

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

and

IN THE MATTER OF JAMES CAMSOON HUM, P.Eng.

AMENDED NOTICE OF INQUIRY

TO: James Camsoon Hum, P.Eng.  
K'N'H Engineering  
#215 – 18525 – 53<sup>rd</sup> Ave.  
Surrey, BC V3S 7A4

**TAKE NOTICE** that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of British Columbia (the "Association"), will meet at Suite 1000, 840 Howe Street, in the City of Vancouver, in the Province of British Columbia on Monday, the 8<sup>th</sup> day of July 2013, at the hour of 9:00 in the forenoon 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, as amended (the "*Act*").

**AND TAKE NOTICE** that the allegations against you are as follows:

1. That, contrary to the *Act*, you have demonstrated incompetence, or unprofessional conduct, in that, on the project known as "Aluminum Guardrails" for Surrey, British Columbia, a manufacturer of guardrail systems (the "Project"), your designs were deficient and not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, to wit:
  - a. The March 24, 2008 ("Original Design") and the September 24, 2008 (with revision for post wall thickness dated "12/05/08") resulted in brackets and posts being overstressed and therefore not meeting the structural resisting capacities required by the British Columbia Building Code;
  - b. Further, those drawings show the glass panel top edges as serving as the primary guard element in contravention of CAN/CGSB 12.20-M89 Structural Design of Glass in Buildings;
  - c. Further, those drawings show that the connections of the guard posts are inadequate; and

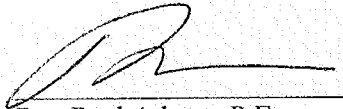
- d. Further, those drawings contain deficiencies in the way that the anchorages have been shown.

**AND FURTHER TAKE NOTICE** that you, James Camsoon Hum, P.Eng., have the right at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee above-mentioned and that 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 aforesaid allegation.

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

Dated at the City of Vancouver, Province of British Columbia, this 24 day of May, 2013.

The Discipline Committee of the Association of  
Professional Engineers and Geoscientists of the  
Province of British Columbia.



Per: Paul Adams, P.Eng,  
Chairman of the Discipline Committee

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**AND TAKE NOTICE** that the allegations against you are as follows:

1. That, contrary to the *Act*, you have demonstrated incompetence, or unprofessional conduct, in that, on the project known Abbotsford, British Columbia (the "Project"), your inspection of the existing lock block retaining wall and opinion expressed as to its construction was deficient and was not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, to wit: contrary to article 3 of the *Code of Ethics*, you did not conduct sufficient or any analysis of the required reinforcement of the soil behind the lock block retaining wall, nor did you take sufficient or any steps to investigate the actual construction of the reinforcement of the soil behind the lock block wall to confirm that the required reinforcement had been placed prior to the provision of your "Retaining Wall Inspection" memorandum, which appears under your seal and is dated October 6, 2009.

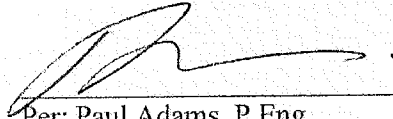
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**AND TAKE NOTICE** that the allegations against you are as follows:

1. That, contrary to the *Act*, you have demonstrated incompetence, or unprofessional conduct, in that, you signed and sealed three drawings dated January 6, 2011 for a client to build and install a fascia sign for British Columbia, for which you assumed professional responsibility for structural engineering matters (the “Project”). Further, the design was deficient and in applying your signature and seal to these drawings your services were not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, particulars of which are:
  - a. There is no evidence that you performed any calculations or undertook any design check or load analysis prior to placing your signature and seal on the January 6, 2011 drawings for the Project;

b. Your calculations dated January 9, 2012:

only determine wind load on the sign and the resistance of 22 screws along the top of the sign and do not relate to the four bolts specified for the bottom of the sign;

are based upon the dynamic approach in the BC Building Code, which does not apply to cladding and secondary elements of buildings such as signs, the static approach is therefore the correct method and, if used, yields approximately double the wind pressures calculated by you; and

do not cover the sign itself;

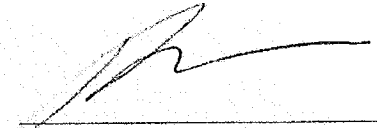
- c. The drawings dated January 6, 2011 show #14 self-tapping bolts to be installed at the base of the sign attached to each vertical window mullion, however the mullions supplied were provided with a threaded slot for bolts, but not self-tapping screws;
- d. The exterior pressure plate capping the mullion should have been modified to allow either the use of screws or bolts, but this was not called for on the drawings or required for installation of the sign;
- e. The sign is only supported at the top and bottom, which leaves the entire height of it (approximately eleven feet) without any support to the backing structure and therefore leaves it exposed to excessive bending under suction wind load and failure of the four bolts at the bottom;
- f. You did not restrict, modify or place any limitation on the scope of your responsibility for the design, construction, or installation process; and
- g. The signed and sealed drawings dated January 6, 2011 did not contain information required by the APEGBC Policy on Shop Drawings published March 21, 1990: specifically; design loads for the sign, relevant Codes applicable to the design of the sign, design criteria and attachment criteria and the address of the sign installation.

**AND FURTHER TAKE NOTICE** that you, James Camsoon Hum, P.Eng., have the right at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee above-mentioned and that 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 aforesaid allegation.

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**AND TAKE NOTICE** that the allegations against you are as follows:

1. That, contrary to the *Act*, you have demonstrated incompetence, or unprofessional conduct, in that, on a residential project located at White Rock, British Columbia, for which you assumed professional responsibility for structural and geotechnical engineering matters (the "Project"), your designs and field reviews were deficient and not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, particulars of which are:
  - a. There is no evidence that you undertook any geotechnical investigation of the Project soil conditions or recommended any precautions for safety in relation to the deep excavation required for the Project;
  - b. You signed and sealed four drawings (Main Floor, Roof Plan; Lower Floor, Main Floor Framing; Foundation, Lower Floor Framing; and Section A-A Building



Specifications), dated November 11, 2005, prepared for the \_\_\_\_\_ and bearing title blocks for Design by \_\_\_\_\_ when the design did not comply with the standard of practice, applicable provisions of the BC Building Code and Municipal Bylaws;

