

Date: 2026-10-05

File Nos. D26-002, SR23-013, T26-061

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

and

IN THE MATTER OF BORIS KLARICH, P.ENG.

**DECISION AND ORDER OF THE EXTRAORDINARY ACTION
PANEL**

Discipline Committee Panel:

Larry Spence, P.Eng., FEC, FGC
(Hon), Chair

Roz Nielsen, P.Eng., M.Eng.

John Wilson (public member)

Counsel for Engineers and Geoscientists
BC:

Brendan W. Dawes

Counsel for the Registrant:

Jason Z. Murray

Drummond Lambert

Alicia Aparicio

Counsel for the Panel:

Tonie Beharrell

Background

1. This Extraordinary Action Panel (the “Panel”) was appointed by the Chair of the Discipline Committee of the Association of Professional Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC (“EGBC”) to consider, pursuant to s. 67 of the *Professional Governance Act* (the “PGA”), whether to impose limits, conditions or a suspension on the registration of Boris Klarich, P.Eng. (“Mr. Klarich” or the “Registrant”).

Joint Proposal for Interim Order

2. The parties have proposed an interim order, by consent, as follows:
 1. The Registrant may not conduct any engineering work related to guards, guardrails, handrails, privacy screens or similar components (“Guardrail Work”), including the preparation, review, sealing or authentication of any design, drawing, calculation, specification, letter of assurance or model schedule in respect of such components (the “Interim Condition”).
 2. The Interim Condition set out in paragraph 1 is in effect until the earlier date that:
 - a. Files SR23-013 and T26-061 are both concluded in one of the following manners:
 - i. A Consent Order is made between the Investigation Committee or the Discipline Committee and Mr. Klarich pursuant to section 75(5)(a) or 75(6) of the PGA; or
 - ii. The Discipline Committee determines pursuant to section 67(4) of the PGA that the limits and conditions are no longer necessary to protect the public.
3. EGBC provided written submissions and a book of authorities dated August 21, 2026, the Affidavit of Jana Neria, paralegal, affirmed August 19, 2026; the Affidavit of Adam Dubras, EGBC Complaint Intake Manager, affirmed August 19, 2026; and the Affidavit of Cheryl Cuddie, EGBC Acting Associate Director, Investigations and Discipline, affirmed August

20, 2026. The parties provided Joint Submissions as to the Interim Order dated September 18, 2026; and the Affidavit of the Registrant, affirmed September 14, 2026.

Conduct at Issue

4. The material provided to the Panel concerns two complaints regarding Mr. Klarich's engineering work in respect of guardrails.
5. The first matter, file SR23-013 concerns Mr. Klarich's engineering work in respect of aluminum and glass guards, handrails and privacy screens at a high-rise residential development. Two panels fell from the high-rise building: the first from the fifteenth floor on December 17, 2022 and the second from the ninth floor on February 6, 2023. The matter has been referred to EGBC's legal counsel for review and the drafting of a citation which was expected imminently at the date of oral submissions in this matter.
6. The second matter, file T26-061, concerns Mr. Klarich's authentication of drawings and letters of assurance for a guard installation. The file was initiated due to a complaint received from another registrant who alleged that Mr. Klarich (i) signed off on a scope on which he did no engineering analysis; (ii) took responsibility for a scope of work beyond his competence; (iii) may have neglected public safety by approving a safety mechanism (glass guardrail system) without conducting engineering analysis and; (iv) may have issued letters of assurance without carrying out engineering or field reviews. The investigation into this matter is ongoing.
7. Arising from its investigation of these two files, EGBC obtained three expert reports that examined Mr. Klarich's conduct as a professional engineer and the services he provided for the two projects (the "Expert Reports").

SR23-013

8. On file SR23-013, EGBC obtained the expert opinion of Mr. Pinalto to decide whether to authorize an investigation (the "First Pinalto Report"), and, once authorized, the expert opinion of Mr. Vadocz to assist in the investigation (the "Vadocz Report").

9. The First Pinalto Report opined that Mr. Klarich had assumed professional responsibility for the structural adequacy of the guardrail system and identified a number of concerns regarding Mr. Klarich's design and documentation, including: (i) the sizing of structural components; (ii) the apparent failure to account for certain load requirements; (iii) failure to account for welded connections; (iv) potential non-compliance with applicable standards and guidelines, including the 2012 BCBC and the CSA A500 Building Guards standard; (v) the absence of wind load calculations; and (vi) the lack of detail provided for critical elements of the system.
10. The First Pinalto Report acknowledges that, with glass being a brittle material, the observed failures may not be attributable to Mr. Klarich's work.
11. The Vadocz Report outlines that Mr. Klarich's design package was incomplete and lacked the calculations, analysis and details necessary to demonstrate that the guardrail, handrail, wind screen, and glass systems were adequately designed. It identifies numerous omissions, including the absence of risk assessments, wind load considerations, complete connection details, and supporting calculations for critical structural components. The Vadocz Report further opines that Mr. Klarich's work did not comply with several applicable code provisions, technical standards, and EGBC practice guidelines, particularly those relating to design verification, document authentication, independent review, and field review requirements.

