

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

and

IN THE MATTER OF Stephen Petrovich, P.Eng.

Engineers and Geoscientists BC File No. T18-037

CONSENT ORDER

Background

1. On January 27, 2020, the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association"), also operating as Engineers and Geoscientists BC, issued a Notice of Inquiry to Stephen Petrovich, P.Eng. ("Mr. Petrovich") pursuant to s. 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "*Act*").
2. The Association and Mr. Petrovich wish to resolve the matter by consent pursuant to section 32.1 of the *Act* in order to avoid the need for a disciplinary inquiry.

Admissions

3. Mr. Petrovich admits the allegations set out in the Notice of Inquiry, namely:
 - A. He demonstrated incompetence, negligence, or unprofessional conduct by:
 - a) Failing to design screw piles for new deck piles at the property located in Edgewater, British Columbia (the "Property"), in or around April 2016 (the "Piles"), to the reasonable standard expected of a professional engineer, by failing to:
 - i. assess on-site soil conditions adequately or at all;
 - ii. obtain sufficient information about the Property to conduct a proper analysis of factors that might have, and did, affect the Piles;
 - iii. sufficiently document the design for the Piles;
 - iv. provide the qualifications for the design to the installer; and
 - v. provide a design drawing to the installer.
 - B. Signing and affixing his seal to a letter dated April 14, 2016 regarding "Screw Pile Inspection/Compliance" for the Property (the "Assurance

Letter”), that states “a detailed inspection was completed by a Professional Civil Engineer for the screw pile installed at [the Property]” on April 7, 2016, when he knew neither he nor a Professional Civil Engineer under his supervision had done a site visit to inspect the Piles on that day or at all, and he knew or ought to have known that the wording of the Assurance Letter was misleading.

- C. Failing to conduct a site visit at the Property in a reasonable amount of time after being made aware of issues arising with the Piles by the Property owner in or around June 2017.
 - D. Failing to make field review notes when making a site visit on or around December 26, 2017.
4. The conduct set out above at paragraphs A and B is contrary to Principle 1 of the Association’s Code of Ethics which requires 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.
 5. The conduct set out above at paragraph B is contrary to s. 20(9) of the *Act* which requires that a member receiving a seal or stamp under this section must use it, with signature and date, to seal or stamp estimates, specifications, reports, documents, plans, or things that have been prepared and delivered by the member of licensee in the member’s or licensee’s professional capacity or that have been prepared and delivered under the member’s direct supervision.
 6. The conduct set out above at paragraph B is contrary to Principle 3 of the Association’s Code of Ethics which requires that members and licensees provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction.
 7. The conduct set out above at paragraph C is contrary to Principle 7 of the Association’s Code of Ethics which states that members must 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.
 8. The conduct set out above at paragraphs A and D is contrary to Bylaw 14(b) which states that members shall establish and maintain documented quality management processes for the practices, which shall include at a minimum:
 - a. retention of complete project documentation which may include, but is not limited to, correspondence, investigations, surveys, reports, data, background information, assessments, designs, specifications, field reviews, testing information, quality assurance documentation, and other engineering and geoscience documents for a minimum period of 10 years;

- b. regular, documented checks of engineering and geoscience work using a written quality control process appropriate to the risk associated with the work; and,
- c. documented field reviews by, or under the direct supervision of, members or licensees, of their domestic projects during implementation or construction.

Disposition

- 9. This Consent Order is made pursuant to section 32.1 of the *Act*.
- 10. Mr. Petrovich's membership in the Association is suspended for a period of three months commencing April 17, 2020 (the "Suspension").
- 11. During the period from the date of this Consent Order to April 17, 2020, Mr. Petrovich 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 not take any new project files or other engineering work.
- 12. The following conditions are imposed on Mr. Petrovich's membership:
 - a) Within 6 months of resuming practice following the Suspension, Mr. Petrovich will undergo a General Practice Review conducted by the Association and he will pay the costs associated with the Practice Review; and,
 - b) Mr. Petrovich must, within 6 months from the execution of this Consent Order, provide the Association with written notice that he has completed and passed the Professional Practice Examination of the Association.
- 13. Mr. Petrovich must pay \$2,000 towards the Association's legal and investigation costs within 30 days of the date of this Consent Order.
- 14. In the event that Mr. Petrovich fails to comply with any of the terms of this Consent Order, his membership in the Association will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

- 15. 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.

16. 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.
17. Mr. Petrovich agrees that the Association has advised him that he should obtain independent legal advice regarding this Consent Order and that the Association has given him the time necessary to obtain independent legal advice.
18. The Association and Mr. Petrovich agree that this Consent Order may be executed in counterparts and delivered as an electronic document.
19. This Consent Order is approved and accepted by Mr. Petrovich and the members of the Discipline Committee Review Panel this 6th day of April, 2020.

<original signed by>

Stephen Petrovich, P.Eng.

Taryn Petrovich

Name of Witness

<original signed>

Signature of Witness

<original signed by>

Paul Adams, P.Eng.
Chair, Discipline Committee

<original signed by>

Ed Bird, P.Eng.
Member, Discipline Committee

<original signed by>

Chris Arthur, P.Eng.
Member, Discipline Committee