- c. You signed and sealed Section A-A Building Specifications drawing reference above, that shows a wall at the rear of the house approximately 21 feet high that is retaining soil, is supported only at the top and the bottom, and which is inadequately designed for the loads arising from the soil and seismic forces;
- d. You signed and sealed a Foundation Wall Detail drawing dated July 13, 2006, for the Project that appears to be a detail of the wall referenced immediately above, and which is inadequately designed for the loads arising from the soil and seismic forces;
- e. Your failure to design and conduct field reviews in relation to the lower level concrete wall, slab-on-grade floor slab and suspended floor slab for the Project, including the failure to specify appropriate wall details, such as the appropriate wall thickness, required reinforcing (both size and placement details) to take into account all loads, including soil and seismic, and the timing of wall/slab construction in relation to the timing for the placement of backfill, all in accordance with the standard of practice, applicable provisions of the BC Building Code and Municipal Bylaws;
- f. April 27, 2006 rebar inspection report for the Project wherein you or someone working under your supervision advised that following an inspection of reinforcing steel for "foundation wall and retaining walls" approval was given to pour cement when the wall was deficient as detailed above;
- g. May 25, 2006 further inspection report for the Project wherein you or someone working under your supervision advised that following an inspection of the retaining wall reinforcement it was approved to pour cement when the wall was deficient as detailed above;

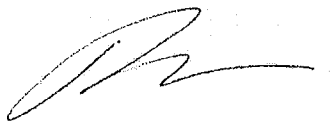
- h. December 8, 2006 further inspection report for the Project wherein you or someone working under your supervision advised that following an inspection of the framing of the house various matters were approved, including seismic when there is insufficient lateral resistance in the wood structure and it does not meet the CWC Engineering Guide for Wood Frame buildings; and
- i. You signed and sealed a BC Building Code Letter of Assurance Schedule C-B dated December 19, 2006 for the structural and geotechnical aspects of the Project when they did not substantially comply in all material respects with the applicable requirements of the BC Building Code.

**AND FURTHER TAKE NOTICE** that you, James Camsoon Hum, P.Eng., have the right at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee above-mentioned and that 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 aforesaid allegation.

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DISCIPLINE COMMITTEE PANEL:	Neil Cumming, P.Eng., Chair Frank Denton, P.Eng. Upul Atukorala, P.Eng.
COUNSEL FOR THE ASSOCIATION:	Kerry Short
COUNSEL FOR THE MEMBER:	None
INDEPENDENT COUNSEL FOR THE PANEL:	David Martin
DATE OF HEARING:	July 8 and 9, 2013
PLACE OF HEARING:	1000 – 840 Robson Street, Vancouver, BC

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**DETERMINATION**

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## INTRODUCTION

[1] A Discipline Committee Panel (the Panel) of the Association of Professional Engineers and Geoscientists of British Columbia (the Association) under authority of the Engineers and Geoscientists Act, R.S.B.C. 1996, C. 116, (the Act), held an inquiry to examine allegations of incompetence or unprofessional conduct by James Camsoon Hum, P.Eng.

[2] Mr. Hum was a member of the Association under the Professional Engineer (P.Eng.) designation at all times relevant to the matters herein in question.

[3] The allegations of incompetence or unprofessional conduct against the member, James Camsoon Hum, P.Eng. are found in four Amended Notices of Inquiry dated 24 May 2013 (the Notices). The four Notices pertain to separate matters and arise from separate complaints to the Association. They are referred to herein as the "Guardrail Matter", the "House Matter", the "Wall Matter", and the "Sign Matter".

[4] The Notices advised Mr. Hum that the Panel would meet at 9:00 in the forenoon on July 8, 2013 at Suite 1000 – 840 Howe Street, Vancouver, BC, for the purpose of taking evidence or otherwise causing an inquiry to be made with respect to the allegations made in the Amended Notices of Inquiry. The Notices gave further notice to Mr. Hum that he would have the right, at his own expense, to be represented by counsel at the inquiry, and that he or his counsel would have the full right to cross-examine all witnesses called, and to call evidence in defence and to reply in answer to the allegations. The Notices also gave notice to Mr. Hum that in the event of his non-attendance at the inquiry, the Panel may, upon proof of service of the Notices, proceed with the taking of evidence or otherwise ascertaining facts concerning the allegations, his absence notwithstanding, and may make its findings on the facts and its decision thereon without further notice to Mr. Hum.

[5] At 9:00 am on July 8, 2013 at Suite 1000 – 840 Howe Street, Vancouver, BC the Panel, counsel for the Association and the Independent counsel for the Panel were in attendance and were prepared to begin the inquiry. Mr. Hum was not in attendance. The Panel waited until 9:30 am to provide Mr. Hum an opportunity to appear in the event that he was delayed. At that time Mr. Hum had not appeared, and the Chair of the Panel called the proceedings to order and began the inquiry.

[6] Counsel for the Association tendered an Affidavit of Personal Service of Lawrence McManus (Exhibit 1) confirming that the four Amended Notices of Inquiry and related documents had been personally served on Mr. Hum on June 6, 2013. The documents contained a letter from the Association's counsel in which Mr. Hum was advised that *"if you do not attend the hearing on July 8, 2013, the hearing will proceed in your absence."*

[7] The Panel determined that the four Amended Notices of Inquiry had been properly served on Mr. Hum, and the inquiry proceeded. The inquiry adjourned at approximately 2:30 pm on July 8, 2013; it reconvened at 9:00 am on July 9, 2013. Presentation of evidence was concluded at approximately 11:45 am on July 9, 2013, whereupon the Panel adjourned to make its determination. Mr. Hum did not attend the hearing at any time. No written submissions from Mr. Hum have been received by the Panel.

## OPENING SUBMISSION

[8] No Agreed Statement of Facts was provided to the Panel. Mr. Short made an opening submission on behalf of the Association, in which he summarized the details of the four matters to be considered and the witnesses he proposed to call.

## EVIDENCE

[9] Documents related to each matter were provided to the Panel in separate binders, marked as Exhibits 6 through 9.

[10] Seven witnesses were called by the Association. Mr. Geoff Thiele, the Association's Director, Legislation, Ethics and Compliance, was the Association's point of contact for all four matters. He reviewed all correspondence received by the Association in respect of each matter, and also prepared or oversaw the preparation of all correspondence sent out by the Association in respect of each matter. He also administered the handling of the complaints by the Association staff and the investigation of the complaints by a Designated Reviewer and the Investigations Committee of the Association.

