCHINSON, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-026

CONSENT ORDER

Background

1. On June 24, 2021, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “*PGA*”), the Investigators of Engineers and Geoscientists BC assigned to the file issued an investigation report regarding Bret Hutchinson, P.Eng. (the “*Report*”). The Report was provided to the Investigation Committee pursuant to s. 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
2. On June 24, 2021, the Investigation Committee considered this matter and appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
3. The Investigation Committee of Engineers and Geoscientists BC and Mr. Hutchinson wish to resolve the matter by consent pursuant to section 73(2) of the *PGA*.
4. Mr. Hutchinson consents to the disposition set out below.

Legislation

5. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA*.
6. The conduct of Mr. Hutchinson took place at a time when the *EGA* was in force. As a result, the conduct in question is considered pursuant to sections 30(9)(b) and 30(9)(c) of the *EGA*, specifically unprofessional conduct, incompetence, and negligence, and the *Bylaws* and *Code of Ethics* under the *EGA*.
7. Pursuant to sections 35(2) and 36(1)(c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, investigations commenced under the *EGA* carry on procedurally under the *PGA*.

Admissions

8. Mr. Hutchinson admits that he demonstrated unprofessional conduct by:
 - a. Acting as an authorized person pursuant to the *Sewerage Systems Regulations*, B.C. Reg. 326/2004 (the “*Regulations*”), in regard to a sewerage system designed and constructed in or around 2017 (the “*Sewerage System*”), when the design and construction of sewerage systems is outside his area of expertise, contrary to section 14(a) of the *Bylaws*, specifically, Principle 2 and 3 of the *Code of Ethics*, as it then read.
 - b. Failing to design the Sewerage System in a manner consistent with the *Sewerage System Standard Practice Manual, Version 3* (the “*SPM*”) which resulted in the premature failure of the Sewerage System. Specifically, Mr. Hutchinson failed to:
 - i. correctly evaluate site soil and ground water conditions; and
 - ii. properly determine the elevation of the natural high groundwater table in order to design an appropriate dispersal field for the conditions at the site.
 - c. Authenticating and filing a letter of certification with Northern Health Authority on July 24, 2017, confirming the Sewerage System was designed and constructed substantially in accordance with the the *SPM*, when he ought to have known that it was not fully designed and constructed in accordance with the *SPM*, contrary to section 20(9) of the *EGA*.

Disposition

By consent, this Order is made pursuant to section 73(2) of the *PGA*, and the following conditions are imposed on Mr. Hutchinson’s registration:

9. Mr. Hutchinson agrees that his practice will be restricted from practising in the area of wastewater sewerage systems. Specifically, Mr. Hutchinson will not act as an authorized person pursuant to the *Regulations* and the SPM, or conduct any engineering work related to sewerage systems, except as permitted by paragraph 11 of this Order.

10. If Mr. Hutchinson wishes to practice in the area of wastewater sewerage systems following execution of the Consent Order, Mr. Hutchinson will successfully complete one of the following two courses at his own expense, and provide evidence to Engineers and Geoscientists BC that the courses have been successfully completed:
 - a. “ROWP Planner” course provided by the BC OnSite Sewage Association

 - or

 - b. “Onsite Wastewater Practitioner Training Program Phase I” course provided by WCOMWMA Onsite Wastewater Management of BC.

11. In addition to paragraph 10, if Mr. Hutchinson wishes to practice in the area of wastewater sewerage systems following execution of the Consent Order, the following conditions are imposed:
 - a. all such work must be reviewed by a peer reviewer secured by Mr. Hutchinson and approved in writing by the Engineers and Geoscientists BC Registrar (the “Registrar”);

 - b. the peer review referred to above in paragraph 11(a) must continue for a minimum of twelve months from the date the peer reviewer is approved by the Registrar, or the completion of four wastewater sewerage systems, whichever comes later (the “Peer Review Period”);

 - c. following the Peer Review Period, Mr. Hutchinson will obtain an opinion from the approved peer reviewer that he is competent to perform wastewater sewerage system designs and provide that opinion to the Registrar;

 - d. following the Peer Review Period, if the opinion of the approved peer reviewer is that Mr. Hutchinson requires further peer review, the Peer Review Period shall continue for additional six-month periods, until such time that the approved peer reviewer determines that Mr. Hutchinson is competent to undertake the design of wastewater sewerage systems, or the completion of two wastewater sewerage system designs, whichever comes later; and

- e. the costs of the peer reviewer, if any, shall be borne by Mr. Hutchinson.
- 12. Mr. Hutchinson will complete the Professional Engineering and Geoscience Practice in BC Online Seminar at his own expense, by no later than three months from the date of this Consent Order.
- 13. Mr. Hutchinson will pay a fine of \$2,500 to Engineers and Geoscientists BC within 30 days of the date of the Consent Order.
- 14. Mr. Hutchinson will pay \$3,217.05 towards the legal and investigative costs of Engineers and Geoscientists BC within 30 days of the date of this Consent Order.
- 15. In the event that Mr. Hutchinson fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

- 16. 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 Engineers and Geoscientists BC's website.
- 17. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
- 18. Mr. Hutchinson agrees that he has received independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the time necessary to obtain independent legal advice.

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19. Mr. Hutchinson and Engineers and Geoscientists BC 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. Hutchinson and the Investigation Committee this 30 day of June 2022.

Justin Desmarais

Witness Name

<original signed by>

Bret Hutchinson, P.Eng.

<original signed by>

Witness Signature

The Investigation Committee of the Association
of Professional Engineers and Geoscientists of
the Province of British Columbia

<original signed by>

Per: Peter Helland, P.Eng.
Chair, Investigation Committee