

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

- and -

IN THE MATTER OF ROBERT BRUCE CHEADLE, P.ENG.

CONSENT ORDER

Dated for reference this 31st day of October, 2010.

WHEREAS Robert Bruce Cheadle, P.Eng. ("Mr. Cheadle") was served with a Notice of Inquiry dated July 12, 2010 pursuant to section 32 of the *Engineers and Geoscientists Act*. R.S.B.C. 1996, c. 116 as amended ("*Act*") that contained the following allegation:

AND TAKE NOTICE that the allegation against you is that contrary to the *Act*, you have demonstrated unprofessional conduct, in that, after signing a Letter of Undertaking to the Association's Practice Review Committee dated December 7, 2005 ("Letter of Undertaking") in which you undertook:

I will no longer seek new contracts for work which involves the provision of professional engineering advice or consulting services on matters related to building envelope engineering unless:

- a. It is under the direct supervision of a professional engineer having specialized expertise in building envelope engineering who is approved in advance, in writing, by the Practice Review Committee; or*
- b. I have successfully completed a training program in building envelope engineering which includes components of education and experience that has been approved in advance, in writing, by the Practice Review Committee.*

you performed 11 building envelope consulting projects without first complying with either of these provisions in the Letter of Undertaking.

AND WHEREAS the Association of Professional Engineers and Geoscientists of British Columbia ("Association") and Mr. Cheadle wish to resolve this matter by consent in order to avoid the need for a disciplinary inquiry.

AND WHEREAS Mr. Cheadle admits the allegation in the Notice of Inquiry.

THEREFORE by consent, this Order is hereby made, pursuant to the Act, specifically s. 32.1.

(a) Mr. Cheadle's membership in the Association is suspended for 6 months commencing on the reference date of this Consent Order;

(b) Mr. Cheadle shall pay the Association's legal costs, including disbursements and taxes, in this matter up to the reference date of this Consent Order, up to a maximum of \$2,500.00. Such costs will be payable within 6 months of the reference date of this Consent Order;

(c) Mr. Cheadle shall have an independent peer review conducted of the following 11 building envelope projects:

- (i) [REDACTED] North Saanich;
- (ii) [REDACTED], Victoria;
- (iii) [REDACTED], Victoria;
- (iv) [REDACTED] Victoria;
- (v) [REDACTED], Victoria;
- (vi) [REDACTED], Victoria;
- (vii) [REDACTED], Victoria;
- (viii) [REDACTED], Victoria;
- (ix) [REDACTED] Victoria;
- (x) [REDACTED] Victoria; and
- (xi) [REDACTED], Victoria.

at his cost within 12 months of the reference date of this Consent Order. The professional engineer that is to conduct the peer reviews shall be approved in advance and in writing by the Registrar of the Association;

(d) Mr. Cheadle following the completion of his suspension set out in paragraph (a) above shall comply fully with the terms of the Letter of Undertaking to the Association's Practice Review Committee dated December 7, 2005 with the following changes:

- (i) the independent peer review of the [REDACTED] project shall be completed within 12 months of the reference date of the Consent Order

by a professional engineer approved in advance and in writing by the Registrar of the Association; and

(ii) any approval of suitable courses and/or training shall be by the Registrar of the Association.

(e) If any of the conditions in paragraphs (b) to (d) above are not met within the time permitted Mr. Cheadle's membership in the Association will be suspended until all such conditions have been met.

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.

This Consent Order is approved and accepted by Mr. Cheadle and a member of the Discipline Committee this 5th day of ~~October~~, 2010.

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Witness

Mr. Cheadle
Mr. Cheadle, P.Eng.