[11] Six other witnesses were called to provide expert opinions on Mr. Hum's conduct pertaining to the four matters. Mr. Short pointed out that two of the expert witnesses were on the subcommittees appointed by the Investigations Committee to review each of the four Matters. It was submitted that despite their previous involvement in the disciplinary process, these expert witnesses are nevertheless independent and unbiased witnesses.

[12] In all six cases the witness's credentials were presented by Mr. Short. The Panel considered each expert's experience and qualifications, and accepted each as an independent and unbiased expert who is qualified to give opinion evidence at the Inquiry.

[13] Mr. Short stated that with the exception of Mr. Jirava, who was called as an expert in the Guardrail Matter, none of the complainants in the four matters would be called because it was unnecessary to prove each charge. In this regard Mr. Short noted that the focus of the Inquiry was on what Mr. Hum failed to do in accordance with the standard of practice expected of him, and not on the effects of his work on the complainants and others.

[14] The Panel notes that documentary evidence provided to the Panel indicates that in three of the four matters, Mr. Hum failed to provide a timely response to the Association's requests for information and documents, and it was only after repeated requests and lengthy delays that the responses were provided.

### Guardrail Matter

[15] The allegations with respect to the Guardrail Matter are contained in the second paragraph of an Amended Notice of Inquiry of May 24, 2013:

1. *That, contrary to the Act, you have demonstrated incompetence, or unprofessional conduct, in that, on the project known as "Aluminum Guardrails" Surrey, British Columbia, a manufacturer of guardrail systems (the "Project"), your designs were deficient and not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, to wit:*
  - a. *The March 24, 2008 ("Original Design") and the September 24, 2008 (with revision for post wall thickness dated "12/05/08") resulted in brackets and posts being overstressed and therefore not meeting the structural resisting capacities required by the British Columbia Building Code;*

- b. Further, those drawings show the glass panel top edges as serving as the primary guard element in contravention of CAN/CGSB 12.20-M89 Structural Design of Glass in Buildings;
- c. Further, those drawings show that the connections of the guard posts are inadequate; and
- d. Further, those drawings contain deficiencies in the way that the anchorages have been shown.

[16] The Panel reviewed Drawings D1, D2 and D4 through D7 for a project identified as "Aluminum Guardrails" dated September 24, 2008, revised December 5, 2008. Drawings D1 and D2 are drawing notes pertaining to the guardrails, in which reference is made to the National Building Code 2006 and the BC Building Code 2006. Design loads from those codes are cited. Drawings D4 through D7 show details of the guardrail, including dimensions and spacing of the aluminum posts, mounting details for several configurations, and glass details. No top rail is shown. Drawings D4 through D7 bear Mr. Hum's signature and seal dated September 26, 2008. There is no qualification as to the scope of the sealed design. A revision to the drawings, dated December 5, 2008, pertains to a reduction in wall thickness of the aluminum posts from 0.125 inch to 0.095 inch. An additional Drawing 7A was provided, which is not sealed by Mr. Hum but is prepared on the same drawing template as the others, bearing the same company name and date.

[17] The panel heard oral testimony from Mr. Robert Jirava, P.Eng. and was provided with a report authored by Mr. Jirava on June 16, 2012. Mr. Jirava's evidence was that the  $\frac{3}{16}$  inch post brackets were overstressed by up to 300% at the design loads, while the posts themselves were overstressed (flexurally) by 10%.

[18] The Panel also heard oral testimony from Mr. Leonard Pinalto, P.Eng. and was provided with a report authored by Mr. Pinalto on March 29, 2011. Mr. Pinalto testified that there are several deficiencies with the design:

1. The tempered glass shown on the drawings does not provide a redundant means of support at the guard height as required by CAN/CGSB 12.20-M89;
2. The posts do not provide sufficient strength;
3. There are deficiencies with the design of the post anchorages.

[19] Mr. Thomas Leung, P.Eng. was appointed as a Subcommittee of the Association's Investigations Committee to investigate the complaints relating to the Guardrail Matter. The Panel heard oral testimony from Mr. Leung and was provided with a report authored by him on December 10, 2011. Mr. Leung had reviewed a number of documents provided to him by the Association, including the drawings sealed by Mr. Hum and the reports of Mr. Jirava and Mr. Pinalto. He also reviewed calculations provided by Mr. Hum. Mr. Leung testified that the guards and connections did not meet the requirements of the BC Building Code.

[20] Mr. Hum was provided with details of the complaints against him and provided a written response dated September 29, 2010 with which was submitted a Test Report on the guardrail posts conducted by Quality Auditing Institute (QAI), dated July 14, 2009. Also appended to Mr. Hum's response was a set of undated and untitled calculations for a "Railing System". Mr. Hum stated that "This drawing was certified for the aluminum post solely and was a generic document." He further states that the report of QAI confirms that the posts meet the BC Building Code requirements.

[21] In a letter dated October 18, 2010 Mr. Jirava disputes Mr. Hum's statement that the QAI report confirms the posts comply with the BC Building Code, and states that the loads applied in the test were insufficient to demonstrate compliance with the BC Building code. He further states that the calculations tendered by Mr. Hum do not clearly explain what engineering issues or problems are being examined. The Panel notes that the calculations refer to a post spacing of 4 feet, while Mr. Hum's sealed drawings D4 through D7 show a post spacing of 5 feet. The unsealed Drawing 7A shows a post spacing of 6 feet.

[22] In his report of March 29, 2011 Mr. Pinalto opines that the calculations provided by Mr. Hum lack sufficient detail to support the design, and lists five specific omissions. In his oral testimony Mr. Pinalto stated that the loads applied in the QAI test did not include the load factors or resistance factors required by the Code.

