

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

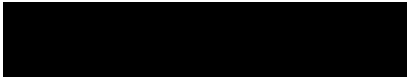
**and**

**IN THE MATTER OF JAMES W.E. HALAREWICZ, P.ENG.**

**File No. T18-012 and T18-014**

**NOTICE OF INQUIRY**

TO: James W.E. Halarewicz, P.Eng.



**TAKE NOTICE** that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the “**Association**”), doing business as Engineers and Geoscientists BC, will meet at 1650-885 W. Georgia St., in the city of Vancouver, in the Province of British Columbia on August 29 and 30, 2018, at the hour of 9:30 a.m. for the purpose of taking evidence or otherwise causing an inquiry to be made with respect to the allegations herein pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, Chapter 116 (the “**Act**”).

**AND TAKE NOTICE** that the allegations against you are that:

1. You demonstrated unprofessional conduct in 2016 and 2017 when, after being selected to undergo a Practice Review in accordance with the Association’s Practice Review Guide, you refused to comply with the Practice Review Committee’s requests for a site visit, including an interview, notwithstanding the following requests from the Practice Review Committee and warnings from the Practice Review Committee that you were required to comply with their requests:
  - a. On June 29, 2016, the General Reviewer, Doug Williams, P.Eng., (“**Mr. Williams**”) contacted you by telephone to schedule an interview and you questioned the process by which you had been selected to undergo a Practice Review and refused to schedule an interview;
  - b. On October 3, 2016, Peter Mitchell, P.Eng., FEC, the Association’s Director of Professional Practice, Standards and Development (“**Mr. Mitchell**”) wrote to you to advise that your failure to comply with a request for an interview could result in your professional conduct being investigated;

- c. On October 13, 2016, Mr. Williams emailed you to advise that he would be proceeding with a practice review and requested that you contact him to set up a time for an interview. You responded by email on October 17, 2016 to say that you would have a lawyer represent you and that your lawyer would get in contact with Mr. Mitchell;
- d. On November 24, 2016, Mr. Mitchell wrote to you advising you that he had not been contacted by you or your legal counsel. Mr. Mitchell requested that, by January 6, 2017, you contact him to further discuss this matter or that you contact Mr. Williams to coordinate a site visit. You responded to Mr. Mitchell by letter on December 23, 2016 (the **"December 23, 2016 Letter"**), stating:

The administrators of APEGBC engage in fraud and corruption, and themselves do not meet the engineering and licensing qualification requirements that they impose on the practicing engineers of the APEGBC.

The administrators of APEGBC over twenty years have tried to prevent me from being licensed as professional engineer, and earn a living as engineer.

I was targeted by you, the administrators of APEGBC to undergo a practice review to discredit me and have me lose my licence as professional engineer in BC. The selection by the administrators of APEGBC for me to undergo a practice review was not random. It was deliberate and malicious.

**The mandate to protect the public from engineering, manufacturing, and construction errors and omissions, hazards, and accidents may not be used to camouflage the fraud and corruption by the administrators of APEGBC.**

My lawyer will contact you as necessary and at his/her discretion.

[errors and emphasis in original]

- e. On October 17, 2017, the Association's Investigation Manager wrote to you to advise you, amongst other things, that the Association had not received a response from you or your counsel with respect to coordinating a site visit for the purpose of a practice review; the Practice Review Committee had referred your failure to comply with Mr. Williams' request for an interview to the Investigation Committee; and that to avoid

any action being taken by the Investigation Committee you should contact the Professional Practice Department and comply with the requirements of the Practice Review. You responded by letter on October 18, 2017 to the Association's Associate Director, Professional Practice (the "**October 18, 2017 Letter**"), making irrelevant accusations against, amongst others, the Association's Associate Director, Professional Practice, and making irrelevant attacks against the experience of the Association's senior staff.

