

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

and

IN THE MATTER OF HAMID BEHMANESH, P.ENG.

File No. T16-075

CONSENT ORDER

Facts

1. On October 26, 2018, a Notice of Inquiry dated October 18, 2018 was issued to Hamid Behmanesh, P.Eng. ("**Mr. Behmanesh**") containing the following allegations:
 - A. You failed to comply with sections 14(b)(2) and 14(b)(4) of the Bylaws of the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "**Association**"), doing business as Engineers and Geoscientists BC, when, in the course of carrying out designs of single family residential structures prior to November 2015, you failed to ensure that documented independent reviews were conducted of your structural designs by members or licensees having appropriate experience in designing structures of a similar type and scale, and who were not involved in preparing the designs.
 - B. In the alternative, if you obtained documented independent reviews of your structural designs, you failed to retain the documentation, contrary to section 14(b)(1) of the Association's Bylaws.
 - C. You demonstrated unprofessional conduct, incompetence or negligence when, in the course of carrying out designs of single family residential structures prior to November 2015, you:
 - a. took responsibility for geotechnical engineering when you were not qualified to do so; and
 - b. took responsibility for building envelope engineering when you were not qualified to do so.
 - D. You demonstrated unprofessional conduct, incompetence or negligence in or around 2016 when, after you had advised the Association's Practice Review Committee that you were no longer practicing geotechnical engineering or building envelope engineering, you signed and sealed the following letters of assurance in the course of carrying out designs of single family residential structures, which had the effect of misrepresenting that you are qualified by training or experience in

geotechnical engineering and/or building envelope engineering, when in fact you are not:

- a. a Schedule B dated December 5, 2016 with respect to Project #1, located in the District of North Vancouver, which included geotechnical engineering;
 - b. a Schedule B dated March 31, 2016 with respect to Project #2, located in West Vancouver, which included geotechnical engineering; and
 - c. a Schedule B dated December 17, 2016 with respect to Project #3, located in West Vancouver, which included geotechnical engineering and building envelope engineering.
- E. You demonstrated unprofessional conduct, incompetence or negligence in or around 2016 when you failed to ensure that documented independent reviews were conducted of your structural designs by members or licensees having appropriate experience in designing structures of a similar type and scale, and who were not involved in preparing the designs, including with respect to Projects #1, #2 and #3.
- F. In the alternative to paragraph 1E, if you obtained documented independent reviews of your structural designs, you failed to retain the documentation, contrary to section 14(b)(1) of the Association's Bylaws.
- G. You demonstrated unprofessional conduct, incompetence or negligence when, between 2014 and 2016, in the course of carrying out designs of residential houses:
- a. your drawings and calculations for the residential house at Project #4, located in the District of North Vancouver, contained errors and lacked adequate detail and coordination, including:
 - i. a lack of detail on the drawings, such that the drawings were inadequate for construction, including with respect to:
 1. shear walls;
 2. concrete specifications and how concrete walls are to be reinforced;
 3. framing details;
 4. the support beam connections; and

5. the materials to be used, including the anchor bolts and plywood thickness;
 - ii. inconsistencies between the structural drawings and the layout shown on the architectural drawings, including with respect to walls that are structural load bearing elements;
 - iii. inconsistencies between the beams and joist shop drawings and the structural drawings, including the layout and size of timber members;
 - iv. the reinforcing steel for the basement wall is incorrectly shown on the drawing S1;
 - v. the dead load for the roof and second floor interior walls are insufficient to resist the seismic overturning forces, and holddowns are required for these walls but are not shown on the drawings;
 - vi. there are inconsistencies between the design loads specified on the drawings notes and the design loads used in the design calculations;
 - vii. the snow load calculations, seismic calculations, and pad footing calculations contain errors; and
 - viii. there is an inconsistency between the shear wall length as shown on the drawings as compared to the shear wall length used for the calculations;
- b. your drawings for the residential houses at Projects #1, #2 and #3 lacked detail, including with respect to:
- ix. shear walls;
 - x. concrete specifications;
 - xi. framing details;
 - xii. foundations for point loads;
 - xiii. shear wall holddowns;
 - xiv. post and beam connections;

xv. and girder truss layouts;

such that the drawings were inadequate for construction.

H. The conduct set out above at paragraphs 1C, 1D and 1G is contrary to the following Principles of the Association's Code of Ethics:

- a. Principle 1: to hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace;
- b. Principle 2: to undertake and accept responsibility for professional assignments only when qualified by training or experience; and
- c. Principle 3: to provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction.