#### Wall Matter

[23] The allegations with respect to the Wall Matter are contained in an Amended Notice of Inquiry dated May 24, 2013:

1. *That, contrary to the Act, you have demonstrated incompetence, or unprofessional conduct, in that, on the project known as Abbotsford, British Columbia (the "Project"), your inspection of the existing lock block retaining wall and opinion expressed as to its construction was deficient and was not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, to wit: contrary to article 3 of the Code of Ethics, you did not conduct sufficient or any analysis of the required reinforcement of the soil behind the lock block retaining wall, nor did you take sufficient or any steps to investigate the actual construction of the reinforcement of the soil behind the lock block wall to confirm that the required reinforcement had been placed prior to the provision of your "Retaining Wall Inspection" memorandum, which appears under your seal and is dated October 6, 2009.*

[24] In a letter to the Association dated July 24, 2011, Mr. Hum stated that he was requested to inspect the retaining wall which had already been installed. Other documents included with Mr. Hum's file were several photographs of the wall under construction, an Installation Manual for Allan Block Geogrid Reinforced Retaining Walls, and an Inspection Report dated October 6, 2009, sealed by Mr. Hum, in which he stated, "*Built and passed – OK*". In his letter Mr. Hum stated that his client provided "*pictures during their construction process which demonstrates the construction process and material used for the wall.*"

[25] Mr. Short tendered a letter authored by Mr. Troy Issigonis, P.Eng., dated June 23, 2011. Mr. Issigonis was unavailable to testify at the hearing, and the Association submitted that the report should be admitted as evidence pursuant to Section 10(3) of the Evidence Act. The Panel accepted the report as evidence on that basis. In his letter Mr. Issigonis stated that he is unable to determine the amount of involvement of Mr. Hum in the design or field reviews during construction of the wall, and that he does not understand how the statements in the Inspection Report of October 6, 2009 relate to the wall design or construction.

[26] Mr. Brian Nakai, P.Eng. was appointed as a Subcommittee of the Association's Investigations Committee to investigate the Wall Matter. The Panel heard oral testimony from Mr. Nakai and was

provided with a report authored by him on October 26, 2011. Mr. Nakai stated that in his opinion, in order for Mr. Hum to conclude that the design and construction of the wall was suitable, *“some analysis of the required length and strength of the geogrid should have been conducted, and a sampling of the geogrid should have been exhumed to confirm that the length and strength conformed to the requirements identified by the analysis. Mr. Hum did not conduct any analysis and did not exhume any of the installed geogrid. Accordingly, he did not have adequate knowledge to base his opinion that the construction of the wall was suitable.”*

#### House Matter

[27] The allegations with respect to the House Matter are contained in an Amended Notice of Inquiry dated May 24, 2013:

1. *That, contrary to the Act, you have demonstrated incompetence, or unprofessional conduct, in that, on a residential project located at White Rock, British Columbia, for which you assumed professional responsibility for structural and geotechnical engineering matters (the “Project”), your designs and field reviews were deficient and not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, particulars of which are:*
  - a. *There is no evidence that you undertook any geotechnical investigation of the Project soil conditions or recommended any precautions for safety in relation to the deep excavation required for the Project;*
  - b. *You signed and sealed four drawings (Main Floor, Roof Plan; Lower Floor, Main Floor Framing; Foundation, Lower Floor Framing; and Section A-A Building Specifications), dated November 11, 2005, prepared for the P and bearing title blocks for Designer Ltd. when the design did not comply with the standard of practice, applicable provisions of the BC Building Code and Municipal Bylaws;*
  - c. *You signed and sealed Section A-A Building Specifications drawing reference above, that shows a wall at the rear of the house approximately 21 feet high that is retaining soil, is supported only at the top and the bottom, and which is inadequately designed for the loads arising from the soil and seismic forces;*
  - d. *You signed and sealed a Foundation Wall Detail drawing dated July 13, 2006, for the Project that appears to be a detail of the wall referenced immediately above, and which is inadequately designed for the loads arising from the soil and seismic forces;*
  - e. *Your failure to design and conduct field reviews in relation to the lower level concrete wall, slab-on-grade floor slab and suspended floor slab for the Project, including the failure to*



*specify appropriate wall details, such as the appropriate wall thickness, required reinforcing (both size and placement details) to take into account all loads, including soil and seismic, and the timing of wall/slab construction in relation to the timing for the placement of backfill, all in accordance with the standard of practice, applicable provisions of the BC Building Code and Municipal Bylaws;*

- f. April 27, 2006 rebar inspection report for the Project wherein you or someone working under your supervision advised that following an inspection of reinforcing steel for "foundation wall and retaining walls" approval was given to pour cement when the wall was deficient as detailed above;*
- g. May 25, 2006 further inspection report for the Project wherein you or someone working under your supervision advised that following an inspection of the retaining wall reinforcement it was approved to pour cement when the wall was deficient as detailed above;*
- h. December 8, 2006 further inspection report for the Project wherein you or someone working under your supervision advised that following an inspection of the framing of the house various matters were approved, including seismic when there is insufficient lateral resistance in the wood structure and it does not meet the CWC Engineering Guide for Wood Frame buildings; and*
- i. You signed and sealed a BC Building Code Letter of Assurance Schedule C-B dated December 19, 2006 for the structural and geotechnical aspects of the Project when they did not substantially comply in all material respects with the applicable requirements of the BC Building Code.*

[28] The Panel reviewed a number of documents relating to the design and construction of the subject house. They included a letter of complaint to the Association from another member who had been retained as an expert in a lawsuit regarding the house. Included with that letter were the member's expert opinion dated November 28, 2008, which was prepared for the lawsuit; several drawings of the house, four of which bore Mr. Hum's seal and signature; and Inspection Reports dated April 27, May 25, August 31, and December 8, 2006. Also included were the file of the City of White Rock on the subject house; a report authored by Mr. Derek Smith, P.Eng. on January 20, 2011; Investigation Subcommittee report of Mr. John Pao, P.Eng. and Mr. Thomas Leung, P.Eng., dated March 18, 2011; Mr. Hum's complete file; and a summary of Mr. Nakai's expert opinion.

[29] The house drawings were prepared by Most had handwritten notes which appeared to have been added by the City of White Rock during their plan checking and approval process. The Drawings on which Mr. Hum's seal had been applied included (1) the Main Floor, Roof Plan; (2) Lower Floor, Main Fl. Framing; (3) Foundation, Lower Fl. Framing; and (4) Section A-A, Bldg. Spec's (sic). This latter drawing contained handwritten notes in another hand which gave details of reinforcing design for the Garage Floor and a 21 foot high retaining wall at the north end of the house.

[30] The file of the City of White Rock contained copies of Schedule B-1 signed and sealed by Mr. Hum on November 15, 2005 in which he assured that the design of the structural and temporary and permanent geotechnical components, as outlined on Schedule B-2, substantially comply with the BC Building Code and other applicable enactments respecting safety except for construction safety aspects. The file also contained a copy of Schedule B-2 signed and sealed by Mr. Hum on the same date, in which the applicable disciplines, for which Mr. Hum provides assurance, are indicated as (a) structural capacity of structural components, including anchorage and seismic restraint; (b) geotechnical – excavation; and (c) geotechnical – bearing capacity of the soil.