Witness

R. Wares
Roy Wares, P.Eng.
Chair, Discipline Committee

**IN THE MATTER OF
THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND
GEOLOGISTS OF THE PROVINCE OF BRITISH COLUMBIA**

- and -

**ROBERT BRUCE CHEADLE
PROPOSED ORDER TO CANCEL MEMBERSHIP FOR FAILURE TO COMPLY WITH THE
CONSENT ORDER OF THE DISCIPLINE PANEL OF OCTOBER 31, 2010**

A Discipline Committee member (the "Reviewing Member") of the Association of Professional Engineers and Geoscientists of the Province of British Columbia reviewed the Notice of Inquiry dated July 12, 2010 issued by the Association against Mr. Cheadle for the purpose of determining the terms and conditions for a Consent Order offer to Mr. Cheadle. Those terms and conditions were communicated to Mr. Cheadle and he accepted the Consent Order offer dated for reference, October 31, 2010.

As part of the Consent Order ("the Order"), Mr. Cheadle agreed, among other things that: his membership in the Association would be suspended for a period of six months commencing the reference date of the Order; he would pay the Association's legal costs, including disbursements and taxes in this matter up to the reference date of the Order, up to a maximum of \$2,500.00 within six months of the reference date of the Order; and he would have independent peer reviews conducted on eleven building envelope projects listed in the Notice of Inquiry, within twelve months of the reference date of the Order.

A copy of the Order was mailed to Mr. Cheadle and was published on the Association's website. Notices were published in the Association's magazine and electronic newsletter, and in the local newspaper. Mr. Cheadle advised the Director, Legislation, Ethics and Compliance, by way of letter dated April 5, 2011 that he is unable to pay the Association's legal fees or retain another professional engineer to perform independent peer reviews of the eleven projects listed as he is bankrupt. Mr. Cheadle further advised that at some point in the future, if he has the money to pay for the peer reviews, he will retain a professional engineer to do so. To date Mr. Cheadle has failed to pay the legal costs or obtain the peer reviews and in accordance with the terms of the Order, remains suspended.

The Reviewing Member agrees that the conditions set out in the Order have not been met. Pursuant to its powers under subsections 34(1) and 35(5) of the Act, Mr. Cheadle's membership in the Association is cancelled.

Roy Wares, P.Eng.,
Chair, Discipline Review Panel

Date

Colin Smith, P.Eng.
Discipline Review Panel Member

Date

**IN THE MATTER OF
THE ASSOCIATION OF PROFESSIONAL ENGINEERS
AND GEOSCIENTISTS OF THE PROVINCE OF BRITISH
COLUMBIA**

-and-

ROBERT BRUCE CHEADLE

**ORDER TO CANCEL MEMBERSHIP FOR FAILURE TO COMPLY WITH THE
CONSENT ORDER OF THE DISCIPLINE PANEL OF OCTOBER 31, 2010**

- 1) On January 9, 2012, the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association") proposed that membership of Robert Bruce Cheadle be cancelled by reason of the failure of Mr. Cheadle to comply with a Consent Order dated October 31, 2010.
- 2) The Discipline Committee has reviewed Mr. Cheadle's undated submission provided in response.
- 3) It is the decision of the Discipline Committee that Mr. Cheadle's membership as a Professional Engineer ("P.Eng.") be cancelled for the reasons set forth below.

Chronology

- 4) The Discipline Committee had reviewed the Notice of Inquiry dated July 12, 2010 issued by the Association against Mr. Cheadle for the purpose of determining the terms and conditions for a Consent Order offer to Mr. Cheadle. Those terms and conditions were communicated to Mr. Cheadle and he accepted the Consent Order offer dated for reference, October 31, 2010 (the "Order").
- 5) Mr. Cheadle executed the Order and admitted to unprofessional conduct contrary to the *Engineers and Geoscientists Act* (the "Act") in that after signing a Letter of Undertaking to the Association's Practice Review Committee dated December 7, 2005 ("Letter of Undertaking") in which Mr. Cheadle undertook 11 building envelope consulting projects without first complying with either of the provisions in the Letter of Undertaking.