T26-061

12. On file T26-061, EGBC obtained the expert opinion of Mr. Pinalto in deciding whether to authorize an investigation (the "Second Pinalto Report"). That report identifies several alleged deficiencies in Mr. Klarich's drawings and calculations, including, among other things: (i) the absence of notes indicating applicable codes, materials used, and design loads, contrary to the Professional Practice Guidelines for Shop Drawings published by EGBC; (ii) the absence of material codes for glass, aluminum, steel, and concrete elements; (iii) missing information regarding the embedment depth and edge distances for concrete anchors; (iv) missing design criteria and applicable codes; (v) insufficient

information regarding loads; and (vi) unsupported connection design assumptions. The Second Pinalto Report further opines that Mr. Klarich's calculations were incomplete and fail to address key engineering considerations, including wind loads, load factors, and anchor performance requirements.

13. However, Mr. Pinalto also observes in the Second Pinalto Report that the design of post installed anchors is governed by Annex D of CSA A23.3, which is not a mandatory part of the BC Building Code, but is considered best practice; that an approach based on first principles, or on testing and experience, may have been employed to demonstrate the efficacy of the design notwithstanding the minimum edge distance and spacing criteria, and that this ought to have been the first assumption rather than a conclusion of unsafe design and incompetent practice; that based on his own example calculations there may be sufficient capacity to resist the anticipated loads, although he believed more work would be required to support that conclusion.

14. Accordingly, while Mr. Pinalto identifies alleged deficiencies in Mr. Klarich's engineering work, his report does not establish that the connection was unsafe.

Law

15. The PGA provides:

- 67(1) If the board of a regulatory body, or a discipline committee established under section 75 [*discipline hearings*], considers the action necessary in the public interest during an investigation under section 66(1)(a) or pending a hearing under section 75, the board may, by order and without giving the registrant an opportunity to be heard,
- a. impose limits or conditions on the practice of the regulated practice by the registrant, or
 - b. suspend the registration of the registrant.

16. Pursuant to the provisions of the PGA and EGBC Bylaws, the authority to conduct the current proceedings has been assigned to this Panel.

17. EGBC extraordinary action panels have consistently adopted the test for extraordinary action set out in *Scott v. College of Massage Therapists of British Columbia*, 2016 BCCA

180. (See *Duerichen (Re)* 2022 EGBC 3; *Dwyer (Re)* 2023 EGBC 6; and *McNally (Re)* 2026 BCEGBC 2 (“*McNally*”). Under that test, three criteria must be met for an order under s. 67 to be made:

- a. a *prima facie* case;
- b. risk to the public interest; and
- c. urgency to the matter.

18. In considering these factors, the Panel must also consider the potential impact of an interim order on a registrant, keeping in mind that these orders are to be used “sparingly.” In this regard, the Panel must balance the need for an interim order against the consequences on a registrant. The ultimate question for the Panel is whether the proposed interim order is appropriate and necessary for the protection of the public.

Analysis

Test for Extraordinary Action

19. With respect to a *prima facie* case, the Panel agrees with the parties’ joint submission that the investigative material raises concerns with Mr. Klarich’s practice as a professional engineer and that a *prima facie* case has been established.

20. With respect to risk to the public interest, the parties submit that the evidence in the Expert Reports identifies concerns regarding Mr. Klarich’s practice as a structural engineer in relation to Guardrail Work. The parties further acknowledge that, due to their life safety functions, concerns surrounding an engineer’s conduct regarding glass railings give rise to potential public safety risks.

21. The Panel agrees with the parties that the evidence establishes a real and tangible risk to the public interest if an order is not made. The Panel is concerned that the scope of the risk may be broader than suggested by the parties: this concern is addressed in more detail below.

22. Third, with respect to urgency, the Panel agrees with the submission of the parties that

the potential risk is sufficiently imminent that an interim order is necessary to protect the public. The Panel notes in this regard the existence of reliable evidence of concerns regarding Mr. Klarich's conduct outlined above, and the fact that Mr. Klarich continues his practice.