[31] The Panel heard oral testimony by Mr. Brian Nakai, P.Eng. and was provided with a written summary of his opinion. Several photographs of the excavation taken by Mr. Nakai were provided. Mr. Nakai had been engaged by the owner of the adjacent house to the east. He testified that he attended the site of the house during construction in the spring of 2006 and observed a near-vertical excavation cut along the property line of the adjacent property to the east. The height of the cut was about 8.5 feet immediately next to the adjacent house, and up to 12 feet at the north end of the lot. The top of the slope was approximately 4 feet from the adjacent house. There was no shoring system in place to support the soil and prevent it from sloughing or falling into the excavation. It was Mr. Nakai's opinion that the condition of the excavated slope presented a significant risk of failure, and that it posed a risk of injury to workers working within the excavation. It was Mr. Nakai's opinion that an anchored shotcrete shoring system would have been required to protect the adjacent property and workers unless a geotechnical investigation had shown that the slope was safe without the shoring.

[32] The Panel notes that there was no evidence in the file of Mr. Hum nor in any other documents provided, that indicated that any form of geotechnical analysis had been performed.

[33] Mr. Derek Smith was appointed by the Association as a Designated Reviewer to review the complaint against Mr. Hum. The Panel heard oral testimony by Mr. Smith, and was provided with a report authored by Mr. Smith on January 20, 2011. Mr. Smith reviewed the drawings sealed by Mr. Hum with reference to the complaint against him. He concluded that:

1. The design of the 21 foot high retaining wall was deficient, being under designed by 55%. The wall was not of sufficient thickness to resist the applied loads. The wall was shown as being only 8 inches thick, whereas, for the steel reinforcing specified, a thickness of 16 inches would have been necessary for the applied loads. Further, the drawing showed the reinforcing steel on the wrong side of the wall.
2. There was a lack of detail regarding the construction and backfilling procedure for the wall.
3. It was not clear on the drawings what the construction of the garage slab was intended to be. Based on what he could assume from the drawings, Mr. Smith concluded that the slab was under-designed.
4. There are no structural details which show the lateral load resisting system for the building, especially in the short (east-west) direction. Reference was made to Section A-9.4 of the 1998 BC Building Code.

It was Mr. Smith's opinion that the structural drawings were of poor quality and lacked important information. Mr. Smith also testified that the retaining wall, in fact, failed during construction by bowing inward and cracking, and that a remedial scheme designed by Mr. Hum was overly complex and expensive.

[34] The Panel heard oral testimony by Mr. Leung and was provided with a Subcommittee Report authored by Mr. Leung and Mr. John Pao, P.Eng. on March 13, 2012. After reviewing the design drawings sealed by Mr. Hum, the contents of Mr. Hum's file, and the reports of the complainant and Mr. Smith, it was Mr. Leung's opinion that *"the foundation wall originally designed was grossly inadequate."* The deficiencies noted included the inadequate thickness of the wall, the incorrect location of the reinforcing steel, and that there was no instruction on the construction sequence and backfilling procedure, which were deemed to be critical to the integrity of the wall during construction. Furthermore, Mr. Leung found that there was no lateral load resisting system in the short direction of the building, which would have been required to adequately resist seismic loads.

[35] In response to correspondence from the Association, Mr. Hum provided letters dated April 10 and September 23, 2011. In the first letter, Mr. Hum stated that there was a miscommunication which resulted in the wall being designed for a lower height than the 21 feet shown as the final design. The wall was constructed to the incorrect design, and was subject to other construction deficiencies, which led to *"cracking and bowing"* of the wall. In the September 23, 2011 letter Mr. Hum stated that *"all calculations were completed in accordance with proprietary software for the engineered joists and beams* In addition, literature for the engineered joist and beams are found in the company library, which includes span tables and property values."

[36] The Panel notes that Mr. Hum's file contains no evidence of any analysis or calculations related to the design of the wall, nor of the lateral load resisting system. Similarly, there is no evidence in the file of any analysis using proprietary software.

#### Sign Matter

[37] The allegations with respect to the Sign Matter are contained in an Amended Notice of Inquiry dated May 24, 2013:

1. *That, contrary to the Act, you have demonstrated incompetence, or unprofessional conduct, in that, you signed and sealed three drawings dated January 6, 2011 for a client to build and install a fascia sign for Campus, British Columbia, for which you assumed professional responsibility for structural engineering matters (the "Project"). Further, the design was deficient and in applying your signature and seal to these drawings your services were not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time, particulars of which are:*
  - a. *There is no evidence that you performed any calculations or undertook any design check or load analysis prior to placing your signature and seal on the January 6, 2011 drawings for the Project;*
  - b. *Your calculations dated January 9, 2012: only determine wind load on the sign and the resistance of 22 screws along the top of the sign and do not relate to the four bolts specified for the bottom of the sign; are based upon the dynamic approach in the BC Building Code, which does not apply*

*to cladding and secondary elements of buildings such as signs, the static approach is therefore the correct method and, if used, yields approximately double the wind pressures calculated by you; and do not cover the sign itself;*

- c. The drawings dated January 6, 2011 show #14 self-tapping bolts to be installed at the base of the sign attached to each vertical window mullion, however the mullions supplied were provided with a threaded slot for bolts, but not self-tapping screws;*
- d. The exterior pressure plate capping the mullion should have been modified to allow either the use of screws or bolts, but this was not called for on the drawings or required for installation of the sign;*
- e. The sign is only supported at the top and bottom, which leaves the entire height of it (approximately eleven feet) without any support to the backing structure and therefore leaves it exposed to excessive bending under suction wind load and failure of the four bolts at the bottom;*
- f. You did not restrict, modify or place any limitation on the scope of your responsibility for the design, construction, or installation process; and*
- g. The signed and sealed drawings dated January 6, 2011 did not contain information required by the APEGBC Policy on Shop Drawings published March 21, 1990: specifically; design loads for the sign, relevant Codes applicable to the design of the sign, design criteria and attachment criteria and the address of the sign installation.*

[38] The Panel reviewed a number of documents related to the sign matter, which included three drawings prepared by Mr. Hum, to which Mr. Hum had applied his signature and seal on February 25, 2011; a report authored by Mr. Carlos Chui, P.Eng., who had been appointed by the Association as a Designated Reviewer to review the design; and an Investigation Subcommittee Report authored by Mr. John Pao, P.Eng. and Thomas Leung, P.Eng. on September 10, 2012.