6) The provisions in the Letter of Undertaking were that:

➤ *I will no longer seek new contracts for work which involves the provision of professional engineering advice or consulting services on matters related to building envelope engineering unless:*

a. It is under the direct supervision of a professional engineer having specialized expertise in building envelope engineering who is approved in advance, in writing, by the Practice Review Committee; or

b. I have successfully completed a training program in building envelope engineering which includes components of education and experience that has been approved in advance, in writing, by the Practice Review Committee.

7) As part of the Order, Mr. Cheadle agreed that, among other things: his membership in the Association would be suspended for a period of six months commencing the reference date of the Order; he would pay the Association's legal costs, including disbursements and taxes in this matter up to the reference date of the Order, up to a maximum of \$2,500.00 within six months of the reference date of the Order; and he would have independent peer reviews conducted on eleven building envelope projects listed in the Notice of Inquiry, within twelve months of the reference date of the Order.

8) A copy of the Order was delivered to Mr. Cheadle and was published on the Association's website. Notices were published in the Association's magazine and electronic newsletter, and in the local newspaper.

9) Mr. Cheadle subsequently advised the Director, Legislation, Ethics and Compliance, by way of letter dated April 5, 2011 that he was unable to pay the Association's legal fees or retain another professional engineer to perform independent peer reviews of the eleven projects listed as he is bankrupt. Mr. Cheadle further advised that at some point in the future, if he had the money to pay for the peer reviews, he will retain a professional engineer to do so. To date, Mr. Cheadle has failed to pay the legal costs or obtain the peer reviews and in accordance with the terms of the Order, remains suspended.

10) In his most recent communication, Mr. Cheadle claims he is in the process of filing for bankruptcy. Mr. Cheadle remains suspended from the Association.

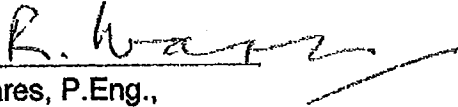
Analysis

- 11) Pursuant to section 34(1) of the *Act*, the Discipline Committee has the authority to impose further penalties for a failure to meet the conditions of its earlier Order and failure to pay costs.
- 12) Mr. Cheadle's responses and failures to adhere to the Letter of Undertaking and the Order reveals a poor understanding of the powers accorded to engineers under the *Act* and the need to practice in conformance with the *Act*.
- 13) The Discipline Committee was troubled by Mr. Cheadle's failure to comply with or explain the failure to engage an independent professional engineer to review the eleven building envelope projects identified in the 2010 Consent Order which Mr. Cheadle had signed.
- 14) The independent assessment was a key element of protection of the public.
- 15) In his failure to comply with in part or in whole with this key element, Mr. Cheadle demonstrated a cavalier approach to the public interest, a key element in the regulation of the engineering profession.
- 16) The practice of professional engineering is one governed by rules that the member must abide by. Mr. Cheadle has repeatedly demonstrated that he is unable to follow through with his commitments and written promises. Further, standing as a professional engineer is a privilege not a right. This privilege must be earned and maintained through appropriate conduct.

Conclusion

- 17) To date, Mr. Cheadle has failed to pay the legal costs or obtain the peer reviews and in accordance with the terms of the Order, remains suspended.
- 18) Through his continued pattern of failing to abide by his written agreements made with the Association, Mr. Cheadle has conclusively demonstrated to the Discipline Committee his refusal to be governed by the Association.
- 19) The Discipline Committee agrees that the conditions set out in the Order have not been met. Pursuant to the Association's powers under section 34(1) of the *Act*, Mr. Cheadle's membership in the Association is cancelled.

This Order cancelling the membership of Robert Bruce Cheadle as a member of the Association shall be effective February 20, 2012 and has been executed in counterpart.

A handwritten signature in cursive script, appearing to read "R. Wares", written over a horizontal line.

Roy Wares, P.Eng.,
Chair, Discipline Committee

A handwritten signature in cursive script, appearing to read "Colin Smith", written over a horizontal line.

Colin Smith, P.Eng.
on behalf of the
Discipline Committee