



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

AND

IN THE MATTER OF SOFYA FREY, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T18-004

CITATION

TO: Sofya Frey, P.Eng.

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, will meet at a date to be determined, for the purpose of conducting a discipline hearing pursuant to the *Professional Governance Act*, S.B.C. 2018, chapter 47 (the “PGA”). The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c 116 (the “EGA”) was repealed and replaced by the PGA on February 5, 2021. While allegations herein are made under the EGA, the proceeding against Sofya Frey, P.Eng. commenced by this Citation is brought under and in conformity with the PGA, so far as it may be done consistently with the PGA, and the procedure established by the PGA will be followed as far as it can be adapted in this proceeding.

AND TAKE NOTICE that the allegations against you are that:

WHEREAS from 2016 to 2018 you provided structural engineering services related to exterior wall repairs, balcony slab demolition and repairs, and canopy extensions for residential buildings called the [REDACTED] Apartments, located at [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Burnaby, BC (the “Project”):

1. In the course of carrying out the Project, you practiced in the field of structural engineering and undertook and accepted responsibility for a

- pre-construction structural assessment of the concrete balconies and concrete railings (the “Balcony Assessment”) when you were not qualified by training or experience to do so.
2. In the course of the Project, you failed to adequately perform the Balcony Assessment. In particular, you did not perform investigations or calculations necessary to determine the reinforcing requirements needed for the balcony slab to act as a cantilever without the support of the concrete upstand acting as a railing for exterior balconies, including failing to perform necessary calculations to verify the capacity of the reinforcing bars to support the balcony slab.
 3. In the alternative, if you performed the necessary investigations and calculations as referenced in paragraph 2, you did not adequately document your structural investigations or calculations related to the Balcony Assessment.
 4. In the course of carrying out the Project, you practiced in the field of structural engineering and undertook and accepted responsibility for the design and replacement of a hot tub on top of the carpark concrete structure (the “Hot Tub Replacement”) when you were not qualified by training or experience to do so.
 5. In the course of the Project, you did not conduct the necessary investigations or calculations for the Hot Tub Replacement. In particular, you did not perform investigations or calculations necessary to determine the structural capacity of the existing structure to support the new hot tub.
 6. In the alternative, if you performed the necessary investigations and calculations as referenced in paragraph 5, you did not adequately document your structural investigations or calculations related to the Hot Tub Replacement.
 7. In the course of carrying out the Project, you failed to ensure that documented independent structural reviews of the Balcony Assessment were conducted.
 8. In the course of carrying out the Project, you failed to ensure that documented independent structural reviews of the Hot Tub Replacement were conducted.
 9. The conduct set out above at paragraphs 1 and 4 is unprofessional conduct under s. 33(1) of the EGA and contrary to Principle 2 of the Engineers and Geoscientists BC’s Code of Ethics, as it stood at the time, which provided that members shall undertake and accept responsibility for professional assignments only when qualified by training or experience.
 10. The conduct set out above at paragraphs 2, 3, 5 and 6 is unprofessional conduct, or in the alternative negligence, under s. 33(1) of the EGA and is contrary to Principle 1 of the Engineers and Geoscientists BC’s Code

of Ethics, as it stood at the time, which provided that members shall hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.

11. The conduct set out above in paragraphs 3 and 6 is contrary to the Engineers and Geoscientists BC's Bylaws, as they stood at the time, and in particular s.14(b)(1) which provided:

14 (b) Members and licensees shall establish and maintain documented quality management processes for their practices, which shall include, as a minimum:

(1) 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;

12. The conduct set out above in paragraphs 7 and 8 is contrary to the Engineers and Geoscientists BC's Bylaws, as they stood at the time, and in particular s.14(b)(4) which provided:

14 (b) Members and licensees shall establish and maintain documented quality management processes for their practices, which shall include, as a minimum:

...

(4) documented independent review of structural designs prior to construction by members or licensees having appropriate experience in designing structures of a similar type and scale, and not involved in preparing the design. The reviewer shall examine representative samples of the structural assumptions, continuity of gravity and lateral load paths, stability and detailing. Where appropriate, the reviewer shall perform numerical calculations on a sample of gravity and lateral force resisting elements necessary to satisfy any reviewer concerns. The extent of the review shall be determined by the reviewer based on the progressive findings of the review. This review and any follow up action must be completed before the documents are issued for construction.

The independent review of structural designs shall evaluate the construction documents to determine if the structural systems appear complete, consistent, and in general compliance with applicable codes. The

structural review may be part of, but is not intended to replace, the regular checks required in 14(b)(2).

Independent review of each instance of repetitive designs of individual structural components is not required, but documented initial independent review and independent review at intervals is required to confirm the maintenance of design quality.

AND FURTHER TAKE NOTICE that you, Sofya Frey, P.Eng., have the right, at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee pursuant to s. 79 of the PGA, 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 allegations.

AND FURTHER TAKE NOTICE that, pursuant to s. 78 of the PGA, in the event you fail to attend or remain in attendance at a discipline hearing under s. 75 of the PGA, the Panel of the Discipline Committee may, if satisfied that you have been notified of the hearing, proceed with the hearing in your absence and make any order that the discipline committee or panel could have made in your presence.

DATED this 9 day of April, 2021.

The Investigation Committee of
Engineers and Geoscientists British
Columbia

<original signed by>

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