[39] The Panel heard oral testimony by Mr. Chui and was provided with a report authored by him on May 16, 2012. Mr. Chiu had reviewed the design and a number of related documents. It was unclear to Mr. Chiu as to whether Mr. Hum's scope of responsibility related to the design of the sign, to the attachment of the sign to the building, or both. Mr. Chiu also reviewed a set of calculations provided by Mr. Hum. Several deficiencies in the design were noted. The drawings indicate 22 bolts along the top of the sign to attach it to the building's curtainwall system, and four bolts along the bottom of the sign, one at each of the four vertical mullions. In giving evidence, Mr. Chiu explained that the Building Code provides for two approaches to the calculation of wind loads on buildings, a static approach to be used in conventional circumstances and a dynamic approach to be applied primarily on very tall buildings. Mr. Chiu testified that the dynamic approach used by Mr. Hum in his calculations was incorrect with respect to the sign, and that this approach significantly underestimated the design loads on the sign. The calculations indicated that 22 bolts were required to hold the sign. However the design showed the 22 bolts at the top of the sign, with only four bolts at the mullions at the bottom of the sign. It was Mr.

Chiu's opinion that the four lower bolts would have had to resist 50% of the design load and, therefore, the four bolts at the bottom of the sign were not adequate.

[40] The Panel notes that the drawings to which Mr. Hum's seal is affixed show details of the sign itself and the attachment to the building. There are no notes or qualification on the drawings as to the scope of Mr. Hum's responsibility, and in particular there is no reference to a limitation regarding the attachment of the sign to the building.

[41] Mr. Thomas Leung, P.Eng. was appointed as a Subcommittee of the Association's Investigations Committee to investigate the complaint against Mr. Hum. The Panel heard oral testimony by Mr. Leung and reviewed his Subcommittee Report of September 10, 2012. Mr. Leung had reviewed the drawings sealed by Mr. Hum and the report of Mr. Chiu. Mr. Leung found that the signed and sealed drawings did not contain information required by the Association's Policy on Shop Drawings published on March 21, 1990. Mr. Leung testified that the incorrect method of analysis had been used by Mr. Hum and that the design of the attachment of the sign to the building was deficient.

[42] The Panel reviewed a set of handwritten calculations sealed by Mr. Hum, and noted that they are dated January 9, 2012, long after the sign had been installed and had subsequently failed.

[43] In a letter dated March 7, 2012 Mr. Hum suggests that the design of the sign attachment should have been submitted to the building engineer/architect for review, and that *"It would be the responsibility of the building engineer/architect to review all attachment points to the building."*

[44] The Panel found no evidence to confirm that Mr. Hum reviewed the installation of the sign and saw no evidence to confirm or disprove that there was an installation deficiency. The Panel heard testimony from Mr. Chui that he did not investigate the post-failure details of the sign and the anchorage.

#### CLOSING SUBMISSION

[45] The Association provided a closing submission in both oral and written form. The Panel has considered the submission and makes note of several points.

[46] It is the Association's submission that the focus of the inquiry is on what Mr. Hum failed to do in accordance with the standard of practice expected of him, and that the applicable standard of proof is on a balance of probabilities.

[47] It is the Association's submission that although two of the expert witnesses were on the Investigation Subcommittees appointed by the Association, these experts were nevertheless independent and unbiased. The Panel saw no evidence to the contrary.

[48] The Association submitted that the report of Mr. Issigonis should be admitted as evidence under section 10(3) of the Evidence Act. The Panel reviewed this section of the act and concluded that the report would be admitted.

[49] The Association provided the Panel with direction from two decisions of the BC Supreme Court (*Mason v. Registered Nurses of British Columbia* (1979), 13 B.C.L.R. 218 (S.C.) and *Reddy v. Association of Professional Engineers and Geoscientists of British Columbia*, 2000 BCSC 88) on the definition of "incompetence", i.e. *"...a person who habitually fails to perform his work with the degree of skill or accuracy usually displayed by persons regularly employed in such work is incompetent. And the same is true of one who usually performs substantially less than others regularly so employed. ... The true significance of the term 'incompetence' should not be overlooked. It embraces habitual carelessness."*

[50] The Association submits that Mr. Hum made a number of errors in his work related to the four matters, and furthermore, his records and paperwork in relation to the four matters were grossly lacking. In at least two cases the experts engaged by the Association were unable to understand the notes and calculations provided by Mr. Hum, and that in one case the calculations were prepared after he had signed and sealed the drawings.

[51] The Association submits that the evidence shows a pattern of habitual carelessness in terms of the four separate charges, and also that there is evidence of habitual carelessness within the scope of the work he undertook in the Guardrail Matter and the House Matter.

[52] The Association submits that Mr. Hum's conduct in response to the Association's requests for information and response to the complaints was indicative of further carelessness or incompetence.

#### **PANEL'S REVIEW AND DETERMINATION**

[53] After careful review and consideration of the testimony, the documents, the submissions of the Association, and Mr. Hum's responses to the complaints and the Association's enquiries, the Panel, on a balance of probabilities, makes the following determinations.

##### **Guardrail Matter**

[54] The Panel accepts the evidence presented by Mr. Jirava, Mr. Pianalto and Mr. Leung that the design of the posts and associated anchorages were deficient, and that the design of the guardrail did not comply with the BC Building Code and the applicable CSA/CGSB 12.20-M89 standard. The Panel finds that allegations 1(a) through (d) of the Amended Notice of Inquiry dated May 24, 2013 regarding the Guardrail Matter have been proven, and that Mr. Hum is thereby guilty of unprofessional conduct in that his design, in respect of the post thickness, the attachment bracket, and the lack of secondary top support, was deficient and not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time.

##### **Wall Matter**

[55] The Panel finds that the allegations in the Amended Notice of Inquiry dated May 24, 2013 regarding the Wall Matter have been proven. The Panel finds that Mr. Hum is guilty of unprofessional conduct in that (a) his inspection of the existing lock block retaining wall was deficient, (b) his opinion expressed as to its construction was based on insufficient data and analysis, and (c) his conduct was not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time.