Admissions

2. Mr. Behmanesh admits the allegations in the Notice of Inquiry set out in paragraphs 1A to 1H above.

Disposition

3. This Consent Order is made pursuant to section 32.1 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "Act").
4. The following conditions are imposed on Mr. Behmanesh's membership, effective on the date of this Consent Order:
 - a. From the date of this Consent until two years after the date of this Consent Order, Mr. Behmanesh's membership will be subject to a condition that he shall not provide geotechnical engineering or building envelope engineering services to any person, or sign or seal any letters of assurance that include geotechnical engineering and/or building envelope engineering.
 - b. Mr. Behmanesh shall be subject to peer review (the "Peer Review") by a peer reviewer approved in writing and in advance by the Association's Registrar (the "Peer Reviewer") in accordance with the following terms:
 - i. Mr. Behmanesh may not sign or seal any reports, drawings, plans or calculations unless they have been peer reviewed; and

- ii. If the peer reviewer identifies any deficiencies in such reports, drawings, plans or calculations, Mr. Behmanesh must remedy the deficiencies;
- c. The Peer Review shall commence on March 1, 2019, and shall continue for a period of twelve months, subject to paragraph 4(e) below.
- d. The Peer Reviewer shall report in writing to the Association's Registrar every six months during the period of Peer Review on the performance of Mr. Behmanesh.
- e. At the conclusion of the twelve month period of Peer Review, the Peer Reviewer shall report in writing to the Association's Disciplinary Committee to provide an opinion on whether Mr. Behmanesh requires continuing peer review. If the opinion of the Peer Reviewer is that Mr. Behmanesh requires further peer review, the Peer Review shall continue for a period of an additional six months.
- f. The costs of the Peer Review process, including the fees of the Peer Reviewer, shall be borne by Mr. Behmanesh.
- g. Within 18 months of the date of this Consent Order, Mr. Behmanesh must successfully complete the following courses, examinations and seminar at his expense:
 - i. the Professional Engineering and Geoscience Practice in BC Online Seminar (provided by Engineers and Geoscientists British Columbia);
 - ii. the Professional Practice Examination (provided by Engineers and Geoscientists British Columbia);
 - iii. the E11 National Building Code (NBC) Part 4 - Structural Design (provided by the Structural Engineers Association of British Columbia)(together, the "**Educational Requirements**").
- h. Mr. Behmanesh shall provide written notice to the Association's Registrar that he has completed and passed each of the Educational Requirements within four weeks of completion of each respective Educational Requirement.

5. Mr. Behmanesh shall pay a fine of \$3,000 to the Association within 30 days of the date of this Consent Order.
6. Mr. Behmanesh shall pay \$3,000 towards the Association's legal costs and costs of the investigation within 30 days of the date of this Consent Order.
7. In the event that Mr. Behmanesh fails to comply with any of the terms of this Consent Order, his membership in the Association will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

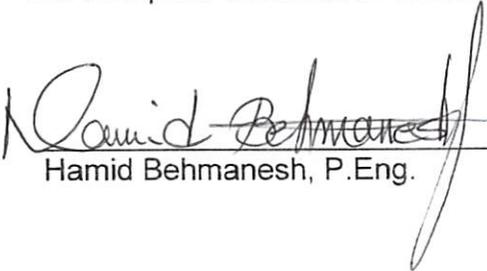
Consequences of the Consent Order

8. The full text or a summary of this Consent Order will be published by the Association in print and electronic publications including on the Association's website.
9. This Consent Order has the same force and effect as an Order made under section 33(2) of the Act and may be dealt with under section 34 of the Act if conditions in the Consent Order are not met.
10. Mr. Behmanesh agrees that he has had the benefit of independent legal advice regarding this Consent Order.

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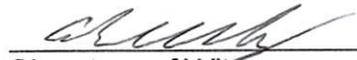
11. The Association and Mr. Behmanesh agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

This Consent Order is approved and accepted by Mr. Behmanesh and the members of the Discipline Committee Review Panel this 21 day of February, 2019.


Hamid Behmanesh, P.Eng.

ANDREW BEESLEY
Barrister & Solicitor
5670 YEW STREET
VANCOUVER, BC V6M 3Y3
604-266-7174

Name of Witness



Signature of Witness



Roz Nielsen, P.Eng.
Member, Discipline Committee



Rajib Ahsan, P.Eng.
Member, Discipline Committee



Oliver Bonham, P.Geo., FGC
Member, Discipline Committee