



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

AND

IN THE MATTER OF DELBERT FERGUSON, P.GEO., P.L.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE T22-056

AMENDED CITATION

TO: Delbert Ferguson, P.Geo., P.L.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 on a date to be determined, for the purpose of conducting a discipline hearing pursuant to the *Professional Governance Act*, S.B.C. 2018, c. 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 The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”) was repealed and replaced by the PGA on February 5, 2021.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 in this Citation are made under the EGA, the procedures established by the PGA and the current Bylaws of Engineers and Geoscientists BC will be followed as far as they can be adapted to this proceeding.

AND TAKE NOTICE in connection with a 2015 landslide that originated on a road located near Emory, BC, south of Cutblock CF2 (“CF2”), as marked on the terrain map (the “2015 Incident”), in respect of which you conducted an onsite evaluation and prepared a report regarding the terrain for the purpose of determining whether potential hazards existed or could result from proposed timber harvesting (the “Report”), the allegations against you are that you acted contrary to the EGA as follows:

1. You demonstrated unprofessional conduct, or in the alternative negligence, by failing to conduct an adequate Terrain Stability Assessment (“TSA”) of CF2. In particular you failed to adequately assess the old road to the south of CF2 (the “Old Road”) as marked on the terrain map included in the Report, by failing to identify and analyze hazards and risks of landslides from or near the old road, and specifically failing to appropriately estimate the runout from such landslides and the hazards and risks associated with the same.
2. In the alternative, the conduct set out above in paragraph 1 is contrary to the Code of Ethics, as it stood at the time, (the “Code of Ethics”), which required that members and licensees uphold the values of truth, honesty and trustworthiness and, in particular:
 - a. Principle 1, which required 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; and
 - b. Principle 3, which required that members and licensees provide an opinion on a professional subject when it is founded upon adequate knowledge and honest conviction.

AND FURTHER TAKE NOTICE that you, Delbert Ferguson, P.Geo., P.L.Eng., have the right, at your own expense, to be represented by legal counsel at the hearing by the Panel of the Discipline Committee pursuant to section 79 of the *PGA*, and you or your legal counsel will 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 section 78 of the *PGA*, in the event you fail to attend or remain in attendance at a discipline hearing held under section 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 Panel of the Discipline Committee could have made in your presence.

DATED this 29th day of February, 2024.

AMENDED this 27 day of February, 2025.

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