2. You demonstrated unprofessional conduct by responding to the correspondence set out above at paragraphs 1(d) and 1(e) requesting an interview and site visit, with irrelevant and discourteous communications, particulars of which include the following:
  - a. the December 23, 2016 Letter; and
  - b. the October 18, 2017 Letter.
3. The conduct set out at paragraphs 1 and 2 is contrary to s. 44 of the *Act*.
4. You demonstrated unprofessional conduct in 2017 and 2018 when, in the course of the Investigation Committee's investigation into your alleged failure to comply with requests from the Practice Review Committee in violation of section 44 of the Act, you failed to provide a subcommittee of the Investigation Committee (the "**Subcommittee**") with the information it requested and with responses to its inquiries, particulars of which include:
  - a. On November 10, 2017, the Association's Investigation Manager advised you that the Subcommittee requested that you provide a response to the Investigation Committee's concerns that your December 23, 2016 letter to Mr. Mitchell and your October 18, 2017 letter to the Association's Investigation Manager were unprofessional and in breach of the Code of Ethics, and to provide evidence of the allegations that you made against Association staff members by December 1, 2017;
  - b. You did not respond to the November 10, 2017 letter from the Association's Investigation Manager;
  - c. On December 4, 2017, the Association's Investigation Manager wrote to you again and reminded you that pursuant to s. 30(4) of the *Act*, you were required to provide information requested by the Subcommittee and to answer any inquiries of the Subcommittee. The Association's Investigation Manager requested a response to the Subcommittee's request by December 11, 2017;

- d. Rather than fulfilling your obligation to comply with the requests from the Subcommittee made by way of letters dated November 10 and December 4, 2017, you responded to the Association's Investigation Manager on December 13, 2017 with a discourteous and irrelevant email, stating, amongst other things:

As far as I am concerned, I have answered EGBC's correspondence to me adequately. The complaint against me is a Civil matter and it should be handled by our BC's Civil Court.

The Engineering Act was set-up by the APEGBC/EGBC to prevent the APEGBC/EGBC directors from legal and financial liability. More important the EGBC as is does not represent Professional Practicing Engineers, as most of the engineers want to have nothing to do with the directors of the APEGBC/EGBC. As is the APEGBC/EGBC has been a corrupt entity that has only marginal support.

The APEGBC/EGBC has colluded with AIBC to prevent me from being professionally employed as Architect and Engineer, and that is criminal!

The APEGBC/EGBC has hacked my website, and so far has not answered any of my questions.

- e. On January 8, 2018, you sent a letter to the Chief Regulatory Officer and Deputy Registrar of the Association making irrelevant accusations against the Association and its senior staff, including an allegation that the Association hacked your computer and deleted an email message from your computer, and that the Association has colluded against you with the Architectural Institute of British Columbia.
5. By failing to provide the Subcommittee with information it requested, and by failing to answer inquiries made by the Subcommittee, and instead responding with irrelevant and discourteous communications, the conduct set out at paragraph 4 is contrary to s. 30(4) of the *Act*.
  6. You demonstrated unprofessional conduct in June of 2018 when, in response to a letter from the Association's counsel asking if you consent to having two inquiries heard together, you wrote a letter to the Association's counsel dated June 24, 2018 that was profane, misogynistic, discourteous and contemptuous of the Association's regulatory function.
  7. The conduct set out above at paragraphs 1(d) and (e) and 4(d) and (e) and 6 is contrary to Principle 7 of the Association's Code of Ethics.

**AND FURTHER TAKE NOTICE** that you, James W.E. Halarewicz, P.Eng., have the right, at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee and you or your counsel shall have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegations.

**AND FURTHER TAKE NOTICE** that in the event of your non-attendance at the inquiry, the Panel of the Discipline Committee may, upon proof of service of this Notice of Hearing upon you, proceed with the taking of evidence or otherwise ascertaining the facts concerning the allegations, despite your absence, and may make its findings on the facts and its decision without further notice to you.

DATED this 4<sup>th</sup> day of July, 2018.

The Discipline Committee of the Association



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Per: Paul Adams, P.Eng., FEC  
Chair, Discipline Committee