



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

**IN THE MATTER OF JERRY RAYMOND LAY
ENGINEERS AND GEOSCIENTISTS BC FILE NO. SR24-018**

CONSENT ORDER

Background

1. On October 22, 2009, the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC and Jerry Raymond Lay entered into a Consent Order regarding the engineering services he provided in relation to a deficient wastewater system (the “2009 Consent Order”). In the 2009 Consent Order, Mr. Lay agreed that he demonstrated unprofessional conduct in relation to his engineering services contrary to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) and the *Bylaws* under the *EGA*.
2. In the 2009 Consent Order, Mr. Lay was reprimanded and agreed not to undertake any wastewater treatment or disposal systems engineering work until he completed further training and education (the “Practice Restriction”). The Practice Restriction remains in effect and Mr. Lay is prohibited from providing engineering services related to wastewater treatment or disposal systems.
3. On November 9, 2023, Engineers and Geoscientists BC and Mr. Lay entered into a second Consent Order regarding geotechnical engineering services he provided for terraced rock walls at a single-family residence (the “2023 Consent Order”). In the 2023 Consent Order, Mr. Lay agreed, among other things, that he demonstrated unprofessional conduct contrary to the *EGA* and the *Bylaws* under the *EGA*.

4. In the 2023 Consent Order, Mr. Lay was suspended for a period of two months commencing on November 17, 2023, and concluding on January 17, 2024 (the "Suspension Period"). Mr. Lay was also ordered to pay costs and required to complete education courses. Following the Suspension Period, any retaining wall designs completed by Mr. Lay had to be peer reviewed for a period of time or a minimum number of projects, whichever came later.
5. On November 29, 2023, during the Suspension Period, Mr. Lay conducted a geotechnical field review for a project in Kamloops, BC (the "Project").
6. On May 20, 2024, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the "PGA"), the Investigation Committee of Engineers and Geoscientists BC appointed a Resolution Subcommittee to attempt to resolve this matter by way of a Consent Order.
7. The Investigation Committee and Mr. Lay wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
8. Mr. Lay consents to the disposition set out below.

Admissions

9. Mr. Lay admits that he demonstrated conduct unbecoming a registrant contrary to the *PGA* and violated the 2023 Consent Order by conducting a geotechnical field review during the Suspension Period, while he was prohibited from engaging in the reserved practice of engineering.
10. The conduct set out at paragraph 9 is contrary to the Engineers and Geoscientists BC Code of Ethics, which requires registrants to uphold the values of truth, honesty, and trustworthiness.

Disposition

11. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
12. Mr. Lay's registration in Engineers and Geoscientists BC is cancelled. Mr. Lay agrees not to re-apply for registration with Engineers and Geoscientists BC at any time in the future.
13. Mr. Lay will pay a penalty of \$4,000 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order.
14. Mr. Lay will pay \$1,000 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution towards the legal and investigative costs incurred in this matter.

Consequences of the Consent Order

15. The full text of this Consent Order will be published on the website of Engineers and Geoscientists BC, and a summary will be published in print and electronic publications, including in public communications.
16. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
17. Mr. Lay has received independent legal advice regarding the contents of this Consent Order.
18. Mr. Lay and Engineers and Geoscientists BC 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. Lay and the Investigation Committee this 26 day of September, 2024

<original signed by>

Jerry Raymond Lay, P.Eng.

<Bill Jack>

Name of Witness

<original signed by>

Signature of Witness

The Investigation Committee of the Association
of Professional Engineers and Geoscientists
of the Province of British Columbia

<original signed by>

Per: Peter Helland, P. Eng.
Chair, Investigation Committee