



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

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

**and**

**IN THE MATTER OF MITCHELL JARED WILLIAM BUCHMAYER, EIT**

**ENGINEERS AND GEOSCIENTISTS BC FILE NO. T22-015**

**CONSENT ORDER**

**Background**

1. On July 25, 2024, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”), the appointed Investigation Subcommittee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued an investigation report (the “Report”) regarding Mitchell Jared William Buchmayer. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
2. The Report summarized the investigation into the conduct of Mr. Buchmayer who designed and installed a floating steel staircase (the “Staircase”) at a property in North Vancouver, BC (the “Project”). At all material times, Mr. Buchmayer was an engineer-in-training (“EIT”).
3. From November 2020 to January 2021, Mr. Buchmayer engaged in planning for the Project and prepared a proposal for the homeowners that included an engineering section. He subsequently entered into an agreement with the homeowners that required payment for “engineering design fees” (the “Project Planning”).
4. Mr. Buchmayer installed the Staircase between February and March 2021. Mr. Buchmayer was aware the homeowners did not have the required permit for the Staircase and that the design for the Staircase was not completed by a professional engineer (the “Staircase Installation”).

5. On July 25, 2024, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
6. The Investigation Committee and Mr. Buchmayer wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
7. Mr. Buchmayer consents to the disposition set out below.

### **Legislation**

8. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA*.
9. The conduct of Mr. Buchmayer related to the Project Planning took place at a time when the *EGA* was in force. The conduct of Mr. Buchmayer related to the Staircase Installation took place after the *PGA* came into force. As a result, the conduct in question is considered pursuant to both the *EGA*, and the *Bylaws* and the *Code of Ethics* under the *EGA*, and the *PGA* and *Bylaws* and *Code of Ethics* under the *PGA*.
10. Pursuant to sections 35(2) and 36(1)(c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, investigations commenced under the *EGA* carry on procedurally under the *PGA*.

### **Admissions**

11. Mr. Buchmayer admits that in relation to the Project Planning and contrary to the *EGA*, he:
  - a. engaged in the practice of professional engineering, without supervision, when he prepared the design for the Staircase which fell under Part 4 of the British Columbia Building Code 2018 (“*BCBC*”); and
  - b. represented that he was engaged or entitled to engage in the practice of professional engineering by characterizing the services in the Project proposal as “engineering” and as “engineering design fees” in the Project agreement.
12. The conduct set out above at paragraph 11 is contrary to Principle 1 of the Engineers and Geoscientists BC Code of Ethics, as it stood at the time, which required that all members and licensees shall hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.
13. The conduct set out above at paragraph 11 is contrary to Principle 2 of the Code of Ethics, as it stood at the time, which required that all members and licensees shall undertake and accept responsibility for professional assignments only when qualified by training or experience.

14. Mr. Buchmayer admits that he demonstrated professional misconduct contrary to the *PGA*, in relation to the Staircase Installation. In particular, he admits that the Staircase Installation was contrary to:
  - a. section 5.5.1(5) of the Bylaws, which requires that an engineer-in-training must not engage in any area of the Reserved Practice except under the Direct Supervision of an individual who is legally entitled to independently practise in that area of the Reserved Practice, and that area of the Reserved Practice is of the type that may be provided under supervision pursuant to section 54(2) of the *PGA* [Prohibitions regarding reserved practice].
  - b. the *Code of Ethics*, attached as Schedule A to the Bylaws of Engineers and Geoscientists BC (the "*Code of Ethics*") which requires that registrants must act at all times with fairness, courtesy and good faith toward all persons with whom the registrant has professional dealings, and in accordance with the public interest. In particular, Mr. Buchmayer breached the following principles of the *Code of Ethics* which require registrants to:
    1. hold paramount the safety, health, and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace;  
...
    3. have regard for the common law and any applicable enactments, federal enactments or enactments of another province;
    4. have regard for applicable standards, policies, plans and practices established by the government or Engineers and Geoscientists BC;  
...
    9. report to Engineers and Geoscientists BC and, if applicable, any other appropriate authority, if the registrant, on reasonable and probable grounds, believes that:
      - b. registrant or another individual has made decisions or engaged in practices which may be illegal or unethical.

### **Disposition**

15. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
16. Mr. Buchmayer is hereby reprimanded.
17. Mr. Buchmayer must provide written notice to Engineers and Geoscientists BC that, at his own expense, he has completed the following educational courses within 30 days of the effective date of this Consent Order:

- a. Professional Engineering and Geoscience Practice in BC Online Seminar;
  - b. Ethics in Contractual Agreements webinar;
  - c. Understanding the New Code of Ethics webinar; and
  - d. The Duty to Report: Mandatory Regulatory Learning Module for 2024-2025.
18. Mr. Buchmayer will pay the maximum fine that can be imposed on a trainee under the *PGA* of \$2,000 to Engineers and Geoscientists BC within 30 days of the date of this Consent Order.
  19. Mr. Buchmayer will pay \$2,000 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.
  20. In the event that Mr. Buchmayer fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be cancelled.

#### **Consequences of the Consent Order**

21. 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.
22. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
23. Mr. Buchmayer agrees that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the opportunity to obtain independent legal advice.

*[this space is intentionally left blank]*

5. Mr. Buchmayer 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. Buchmayer and the Investigation Committee this 30 day of October 2024.

<original signed by>  
Mitchell Jared William Buchmayer, EIT

Alan Nicholson, P.Eng.  
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