

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

and

IN THE MATTER OF BORIS KLARICH, P.Eng.

Engineers and Geoscientists BC File No. T16-077

CONSENT ORDER

WHEREAS on May 10, 2017, a Notice of Inquiry was issued to Boris Klarich, P.Eng. ("Mr. Klarich") pursuant to s. 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "Act")

AND WHEREAS the Association of Professional Engineers and Geoscientists of British Columbia (the "Association"), doing business as Engineers and Geoscientists B.C., and Mr. Klarich wish to resolve the matter by consent in order to avoid the need for a disciplinary inquiry;

MR. KLARICH ADMITS THAT:

- A. he demonstrated unprofessional conduct by:
- i. affixing his seal, on or about February 28, 2016, to a letter addressed to Dick's Lumber (the "Letter"), which he knew contained statements that were untrue as of the date he sealed it, namely:
 - a. that a site inspection had been completed on the roof truss or trusses at a property in Vancouver (the "Site Inspection");
 - b. that the Site Inspection found the trusses were manufactured in accordance with the truss drawings; and
 - c. that all bracing, hangers and installation of the trusses had been completed satisfactorily;

(together the "Representations")

- ii. issuing the sealed Letter to a representative of Dick's Lumber when he knew that the Representations were untrue as of the date he issued it;
- iii. issuing the sealed Letter to the representative of Dick's Lumber, who is not licensed to engage in the practice of professional engineering, in circumstances where:
 - a. he had not carried out the engineering work necessary to support the Representations;
 - b. he knew that the engineering work necessary to support the Representations would be, or had been, carried out by the representative of Dick's Lumber without Mr. Klarich having implemented appropriate quality management procedures in respect of direct supervision; and
 - c. the representative of Dick's Lumber was left to decide whether and when to issue the Letter to third parties;

thereby enabling the representative of Dick's Lumber to fulfil the role of an APEGBC professional; and

- B. The conduct set out above at paragraph A(i) to (iii) is contrary to section 20(9) of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "Act").
- C. The conduct set out above at paragraph A(i) to (iii) is contrary to section 14(b)(3) of the Bylaws of the Association.
- D. The conduct set out above at paragraph A(i) to (iii) is contrary to Principles 1 and 3, and the preamble, of the Association's Code of Ethics.

THEREFORE by consent, this Order is made pursuant to section 32.1 of the Act:

- 1. Mr. Klarich'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 suspended for a period of two months, commencing on March 1, 2018.

2. The following conditions are imposed on Mr. Klarich's membership:
 - A. From the date of the execution of this Consent Order until March 1, 2018, Mr. Klarich will limit his practice to those project files that he is currently engaged on and will not take on any new engineering work;
 - B. Upon the resumption of his practice following the suspension imposed under paragraph 1 of this Consent Order, Mr. Klarich will undergo a Practice Review conducted by the Association and will pay the costs associated with the Practice Review;
 - C. Mr. Klarich must, on or before May 15, 2018, provide written notice that he has completed and passed the Professional Practice Examination of the Association;
 - D. Mr. Klarich must, on or before May 15, 2018, provide written notice that he has completed the Professional Engineering and Geoscience Practice in BC Online Seminar; and
 - E. If Mr. Klarich does not fulfil the requirements of subparagraphs C and D above within the time specified, his membership in the Association will be suspended until he has done so; and
3. Mr. Klarich shall pay \$6,000 towards the Association's legal costs within 30 days of the date of this Consent Order.
4. In the event that Mr. Klarich 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

5. 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.
6. 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.
7. Mr. Klarich agrees that he has had the benefit of independent legal advice regarding this Consent Order.

8. The Association and Mr. Klarich 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. Klarich and the members of the Discipline Committee Review Panel this 22nd day of January, 2018.



Boris Klarich, P.Eng.

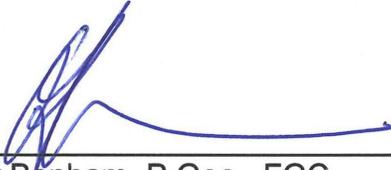


Name of Witness



Signature of Witness

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