23. Given the existence of the three requirements outlined in *Scott*, the Panel accepts the parties' submissions that it is appropriate to issue an interim order under s. 67 of the PGA. The question that remains is the scope of that order.

Scope of Order

24. In relation to the appropriate scope of the order, the parties jointly submit that a restriction targeted to Guardrail Work, rather than a suspension of Mr. Klarich's license altogether, is appropriate. In this regard, they rely on the following.
25. First, the subject of the Discipline Committee's considerations in these files relate to Guardrail Work, and the opinions contained in the Expert Reports are that Mr. Klarich has demonstrated a lack of knowledge of requisite guidelines, standards and codes, in respect of that work. However, the evidence before the Panel does not include any expert evidence relating to concerns with Mr. Klarich's knowledge of professional engineering fundamentals more broadly.
26. In this regard, the parties state that the Panel should draw guidance from the decision of the Extraordinary Action Panel in *McNally*, where the Panel considered five complaints, four of which posed health threats to the public. The Parties note that in *McNally*, despite the larger number of complaints that posed threats to the public than exist here, the Panel nevertheless deemed it appropriate to limit the registrant's scope of practice, rather than bar him completely from conducting himself as a professional engineer.
27. Second, the parties note that Mr. Klarich has commenced the process of voluntarily curtailing his Guardrail Work practice in response to concerns raised by this proceeding; and has already advised the one client that he is retained to conduct Guardrail work for that his ongoing files with them may need to be transferred to another appropriate

professional engineer. The parties note that Mr. Klarich's proactive approach and participation in the Joint Submission suggests an intention to comply with the Panel's direction.

28. Third, the parties note that in determining whether an order is sufficient and proportional, the Panel must "balance the need for an interim order against the consequences upon the registrant," as outlined in *McNally*. Further, before considering an interim suspension, the Panel must consider whether interim practice restrictions would be sufficient and proportionate.
29. The Panel has struggled with the question of whether the targeted restriction outlined in the Joint Submission is sufficient to meet the obligation of protecting the public. In particular, while the Expert Reports are focused on Guardrail Work undertaken by the Registrant, some of the alleged deficiencies (failure to comply with applicable code provisions, technicals standards and EGBC Quality Management Guidelines, practice guidelines and advisories, particularly those relating to design verification, document authentication, independent review, and field review requirements) suggest more systemic concerns with Mr. Klarich's practice, which may not be addressed by the practice restriction on Guardrail Work. In addition, the Panel is concerned that the protracted timing of Mr. Klarich's interaction with the EGBC investigations does not reflect a fully proactive approach to the situation.
30. In addition, the Panel did not receive any information about any previous disciplinary history of the Registrant, or the current scope of the Registrant's practice, both of which the Panel considers important in determining whether a broader restriction or suspension of the Registrant's license is required to appropriately protect the public interest.
31. As a result, the Panel has determined that it is appropriate to immediately impose an interim order in the form sought by the parties in the Joint Submission, while at the same time continuing to seek additional information and submissions from the parties to assist in its consideration of whether a suspension is appropriate.

Order

32. Due to the gravity of the risk to the public, the Panel finds that it is essential to immediately impose an interim order that precludes the Registrant's continued practice with respect to Guardrail Work. The Panel also seeks additional information and submissions from the Parties on the issue of whether a suspension is required.

33. As a result, and for the reasons outlined above, the Panel orders as follows:

1. The Registrant may not conduct any engineering work related to guards, guardrails, handrails, privacy screens or similar components ("Guardrail Work"), including the preparation, review, sealing or authentication of any design, drawing, calculation, specification, letter of assurance or model schedule in respect of such components (the "Interim Condition").
2. The Interim Condition set out in paragraph 1 is in effect until the earlier date that:
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 - ii. The Discipline Committee determines pursuant to section 67(4) of the PGA that the limits and conditions are no longer necessary to protect the public; or
 - b. The Panel imposes further conditions after reviewing submissions from the parties.

Additional Submissions

34. In addition, the Panel directs that the parties each provide written submissions to each other and Ms. Beharrell by no later than October 16, 2026 addressing the following issues:

- the impact of any previous disciplinary history the Registrant may have, and the current scope of the Registrant's practice, on the appropriate interim order; and
- the appropriate weight for the Panel to place on the Joint Submission in coming

to its determination.

35. The Panel may amend its order after review of those submissions.

DATED THIS 5th DAY OF OCTOBER, 2026

<original signed by>

Larry Spence, P. Eng, FEC, FGC (Hon),
Chair

<original signed by>

Roz Nielsen, P. Eng., M. Eng

<original signed by>

John Wilson