

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

and

IN THE MATTER OF AMR AHMED SAYED HASSAN ELOUFY

**DECISION AND ORDER OF THE DISCIPLINE COMMITTEE
ON PENALTY AND COSTS**

Date and Place of Hearing:	By written submissions
Panel of the Discipline Committee:	Ron Yaworsky, P.Eng., Chair Larry Spence, P.Eng. John Wilson
Counsel for Engineers and Geoscientists BC:	Sara Hanson Raunaq Arora
For the Respondent:	No submissions
Counsel for the Panel of the Discipline Committee:	Tonie Beharrell
Decision Date:	August 29, 2025

A. INTRODUCTION

1. In its decision issued June 12, 2025 (the “Decision”), this panel of the Discipline Committee (the “Panel”) of the Association of Professional Engineers and Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC (“EGBC”) determined that the Respondent:
 - a. Engaged in conduct unbecoming a registrant by:
 - (i) falsifying the identity of, contact information for, and commentary from, two of his competency validators in his application for registration as a professional engineer with EGBC in or about October 2022; and
 - (ii) misrepresenting himself as a professional engineer to his now former employer and others outside that firm by:
 - Using “P.Eng.” in his signature on documents and correspondence addressed to his firm’s staff and/or clients, including emails and written engineering proposals; and
 - Failing to use “engineer in training” or “EIT” when identifying himself on documents and correspondence addressed to his firms staff and/or clients, including emails and written engineering proposals
 - b. Committed professional misconduct by failing to attend an interview with the EGBC Investigator despite repeated requests by the Investigator to do so.
2. Having made that finding, the Panel requested written submissions on what sanctions should be imposed on the Respondent and whether, and in what amount, costs should be ordered. The Panel also set a schedule for those submissions which was communicated to the parties. The Panel received written submissions from EGBC on July 11, 2025. Mr. Eloufy did not provide submissions, either on the date set by the Panel or at all, despite follow-up communication to him.
3. This is the Panel’s decision with respect to the appropriate penalty and costs payable.

B. ORDER SOUGHT

4. EGBC seeks the following penalty and costs orders:
 - a. That the Respondent's registration with EGBC be cancelled;
 - b. That the Respondent pay a fine to EGBC in the amount of \$2,000 no later than 30 days from the date of the Panel's decision on penalty; and
 - c. That the Respondent pay to EGBC costs in the amount of \$75,957.49 (an amount equivalent to 80% of its actual investigation and legal costs) no later than 30 days from the date of the Panel's decision on penalty.

C. PENALTY

Legal Framework for Penalty

5. Both the initiation of the discipline proceedings against the Respondent and the conduct at issue in the Citation occurred after the *Professional Governance Act*, S.B.C. 2018, c. 47 (the "PGA") came into force. As a result, both the penalty and the costs are to be assessed pursuant to the *PGA*.
6. As the Respondent was registered with EGBC as an Engineer-in-Training ("EIT") at the time the misconduct occurred, s. 75(7) of the *PGA* applies with respect to the penalties that can be ordered:
 - (7) *If, under subsection (5), an adverse determination is made against a trainee, the discipline committee may do one or more of the following:*
 - (a) *require that the trainee undertake further training;*
 - (b) *reprimand the trainee;*
 - (c) *impose a penalty on the trainee in an amount not exceeding \$2,000;*
 - (d) *cancel the enrolment of the trainee.*
7. In *Law Society of British Columbia v. Ogilvie*, [1999] LSBC 17 ("Ogilvie," at para. 10) a Law Society discipline panel set out a list of factors to be considered when

deciding upon a penalty. In *Law Society of British Columbia v. Dent*, 2016 LSBC 5 (“*Dent*”), a discipline panel suggested a “consolidation” of the *Ogilvie* factors, as follows (at paras. 20-23):

Nature, gravity and consequences of conduct

This would cover the nature of the professional misconduct. Was it severe? Here are some of the aspects of severity: For how long and how many times did the misconduct occur? How did the conduct affect the victim? Did the lawyer obtain any financial gain from the misconduct? What were the consequences for the lawyer? Where there civil or criminal proceedings resulting from the conduct?

Character and professional conduct record of the respondent

What is the age and experience of the respondent? What is the reputation of the respondent in the community in general and among his fellow lawyers? What is contained in the professional conduct record?

Acknowledgement of the misconduct and remedial action

Does the respondent admit his or her misconduct? What steps, if any, has the respondent taken to prevent a reoccurrence? Did the respondent take any remedial action to correct the specific misconduct? Generally, can the respondent be rehabilitated? Are there other mitigating circumstances, such as mental health or addiction, and are they being dealt with by the respondent?

Public confidence in the legal profession including public confidence in the disciplinary process

Is there sufficient specific or general deterrent value in the proposed disciplinary action? Generally, will the public have confidence that the proposed disciplinary action is sufficient to maintain the integrity of the legal profession? Specifically, will the public have confidence in the proposed disciplinary action compared to similar cases?