[56] The Panel finds that contrary to Article 3 of the Association's Code of Ethics, Mr. Hum did not conduct sufficient or any analysis of the required reinforcement of the soil behind the lock block retaining wall, nor did he take sufficient or any steps to investigate the actual construction of the reinforcement of the soil behind the lock block wall to confirm that the required reinforcement had been placed prior to the provision of his "Retaining Wall Inspection" memorandum, which appears under his seal and is dated October 6, 2009. The Panel notes the evidence of Mr. Nakai and the statements of Mr. Issigonis, and accepts that the information in the October 6, 2009 report of Mr. Hum does not support the conclusion that the wall is acceptable.

### **House Matter**

[57] The Panel accepts the evidence of Mr. Smith, Mr. Nakai and Mr. Leung (a) that the design of the 21 foot high retaining wall was grossly deficient and lacked necessary detail; (b) that there were deficiencies in the design of the house with respect to seismic loads; and (c) that there was insufficient geotechnical analysis with respect to the stability of the excavated slopes. The Panel notes that these deficiencies existed despite his assurance by way of Schedules B-1 and B-2 that the design of the structural, and temporary and permanent geotechnical components, as outlined on Schedule B-2, substantially comply with the BC Building Code and other applicable enactments.

[58] The Panel finds that the allegations 1(b) through (l) of the Amended Notice of Inquiry dated May 24, 2013 regarding the House Matter have been proven. The Panel finds Mr. Hum guilty of unprofessional conduct in that he assumed professional responsibility for structural and geotechnical engineering matters, and that his designs and field reviews were deficient and not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time.

### **Sign Matter**

[59] The Panel accepts the evidence of Mr. Chiu and Mr. Leung that the design of the attachment of the sign to the building sealed by Mr. Hum was deficient and that an incorrect analysis had been used. The Panel also accepts the evidence of Mr. Leung that the drawings sealed by Mr. Hum do not comply with the Association's Policy on Shop Drawings.

[60] The Panel finds that allegations 1(b), and allegations (e) through (g) of the Amended Notice of Inquiry dated May 24, 2013 regarding the Sign Matter have been proven. The Panel finds Mr. Hum guilty of unprofessional conduct in that his design was deficient and that, in applying his signature and seal to the drawings, his services were not in compliance with the standard of practice expected of a professional engineer practicing in British Columbia undertaking similar work at the time.

### **Further Determination**

[61] The Panel has considered the scope of the four charges against Mr. Hum, has taken note of the number of separate charges, and also the number, nature and extent of the errors that have been proven. The Panel has considered the evidence in the context of the case authorities provided to it with respect to the Supreme Court of BC's definition of incompetence.

[62] Having carefully considered the totality of the allegations that have been proven and the scope and nature of the deficiencies in Mr. Hum's designs, record-keeping and conduct, the Panel finds Mr. Hum guilty of incompetence.

PENALTY

[63] The Panel will reconvene the hearing to receive and consider submissions on the penalty. The Independent Counsel will contact the Association and Mr. Hum to make arrangements.

Respectfully submitted,

Vancouver, British Columbia

August 12, 2013



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Neil A. Cumming, P.Eng. Chair



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Frank Denton, P.Eng.



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Upul Atukorala, P.Eng.



**IN THE MATTER OF**  
**THE ENGINEERS AND GEOSCIENTISTS ACT**  
**R.S.B.C. 1996 CHAPTER 116 AS AMENDED**  
**And**  
**IN THE MATTER OF JAMES CAMSOON HUM, P.ENG.**

DISCIPLINE COMMITTEE PANEL:	Neil Cumming, P.Eng., Chair Frank Denton, P.Eng. Upul Atukorala, P.Eng.
COUNSEL FOR THE ASSOCIATION:	Kerry Short
COUNSEL FOR THE MEMBER:	None
INDEPENDENT COUNSEL FOR THE PANEL:	David Martin
DATE OF HEARING:	August 27, 2013
PLACE OF HEARING:	1000 – 840 Robson Street, Vancouver, BC

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**DISCIPLINE PANEL ORDER ON PENALTY AND COSTS**

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## INTRODUCTION

[1] A Discipline Committee Panel (the Panel) of the Association of Professional Engineers and Geoscientists of British Columbia (the Association) under authority of the Engineers and Geoscientists Act, R.S.B.C. 1996, C. 116, (the Act), held an inquiry on July 8 and 9, 2013 to examine allegations of incompetence or unprofessional conduct by James Camsoon Hum, P.Eng. After careful consideration of the charges and the evidence presented at the hearing the Panel found Mr. Hum guilty of unprofessional conduct with respect to four separate Amended Notices of Inquiry dated May 24, 2013 (the Notices) and, in the aggregate, guilty of Incompetence. The Panel's Determination was issued on August 12, 2013.

[2] On August 27, 2013 at 2:00 pm a hearing on the penalty and costs to be imposed on Mr. Hum was held at Suite 1000 – 840 Howe Street, Vancouver, BC. At the appointed time, the members of the Panel, the Panel's independent counsel, and counsel for the Association were in attendance. Neither Mr. Hum nor anyone representing him was in attendance. The Panel was advised by both Mr. Short and Mr. Martin that they had each sent notification of the time and place of the hearing to Mr. Hum. The Panel was satisfied that Mr. Hum had been notified of the hearing, and the hearing therefore proceeded without Mr. Hum or his representative in attendance.

## SUBMISSION OF THE ASSOCIATION

[3] The Association's Counsel provided a submission to the Panel, together with several case authorities and an affidavit of Geoffrey Thiele, the Association's Director, Legislation, Ethics and Compliance. The submission is summarized in the following paragraphs.

[4] In its submission, the Association reminded the Panel of the Association's duty, as set out in the Act, which is to protect and safeguard the public interest. This duty was acknowledged by the BC Court of Appeal in *McKee v. College of Psychologists of BC*, [1994] 9 W.W.R. 374, [1994] B.C.J. No. 1778 (C.A.).

[5] The Association submitted that the penalty imposed on Mr. Hum should reflect the following principles:

- a. The need for protection of the public;
- b. The need to deter other members of the Association from similar actions;
- c. The need to deter Mr. Hum from repeating the offences; and
- d. The need for rehabilitation of Mr. Hum.

[6] The Association further submitted that the following factors should be considered in deciding on a penalty for Mr. Hum:

- a. The nature and gravity of the proven allegations;
- b. The previous character of Mr. Hum, including details of prior discipline;
- c. Whether Mr. Hum has acknowledged the misconduct and taken steps to disclose and redress the wrong;
- d. The presence or absence of other mitigating circumstances;
- e. The possibility of remediating or rehabilitating Mr. Hum;

- f. The need to promote specific and general deterrence and, thereby, to protect the public and ensure safe and proper practice of engineering;
- g. The need to ensure the public's confidence in the integrity of the profession; and
- h. The impact of the penalty on Mr. Hum.

