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January 17, 2019

BY EMAIL

Gudmundseth Mickelson LLP
Barristers and Solicitors
2525 – 1075 West Georgia Street
Vancouver BC V6E 3C9

Attention: Andrew Gay, Q.C.

Twining Short & Haakonson
Barristers and Solicitors
1510 – 1050 West Pender Street
Vancouver BC V6E 3S7

Attention: Steve Haakonson

Dear Sirs:

Re: Engineers & Geoscientists of the Province of BC re: Laura Fidel, P. Eng

I am writing as counsel for the discipline hearing committee (the "Panel") on this matter.

The Panel has considered Mr. Gay's letter of January 9, 2019 indicating that Ms. Fidel through counsel seeks to adjourn the hearing of the Inquiry currently set for February 19-27, 2019, and proposing that the hearing be instead set for May 27-June 5, 2019. Noting the Association's consent, the Panel grants the adjournment to the new dates requested.

Yours truly,

SUGDEN, McFEE & ROOS LLP

PER:



JEAN P. WHITTOW, Q.C.
JPW/gm

c: EGBC
Panel

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

and

IN THE MATTER OF LAURA FIDEL, P.ENG.

NOTICE OF INQUIRY

TO: Laura Fidel, P.Eng.
c/o Twinning, Short & Haakonson Law Corporation
Suite 1510, 1050 West Pender Street
Vancouver, BC V6E 3S7
Attention: Steven Haakonson

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association"), doing business as Engineers and Geoscientists BC, will meet at 4010 Regent Street, in the City of Burnaby, in the Province of British Columbia on February 19 – 22, and February 25 – 27, 2019 at the hour of 9:30 a.m. for the purpose of taking evidence or otherwise causing an inquiry to be made with respect to the allegations herein pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, Chapter 116 (the "Act").

AND TAKE NOTICE that the allegations against you are that:

1. You demonstrated unprofessional conduct in or about January 2013 when you undertook and accepted responsibility for the role of Engineer of Record ("EOR") for the Mount Polley Tailings Storage Facility (the "TSF"), and advised Mount Polley Mining Corporation ("MPMC") that you were accepting this responsibility, in circumstances where you were not qualified by training or experience to fulfil that professional assignment.
2. You demonstrated unprofessional conduct in or around March and April 2013 when you accepted professional responsibility for the Stage 9 design of the TSF embankments and the accompanying stability analyses by sealing the Stage 9 2013 Construction Monitoring Manual and the Stage 9 design drawings, in circumstances where you were not qualified by training or experience to accept that responsibility.
3. You demonstrated unprofessional conduct in or around March and April 2013 by affixing your seal to the Stage 9 2013 Construction Monitoring Manual and the Stage 9 design drawings, in circumstances where the Stage

9 design of the TSF embankments was not prepared by you or under your direct supervision, and in circumstances where another engineer was most directly responsible for preparing the Stage 9 design.

4. You demonstrated unprofessional conduct or negligence when, having accepted the responsibility of EOR and Project Manager in connection with the Stage 9 raise of the TSF embankments, you failed to ensure that there was sufficient observation and monitoring of the TSF embankments while you were EOR, or to warn MPMC of the need for better observation and monitoring, particularly in view of the fact that the embankments were built to a slope of 1.3H:1V which was unusually steep for rockfill tailings embankments on soil foundations built by the centreline method with a relatively narrow crest, including by:
 - a. failing to visit the site and observe the embankments more than once in a thirteen month period from January 2013 to February 2014;
 - b. failing to ensure that a geotechnical engineer or engineers with appropriate experience and knowledge of the design of the embankments visited the site to observe the TSF embankments for changed loading conditions, for potential indicators of safety or stability issues including bulging, cracking, sloughing, seepage, shrinking or absent beaches, impoundment water levels including for risk of water overtopping, and generally to ensure that the embankments were functioning as intended and in a safe condition;
 - c. failing to ensure that you were receiving regular updates on the volume and elevation of water in the TSF impoundment and the status of the beaches within the TSF;
 - d. failing to ensure that the implications, both in terms of stability and consequences if failure occurred, of any changes in the matters referred to in paragraph (c) was assessed;
 - e. failing to ensure that a geotechnical engineer with appropriate experience and knowledge of the design oversaw the construction of the Stage 9 raise of the TSF embankments by regularly attending at the site during construction and monitoring construction methods;
 - f. failing to advise and warn MPMC that students should not be used as Field Inspectors, including in relation to construction monitoring, as they would have too little experience and training to fulfil the role of a Field Inspector; and

10. The conduct set out above at paragraphs 2 and 3 is contrary to s. 20(9) of the *Act* which provides that a member or licensee 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 or licensee in the member's or licensee's professional capacity or that have been prepared and delivered under the member's or licensee's direct supervision.

AND FURTHER TAKE NOTICE that you, Laura Fidel, P. Eng., have the right, at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee and you or your counsel shall have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegation.

AND FURTHER TAKE NOTICE that in the event of your non-attendance at the inquiry, the Panel of the Discipline Committee may, upon proof of service of this Notice of Inquiry upon you, proceed with the taking of evidence or otherwise ascertaining the facts concerning the allegation, despite your absence, and may make its findings on the facts and its decision without further notice to you.

DATED this 21st day of September 2018.

The Discipline Committee of Engineers and
Geoscientists British Columbia



Per: Paul Adams, P.Eng., FEC
Chair, Discipline Committee