

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

and

IN THE MATTER OF EDWARD JOE YAM LEE, P.Eng.

Engineers and Geoscientists BC File No. T16-039

CONSENT ORDER

Background and Facts

1. On October 12, 1995, Edward Joe Yam Lee, P. Eng. ("Mr. Lee") and the Association of Professional Engineers and Geoscientists of British Columbia ("APEGBC") entered into a Stipulated Order (the "1995 Order") by which Mr. Lee accepted that he demonstrated unprofessional conduct when he:
 - (a) Signed and sealed a document addressed to the Chief Inspector of the District of Mission for the mechanical, plumbing and fire suppressions systems for a building located in Mission confirming that the construction of these systems substantially conformed in all material respect to the plans and supporting documents accepted by the District of Mission and to Mr. Lee's satisfaction. Mr. Lee neglected to note numerous deficiencies in the installation of the sprinkler system portion of the fire suppression system which were contrary to the plans and supporting documents accepted by the District of Mission;
 - (b) Signed and sealed a letter addressed to the City of Vancouver's Permits and Licenses Department certifying that a new kitchen exhaust canopy, including a new fire extinguishing system, had been installed at a proposed restaurant in Vancouver, when in fact a fire extinguishing system had not been installed; and
 - (c) Did not respond to APEGBC's Deputy Director, Professional Ethics, letter requests for his response to the complaints concerning the document addressed to the Chief Inspector of the District of Mission.
2. Pursuant to the terms of the 1995 Order, a number of conditions were imposed upon Mr. Lee, including:
 - (a) Mr. Lee's membership in APEGBC was suspended for a period of six months;

- (b) Mr. Lee was required to write APEGBC's Professional Practice Examination and obtain a mark of 75% or higher in order to pass the examination; and
 - (c) Mr. Lee was subject to a Practice Review and the costs associated with that review.
3. On June 13, 1996, Mr. Lee and APEGBC entered into a Stipulated Order (the "1996 Order") by which Mr. Lee accepted that:
- (a) He breached paragraph 14(a)(1) of APEGBC's Code of Ethics by failing to hold paramount the safety, health and welfare of the public in the design and construction of the fire suppression system for a multifamily residence;
 - (b) He breached paragraph 14(a)(1) of APEGBC's Code of Ethics by failing to hold paramount the safety, health and welfare of the public in the design of the fire suppression system for a restaurant kitchen;
 - (c) He demonstrated negligence or incompetence in the design of the plumbing, HVAC systems and cooking canopy fire protection for a restaurant kitchen;
 - (d) He breached paragraph 14(a)(6) of APEGBC's Code of Ethics by failing to keep himself informed in order to maintain his competence, in that he specified that the 1991 edition of NFPA-96 applied to his design of the HVAC system for the restaurant kitchen when the 1994 edition was applicable;
 - (e) He breached paragraph 14(a)(1) of APEGBC's Code of Ethics by failing to hold paramount the safety, health and welfare of the public in the design of the HVAC for a second restaurant kitchen; and
 - (f) He demonstrated negligence or incompetence in the design of the HVAC system for the second restaurant kitchen.
4. Pursuant to the terms of the 1996 Order, Mr. Lee's membership in APEGBC was suspended from June 13, 1996 to August 31, 1997.
5. Mr. Lee complied with the conditions under the 1995 Order and 1996 Order.
6. On April 24, 2017, a Notice of Inquiry dated April 12, 2017 was issued to Mr. Lee, containing the following allegations:

- A. You demonstrated unprofessional conduct, incompetence, or negligence in 2007 by sealing a drawing (the "Drawing") relating to the connection of air conditioning equipment to a cooling tower in the building located at 970 Burrard St., Vancouver (the "Property"):
- i. when the Drawing was neither produced by you nor under your direct supervision;
 - ii. when you did not have adequate knowledge of the Property's cooling system and how the air conditioning equipment would connect to the cooling system at the time that you sealed the Drawing;
 - iii. when you knew or ought to have known that the Drawing would be provided to the council of the Strata Corporation LMS 1866, Commercial Owners Section (the "Council"), and accordingly affixing your seal had the effect of misrepresenting to the Council that you prepared or supervised the preparation of the Drawing when in fact you had not; and
 - iv. when the drawing was marked "for management approval and construction" and when you knew or ought to have known that the Drawing was conceptual only and you did not know if it could safely be issued for construction.
- B. The conduct set out above at paragraph 6A is contrary to s. 20(9) of the *Act*.
- C. The conduct set out above at paragraph 6A is contrary to Principle 3 of the APEGBC Code of Ethics.
- D. You demonstrated unprofessional conduct, incompetence, or negligence in 2007 when you did not retain a copy of the sealed Drawing for your records.
- E. The conduct set out above at paragraph 6D is contrary to section 14(b)(1) of the APEGBC Bylaws.

Admissions

7. Mr. Lee admits the allegations in the Notice of Inquiry set out in paragraphs 6A to 6E above.

Disposition


8. This Consent Order is made pursuant to section 32.1 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "Act").

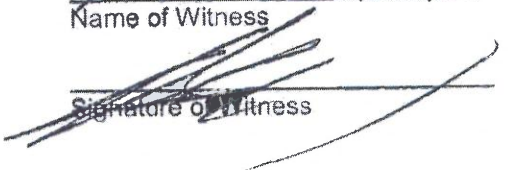
- 9. Mr. Lee's membership in the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association"), doing business as Engineers and Geoscientists BC, is cancelled effective March 1, 2018 (the "Date of Cancellation").
- 10. During the period from the date of the execution of this Consent Order to the Date of Cancellation, Mr. Lee will make reasonable arrangements for the orderly transfer of his ongoing professional engineering project files to other professional engineers.
- 11. Mr. Lee shall pay a fine in the amount of \$1,500 to the Association, payable within 30 days of the date of this Consent Order.
- 12. Mr. Lee shall pay \$7,500 towards the Association's investigation and legal costs within 30 days of the date of this Consent Order.
- 13. In the event that Mr. Lee 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

- 14. 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.
- 15. 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.
- 16. Mr. Lee agrees that he has had the benefit of independent legal advice regarding this Consent Order.
- 17. The Association and Mr. Lee agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

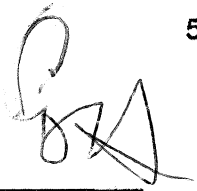
This Consent Order is approved and accepted by Mr. Lee and the members of the Discipline Committee Review Panel this 31 day of OCTOBER, 2017.


 Edward Joe Yam, P.Eng.
Lee
E.J.

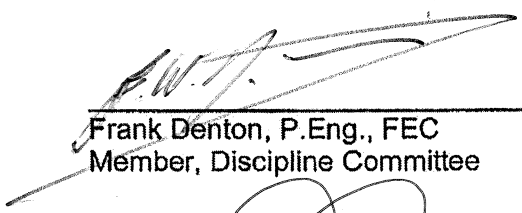
L. B. LINDSAY QC.
 Name of Witness

 Signature of Witness

- WITNESS TO INITIALS OF
EDWARD LEE

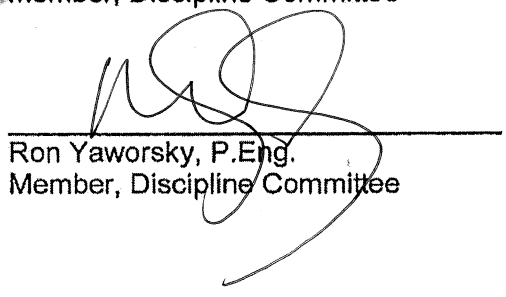

 Nov 13, 2017



Chris Arthur, P.Eng.,
Member, Discipline Committee



Frank Denton, P.Eng., FEC
Member, Discipline Committee



Ron Yaworsky, P.Eng.
Member, Discipline Committee