8. The factors outlined in *Ogilvie* and *Dent* have been consistently adopted in decisions of EGBC’s Discipline Committee, including very recently in *Re Peter Kovacik, P.Eng.*, (November 7, 2024). The Panel accepts that these are appropriate factors to consider in its assessment of Penalty.

Panel's Analysis on Penalty

9. Applying the *Dent* factors as outlined below, the Panel concludes that the penalty sought by the EGBC should be granted.
10. With respect to the nature, gravity and consequences of the conduct, the Panel found that the Respondent falsified the identity of, contact information for, and commentary from, two of his competency validators, including creating false email addresses for them using an internet domain that he registered for that use. These actions in and of themselves put the conduct at the severe end of the spectrum.
11. In addition, the Panel found that the Respondent misrepresented himself as a professional engineer to his then employer, and to others inside and outside the firm by using "P.Eng." in his signature on documents and correspondence, and by failing to use "engineer in training" in identifying himself. The Panel found that these actions were not inadvertent or accidental.
12. Finally, the Respondent failed to attend an interview with the EGBC investigator, which the Panel found to be "a concerted course of conduct that impeded EGBC's investigation."
13. The nature of these findings, and the course of conduct engaged in by the Respondent, places the nature and gravity of the Respondent's conduct at the severe end of the spectrum. Although these actions were uncovered relatively quickly, and thus significant consequences to the public were avoided, had the conduct not been discovered the consequences to the public could have been significant.
14. With respect to character and professional record, while the Respondent does not have any other discipline history with EGBC, this factor does not favour a less significant penalty, as he only had a very short period of registration as an EIT.

15. With respect to acknowledgement of the misconduct and remedial action, the Respondent has not taken responsibility for any of his actions. He has consistently denied his own wrongdoing and attempted to attribute blame to others. The Respondent's actions in this regard are aggravating factors that militate towards a serious penalty.
16. With respect to public confidence in the profession, the Panel notes, first, that while the Respondent resigned his registration with EGBC in April 2023, he has not shown any understanding or remorse for his actions. In these circumstances, the Panel finds that a significant penalty is still warranted to deter the Respondent from engaging in similar misconduct in the future should he reapply to EGBC.
17. Second, the Respondent's actions went to the heart of the integrity of the professional regulation system. In the Decision the Panel stated as follows (at para. 77):

The Panel concludes that submitting false information for a P.Eng. application is ... conduct that would likely lower a reasonable person's trust, respect and regard for EGBC and its registrants. In other words, it brings EGBC and its registrants into disrepute.
18. As noted by EGBC, the maintenance of public confidence in the engineering profession is particularly important in cases such as this which involve both the integrity of the registration system, and the appropriate use of reserved titles. Where, as here, an individual has not only misused a reserved title, but also engaged in fraud in order to obtain a reserved title, a strong penalty is required to act as an appropriate deterrent.
19. Third, it is fundamental to EGBC's professional regulatory functions that registrants are held accountable for failing to participate in the investigation process. As noted in *Re Nunn*, 2021 BCEGBC 9:

Members who do not provide full and timely cooperation harm the public's confidence in the profession and the Association's ability to effectively regulate it in the public interest. That is not acceptable, and must be deterred. (at para. 28)

20. As a result of all of the considerations outlined above, the Panel finds that a significant penalty is appropriate.
21. With respect to the cancellation of the Respondent's registration, the Panel notes that that registration has already been cancelled because the Respondent resigned his registration. EGBC nevertheless seeks an order that his registration be cancelled by the Panel. They note that the effect of such an order would be to change the Respondent's status in the Registrant Directory from "Cancelled - Not Renewed by Registrant" to "Cancelled - Disciplinary Order." EGBC submits that this change would be an important signal to deter other potential registrants from engaging in similar misconduct.
22. The Panel agrees that in these circumstances an order cancelling the Respondent's registration appropriately serves to highlight the seriousness of the actions found by the Panel, as well as the purpose of general deterrence.
23. With respect to the fine, under s. 75(7) of the PGA the greatest fine that the Panel can impose on an EIT is \$2,000. Given the Panel's review of the *Dent* factors and the fundamental impact of the Respondent's behaviour on the integrity of the professional regulatory system, the Panel finds that imposing the maximum penalty is appropriate.
24. Therefore, the Panel finds that the appropriate penalty in this case is the cancellation of the Respondent's registration, and the imposition of a \$2,000 fine. Further, the Panel orders that the fine be payable within 30 days of the date of this decision.