[7] In its submission the Association pointed out that Mr. Hum's unprofessional conduct presented a danger to the public, and that it is only by good fortune that no one has been injured as a result of Mr. Hum's unacceptable work. He had repeatedly ignored the Association's communications in respect of the complaints and investigations. Furthermore, Mr. Hum has not participated in these disciplinary proceedings. The Association submits that this conduct indicates that Mr. Hum does not understand or does not care about the seriousness of the charges that have been proven, and does not understand or refuses to accept that his work is unprofessional and incompetent.

[8] The Association submits that Mr. Hum's conduct justifies the imposition of a fine, and that the fine should be the maximum permitted under the Act. The maximum fine permitted under the Act is \$25,000. The Association submits that this limit should apply to each of the four Notices of Inquiry, notwithstanding that they were dealt with in a single hearing as a matter of expedience.

[9] The Association further submits that Mr. Hum's conduct justifies the cancellation of his membership.

[10] In the alternative, the Association submits that Mr. Hum's membership should be suspended for two years, during which Mr. Hum should be required to successfully complete specific high-level courses to be determined by the Panel, in the areas of structural engineering or geotechnical engineering (or both, if he intends to continue practising in both disciplines) and ethics.

[11] With regard to costs, the Association referred the Panel to Section 35(1) of the Act, which provides that the Panel may, at its discretion, award reasonable costs of and incidental to the Association's investigation and the inquiry into the four matters which are the subject of the Notices of Inquiry, and that the amount of the award may be determined by the Panel.

[12] The Association submits that the Panel should award costs payable to the Association by Mr. Hum in the amount of 90% of its reasonable legal fees and disbursements related to the four Notices of Inquiry. The Association asserts that as of August 1, 2013 it has paid legal fees and disbursements of \$61,816.85, and that it expects an additional \$10,000 in fees and disbursements related to the hearing on penalty and costs. In its submission the Association referred the Panel to *Familamiri v. The Association of Professional Engineers and Geoscientists of British Columbia*, 2004 BCSC 660. The Association submits that the amounts claimed are reasonable in light of the four separate Notices of Inquiry and Mr. Hum's refusal to respond to the Association's communications and requests for response and information. Details of this conduct are provided in the Affidavit of Mr. Thiele.

[13] The Association also points out that it made efforts to avoid the costs of proceeding to an inquiry by inviting Mr. Hum to engage in a mediated process to resolve the complaints, and that Mr. Hum was made aware that a significant award of costs could be made against him if an inquiry became necessary.

[14] The Association also made the point that an award of costs is not meant to punish Mr. Hum, but "to reflect the privilege of membership in the professional organization". In this regard, the Association referred to *Familimari and Hoff v. Pharmaceutical Assn. (Alberta)* (1994), 18 Alta. L.R. (2d) 387 (Q.B.).

## **SUBMISSION OF MR. HUM**

[15] No submission on penalty and costs was received from Mr. Hum.

## **DISCUSSION**

[16] In making its decision on penalty and costs the Panel has carefully considered the provisions of the Act, the submissions of the Association, the evidence of Mr. Thiele, and the case authorities to which the Panel was referred. The Panel has also considered the principles noted in paragraph [5] above, and the factors that should be taken into account as set out in paragraph [6] above.

[17] The Panel is considerably troubled by Mr. Hum's refusal to participate in the investigation and hearing process. As a result of Mr. Hum's non-attendance at the hearings, the Panel has no basis on which to fully judge Mr. Hum's character, nor his ability to be rehabilitated and to conduct himself appropriately in the future. The Panel takes note that it was necessary for the Association to invoke the disciplinary process to compel Mr. Hum to respond to its requests for information and documents in two of the four matters under investigation. Indeed, Mr. Hum's non-participation throughout this disciplinary process raises questions as to whether he is capable of understanding his responsibilities as a member of a self-governing profession, and his willingness to submit to the governance of the Association. For these reasons, the Panel has considerable doubt that Mr. Hum can be rehabilitated to the point where he can conduct himself appropriately as a member of the Association.

[18] Similarly, the Panel is of the opinion that Mr. Hum fails to properly understand his responsibilities as a professional engineer, and has doubt that additional education on technical matters and ethics will result in appropriate behavior in the absence of this basic understanding.

[19] As well, Mr. Hum's errors as found by the Panel with respect to the four matters were substantial, in some cases involving life safety issues, and amounted to incompetence.

[20] Because no submission has been made by Mr. Hum, the Panel has no basis on which to consider whether there are any mitigating circumstances, or the effect of the penalty on Mr. Hum.

[21] On the basis of the information and evidence presented at the hearing, the Panel makes the following order on penalty and costs.

## **PENALTY**

[22] The Panel orders that Mr. Hum pay a penalty in the amount of \$25,000 within 60 days of the date of this order.

[23] The Panel orders that Mr. Hum's membership in the Association be cancelled as of the date of this order.

[24] The Panel recommends to the Council of the Association that if Mr. Hum re-applies for membership, the application should not be considered for a period of two years after the date of cancellation of his membership, and that the application be considered in the same manner as a fresh application to allow Mr. Hum's fitness for membership to be fully adjudicated. The Panel recommends that such application should include evidence of training and development that would be expected of an engineer-in-training applying for membership for the first time.

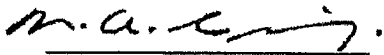
**COSTS**

[25] The Panel orders that within 60 days of the date of this order Mr. Hum shall pay to the Association \$64,000 in costs, the amount being slightly less than 90% of the Association's reasonable costs of legal fees and disbursements related to the investigations and hearings.

Respectfully submitted,

Vancouver, British Columbia

September 5, 2013



Neil A. Cumming, P.Eng. Chair

Frank Denton, P.Eng.



Upul Atukorala, P.Eng.

**COSTS**

[1] The Panel orders that within 60 days of the date of this order Mr. Hum shall pay to the Association \$64,000 in costs, the amount being slightly less than 90% of the Association's reasonable costs of legal fees and disbursements related to the investigations and hearings.

Respectfully submitted,

Vancouver, British Columbia

September 5, 2013

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Neil A. Cumming, P.Eng. Chair



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Frank Denton, P.Eng.

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Upul Atukorala, P.Eng.