

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

and

IN THE MATTER OF ALEXANDER DAINOV

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

Date and Place of Hearing:

By written submissions

Panel of the Discipline Committee:

Neil Cumming, P.Eng., Chair
Chris Arthur, P.Eng.
Gerry Matier

Counsel for Engineers and Geoscientists BC:

Brendan W. Dawes

On his own behalf:

Alexander Dainov

Counsel for the Panel:

Tonie Beharrell

Decision Date:

January 6, 2026

A. INTRODUCTION

1. In its decision issued October 24, 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) Demonstrated professional misconduct by:
 - i. authenticating structural engineering calculations for a Geodesic Dome (the “Structural Engineering Calculations”) that contained incorrect conclusions about the wind and snow loads the Dome could withstand.
 - ii. authenticating a drawing (the “Platform Drawing”) that did not include:
 1. dimensions, locations, and sizes of structural members and connections;
 2. information regarding the bearing capacity of the supporting soil, details of footings, and any anchor points for the superstructure; and
 3. information about the maximum applied load, the applicable codes, and structural standards.
 - iii. authenticating a report (the “Structural Design Report”) that contained:
 1. incorrect conclusions with respect to wind load; and
 2. no information regarding anchors or anchoring points.
 - b) Demonstrated incompetence by reason of the same defects, deficiencies and omissions identified above in (a)(i) to (iii);
 - c) Demonstrated professional misconduct by authenticating the Structural Engineering Calculations, the Platform Drawing, and the Structural Engineering Report being aware that they would be relied on in support of building permit applications in the Province of British Columbia, when those documents, taken together:
 - i. were not complete for their intended purpose and did not contain the information necessary to construct the Geodesic Dome,

- ii. did not substantially comply with the BC Building Code 2018, including sections 2.2.4.3 and 2.2.4.6 of Division C; and
 - iii. lacked detail and depicted a functionally incomplete structural system.
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 November 7, 2025. Mr. Dainov provided a brief response on November 18, 2025.
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 without the ability to apply for reinstatement, or, in the alternative that the Respondent's registration is cancelled with conditions on his ability to apply for reinstatement, including a three year probationary period and a permanent prohibition on performing engineering work related to structural design except in accordance with certain conditions; and
 - b) That the Respondent pay to EGBC costs in the amount of \$90,609.45 (an amount equivalent to 70% of its actual investigation and hearing 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 at the time the misconduct occurred, section 75(6) of the PGA applies with respect to the penalties that can be ordered:

(6) If, under subsection (5), an adverse determination is made against a respondent, other than a trainee, the discipline committee must do one or more of the following:

- a) reprimand the respondent;*
- b) impose a penalty on the respondent in an amount that is,
 - i. in the case of an individual, not more than \$100 000, and*
 - ii. in the case of a firm, not more than \$250 000;**
- c) impose conditions on the respondent's registration as a registrant of the regulatory body;*
- d) suspend the respondent's registration in the regulatory body
 - i. for a specified period of time,*
 - ii. until the respondent complies with a requirement under paragraph (f), or*
 - iii. for a specified minimum period of time and until the respondent complies with a requirement under paragraph (f);**
- e) cancel the respondent's registration in the regulatory body;*
- f) require the respondent to
 - i. complete a remedial program to the satisfaction of the board or the audit and practice review committee, or*
 - ii. appear before a committee established by the board and satisfy the committee that the respondent is competent to practise the registrant's regulated practice.**

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, including (at paras. 20-23):

- a. The nature, gravity and consequences of the conduct;
 - b. The character and professional conduct record of the respondent;
 - c. Acknowledgement of the misconduct and remedial action; and
 - d. The public confidence in the legal profession including public confidence in the disciplinary process.
8. These factors have been consistently adopted in EGBC Discipline Committee decisions, including in *Re Peter Kovacik, P.Eng.*, (November 7, 2024) and *Re Amr Ahmed Sayed Hassan Eloufy*, (August 29, 2025) ("*Eloufy*"). 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 engaged in professional misconduct on three occasions by authenticating the incorrect and/or incomplete Structural Engineering Calculations, Platform Drawing and Structural Design Report.
11. The Panel found the Respondent's conduct was not inadvertent or unintentional. The Panel found the Respondent knew or ought to have known that the above documents to which he affixed his seal and signature may be provided to local building authorities as part of the permitting process in British Columbia.
12. Finally, the Panel found the Respondent's conduct described above amounted to incompetent performance of his duties as a professional engineer, considering the nature and extent of his mistakes and the circumstances giving rise to them.

13. EGBC acknowledged that the above findings relate to structures which were not ultimately constructed. The Respondent submitted in his response that the complaints against him are "about something that never happened."
14. However, EGBC also submitted that the Respondent's conduct over multiple occasions demonstrated a disregard for the safeguards established under the *PGA* and the Bylaws, and a willingness to practice in areas in which the Respondent did not possess the requisite knowledge or expertise.
15. In this case, although the initial conduct that gave rise to the Citation may not have been at the severe end of the spectrum, the Panel agrees with EGBC that the intentional, repeated nature of the course of conduct engaged in by the Respondent is serious and favours a significant penalty.
16. In the Decision, the Panel found that the Respondent engaged in intentional conduct which did not hold paramount the health and safety of the public and demonstrated a marked departure from his professional standards. The fact that the risks to the public created by the Respondent's conduct did not ultimately manifest does not mitigate their severity, particularly given the Panel's finding that the Respondent was aware the documents may be relied on to support building permit applications in BC.
17. With respect to the Respondent's character and professional record, the Respondent does not have any other discipline history with EGBC but, given his very short period of registration, the Panel finds this factor does not favour a less significant penalty.
18. With respect to the Respondent's acknowledgement of the misconduct and remedial action, EGBC says the Respondent has not demonstrated remorse or responsibility for his actions and has, instead, consistently taken the opportunity to assert that blame lies with others involved in the regulatory process and to demonstrate contempt and disregard for the process. In this regard, EGBC pointed to a number of "representative samples" of this type of behaviour, which included:

- a) An email dated November 29, 2024, in which the Respondent referred to the EGBC discipline process as a “Kangaroo Court”,
 - b) An email dated April 16, 2025, in which the Respondent equated EGBC and its members to a “pack of vultures”, and
 - c) A letter dated May 12, 2025, in which the Respondent alleged that EGBC had conspired to commit document forgery/fraud and “turned an Association of Professionals into a little ‘profit centre’ ... by fleecing unsuspecting members”.
19. EGBC further relied on materials filed by the Respondent in the proceeding in which he made allegations that the expert witness relied on by EGBC may have forged documents, and on a number of occasions asserted that he would retain counsel to sue EGBC and the expert witness.
 20. EGBC also highlighted that there is no evidence that the Respondent has taken remedial measures to address his misconduct and has continued preparing general reports of the same nature as those at issue in the Decision.
 21. The Respondent in his submission continued to deny he had engaged in the conduct found in the Decision and reiterated his assertion that the expert witness evidence accepted in the Decision is “false.”
 22. With respect to public confidence in the profession, the penalty must be consistent with the aims of specific and general deterrence and ensuring the integrity of the profession.
 23. While the Respondent resigned his registration with EGBC, EGBC says the Respondent’s lack of understanding or remorse for his conduct and lack of respect for the regulatory process supports that the permanent cancellation of his registration is warranted to deter him from engaging in similar misconduct in the future.
 24. The Panel agrees with EGBC that the Respondent’s lack of acknowledgement, responsibility and remedial action regarding his misconduct; and, in particular,

his continued demonstration of contempt for the EGBC and its regulatory processes are significant considerations in the assessment of penalty.

25. Further, it is at the heart of professional regulation that registrants are held to an enforceable standard of competence and conduct commensurate with the level of trust and responsibility conferred on them. The Panel agrees that the Respondent's repeated instances of misconduct and incompetence support a significant penalty in this case.
26. Finally, as noted by EGBC, the Respondent repeatedly leveled insults and disparaged EGBC, its counsel, and other participants in the regulatory process. As set out in *Eloufy*, it is fundamental to EGBC's professional regulatory functions that registrants cooperate fully in the regulatory process. The Panel finds the Respondent's disrespectful conduct in the regulatory process must be deterred.
27. Without any acknowledgement or remorse by the Respondent, the significant penalty of permanent cancellation of his registration is warranted to deter the Respondent from engaging in further misconduct.
28. The Panel notes that the Respondent's 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.
29. The Panel agrees that, in the 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 purposes of specific and general deterrence.

D. COSTS

Legal Framework for Assessment of Costs

30. 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.*

31. 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].

32. 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.
33. 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. Section 10.9(5)(b)(ii) of the Bylaws provides that the Panel may consider evidence that the Respondent previously rejected a consent order proposed by the Discipline Committee.
34. 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

35. 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.
36. 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 in this case to seek only 70% of those costs.
37. EGBC says this order is justified given the seriousness of the allegations, all of which were proven (with two allegations being found to be encompassed within

the other five established allegations), and given the Respondent's rejection of an earlier consent order proposed by EGBC.

38. The Respondent stated in his response submission that "...all costs should be paid by guilty parties, and that guilt was not mine."
39. The Panel agrees with EGBC's assessment of its success in establishing the allegations at issue and the seriousness of those allegations.
40. The Panel also accepts that there was an earlier consent order proposed by EGBC to the Respondent on February 13, 2025, which was not accepted by the Respondent, as described in an Affidavit attached to EGBC's submissions.
41. In these circumstances, while the Panel notes that a higher proportion of costs might also have been appropriate had such been sought by EGBC, the Panel agrees with EGBC's submission that it is entitled to an order for 70% of actual costs incurred. Further, the Panel accepts that EGBC's costs as submitted are reasonable and necessarily incurred in accordance with Section 10.9 of the Bylaws: \$68,603.92 in legal fees and disbursements, \$51,862.14 in expert witness fees, and \$8,975.98 in hearing costs. That total is multiplied by 70% for a total net costs order of \$90,609.45.
42. The Panel therefore orders the Respondent to pay costs to EGBC in the amount of \$90,609.45. Further the Panel orders that this amount be paid no later than 30 days from the date of this order.

E. ORDER

43. In summary, the Panel orders as follows:

- a) The Respondent's registration with EGBC is cancelled; and
- b) The Respondent must pay EGBC costs in the amount of \$90,609.45 (representing 70% of its actual costs incurred during the course of the investigation and discipline hearing) within 30 days of the Panel's decision on penalty.

DATED: January 6, 2026

<original signed by>

Neil Cumming, P.Eng., Chair

<original signed by>

Chris Arthur, P.Eng.

<original signed by>

Gerry Matier