D. COSTS

Legal Framework for Assessment of Costs

25. Section 81 of the *PGA* provides the Panel with authority to require that a respondent pay the costs of an investigation and a discipline hearing:

Costs

81 (1) A discipline committee or panel, in the context of a discipline hearing under section 75, may require the respondent to pay the costs of one or both of the following:

- (a) an investigation;*
- (b) the hearing under section 75.*

- (2) Costs assessed under subsection (1)*

- (a) Must not exceed the actual costs incurred by the regulatory body during the course of the investigation and hearing, and*
- (b) May include the salary costs for employees or officers engaged in the investigation and hearing.*

- (3) The council may make bylaws governing the assessment of costs under subsection (1), including the following:*

- (a) the factors to be considered in assessing costs;*
- (b) the maximum amount of costs that may be assessed within the limits set out in subsection (2);*
- (c) the time allowed for payment of costs;*
- (d) the extension of time for payment of costs.*

- (4) The amount of costs assessed against a respondent under subsection (1) may be recovered as a debt owing to the regulatory body and, when collected, that amount is the property of the regulatory body.*

26. EGBC has enacted bylaws pursuant to the authority set out in s. 81(3) of the *PGA* (the “Bylaws”). Section 10.9 of the Bylaws governs orders and assessment of costs, and provides:

- (1) If an adverse determination is made against a Respondent after a discipline hearing held pursuant to section 75 of the*

PGA [Discipline hearings] the Discipline Hearing Panel must require, through an order in writing, that the Respondent pay EGBC's costs, which may be up to the actual costs incurred by EGBC as a result of an investigation and a discipline hearing, provided that those actual costs are within the limits set out in section 81(2)(a) of the PGA [Costs].

27. Sections 10.9(2), (3) and (4) of the Bylaws set out the calculation of recoverable costs with respect to an investigation and a discipline hearing.
28. Section 10.9(5)(a) of the Bylaws requires the Panel to consider whether EGBC proved all the allegations made against the respondent in the Citation.
29. Section 10.10 of the Bylaws provides that the registrant must pay the full amount of any costs imposed pursuant to section 10.9 of the Bylaws within 30 days of the date of the order for costs, unless an extension for payment of costs is obtained through section 10.10.1(1) of the Bylaws.

Panel's Analysis on Costs

30. Under the predecessor legislation to the *PGA*, the now repealed *Engineers and Geoscientists Act*, R.S.B.C. 1996 c. 116 (the "*EGA*"), EGBC was only entitled to seek "reasonable costs of and incidental to the investigation under section 30 and the inquiry under section 32." EGBC states that the approach adopted by EGBC under the *EGA* was to seek a percentage of its actual costs.
31. The present case is the first hearing of a citation with allegations that occurred under the *PGA*. In cases that have been heard since the coming into force of the *PGA*, but relating to allegations that took place prior to the *EGA* being repealed, EGBC elected to seek only a percentage of its costs as was available under the *EGA*.
32. EGBC states that, although it is now entitled to seek its actual costs incurred during the course of the investigation and hearing pursuant to s.81(2) of the

PGA, it has elected here to seek only 80% of those costs. EGBC states that this order is justified based on the seriousness of the allegations that were proven.

33. While EGBC acknowledges that there were two sub-allegations in the Citation that it did not pursue at hearing (see the Decision at para. 3), it states that it nevertheless proved the substantive part of those allegations which was that the Respondent misrepresented himself as a professional engineer to his then employer and others outside that firm. EGBC states that the fact that the two sub-allegations were not pursued did not impact the Panel's ultimate finding that the Respondent engaged in conduct unbecoming a registrant.
34. The Panel agrees with EGBC's assessment of its success in establishing the allegations at issue and the seriousness of those allegations.
35. In these circumstances, the Panel agrees that it is appropriate to order costs at 80% of actual costs incurred, as requested by EGBC. Further, the Panel accepts that EGBC's costs as submitted in the Affidavit attached to its submissions are reasonable: \$81,573.85 in legal fees and disbursements; and \$13,373.01 in investigation and hearing costs. That figure is multiplied by 80% for a net costs order of \$75,957.49.
36. The Panel orders costs payable by the Respondent to EGBC in the amount of \$75,957.49. Further the Panel orders that this amount be paid no later than 30 days from the date of this order.

E. ORDER

37. In summary, the Panel orders as follows:
 - a. The Respondent's registration with EGBC is cancelled;
 - b. The Respondent must pay a fine in the amount of \$2,000 to EGBC within 30 days from the date of the Panel's decision on penalty; and

- c. The Respondent must pay EGBC costs in the amount of \$75,957.49 (representing 80% of its actual costs incurred during the course of the investigation and hearing) within 30 days of the Panel's decision on penalty.
38. Further, in light of the Respondent's non-participation in this phase of the proceeding, the Panel directs EGBC to make all reasonable efforts to deliver this decision to the Respondent.

DATED: August 29, 2025.

<original signed by>

Ron Yaworsky, P.Eng., Chair

<original signed by>

Larry Spence, P.Eng.

<original signed by>

John Wilson