



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

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

and

IN THE MATTER OF ZHAO GUAN, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T19-068

**CONSENT ORDER**

**Background**

1. On December 10, 2021, the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued a Citation to Zhao Guan, P.Eng. (“Mr. Guan”) pursuant to s. 66(1)(d) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”).
2. While the allegations set out in the Citation are made under the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”), the EGA was repealed and replaced by the PGA on February 5, 2021, and the procedures established by the PGA and the current Bylaws of Engineers and Geoscientists BC will be followed as far as they can be adapted to the proceeding related to the allegations set out in the Citation.
3. Engineers and Geoscientists BC and Mr. Guan wish to resolve the matter by consent pursuant to section 73(2) of the PGA in order to avoid the need for a disciplinary hearing.

**Admissions**

4. Mr. Guan admits the allegations set out in the Citation, namely that he demonstrated unprofessional conduct by:

- a. Failing to design a retaining wall between [REDACTED] and [REDACTED] [REDACTED] in North Vancouver (the "Wall") to the reasonable standard expected of a professional engineer by, among other things, signing and affixing his seal to the design drawings for the Wall, which:
  - i. Were neither prepared by him nor prepared under his direct supervision; and
  - ii. Failed to consider the wall heights and lateral soil pressures to be taken into account in the Wall's design, which should have been known prior to issuing the initial design drawings for the Wall dated February 2, 2018; and
- b. Failing to adequately check the initial design drawings for the Wall dated February 2, 2018, which were neither prepared by him nor prepared under his direct supervision, before signing and sealing them, and therefore, failing to identify serious errors with the initial design for the Wall, including:
  - i. The reinforcement for the Wall is placed on the wrong side;
  - ii. There are no dimensions for where the reinforcement should be placed;
  - iii. An erroneous footing width of 5 feet is noted instead of the correct 8 feet.
- c. Failing to have an independent review of the initial design drawings for the Wall, dated February 2, 2018, completed prior to the Wall's construction.
- d. Failing to ensure proper installation of the Wall to the reasonable standard expected of a professional engineer by, among other things:
  - i. Relying on geotechnical field review services completed by someone else not under his direct supervision;
  - ii. Failing to notify the appropriate authorities in order to ensure adequate site safety and minimize hazard to the neighbouring property [REDACTED] when problems with the construction of the Wall were identified in late August 2018; and
  - iii. Failing to record the dimensions used in the stability calculations and using a dimension which was in conflict with the drawings.
- e. Failing to keep adequate records related to the Wall including, among other things:

- i. Records of the concrete samples he requested following the concrete for the Wall being poured;
  - ii. The mathematical calculations for the design of the Wall;
  - iii. His recommendation regarding the reinforcement for the Wall; and
  - iv. Documentation showing the process behind changes allegedly made to the Wall (as-built) which are reflected in a field review report dated August 20, 2018.
- f. The conduct set out above at paragraphs 4 (a) - (b) is contrary to s. 20(9) of the *EGA* which required that a member receiving a seal or stamp under this section must use it, with signature and date, to seal or stamp estimates, specifications, reports, documents, plans, or things that have been prepared and delivered by the member or licensee in the member or licensee's professional capacity or that have been prepared and delivered under the member or licensee's direct supervision.
- g. The conduct set out above at paragraphs 4 (a) - (e) is contrary to Principle 1 of the Code of Ethics of Engineers and Geoscientists BC, created pursuant to the *EGA* (the "Code of Ethics"), which required that members and licensees hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.
- h. The conduct set out above at paragraphs 4 (a) - (e) is contrary to Principle 3 of the Code of Ethics which required that members and licensees provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction.
- i. The conduct set out above at paragraphs 4 (c) - (e) is contrary to section 14(b) of the Bylaws of Engineers and Geoscientists BC, created pursuant to the *EGA*, which required that members and licensees shall establish and maintain documented quality management processes for their practices, including, as a minimum, the retention of complete project documentation, regular, documented checks of engineering and geoscience work, documented field reviews, and documented independent review of structural designs prior to construction by members or licensees having appropriate experience in designing structures of a similar type and scale, and not involved in preparing the design.

**Disposition**

5. By consent, this Order is made pursuant to section 73(2) of the *PGA*.
6. Mr. Guan's registration with Engineers and Geoscientists BC is suspended for a period of three months commencing on April 30, 2023 (the "Suspension Period").
7. During the period from the date of the execution of this Consent Order to the commencement of the Suspension Period, Mr. Guan will:
  - a. Make reasonable arrangements for the orderly transfer of his ongoing professional engineering project files to other professional engineers; and,
  - b. limit his practice to those project files that he is currently engaged on and will not take on any new project files or other engineering work.
8. Following the conclusion of the Suspension Period set out in paragraph 6, the following conditions are imposed on Mr. Guan's registration:
  - a. Mr. Guan shall be subject to direct supervision by a professional engineer who is a registrant of Engineers and Geoscientists BC (the "Supervising Professional"), and who is approved in writing and in advance by the Registrar of Engineers and Geoscientists BC. The Supervising Professional shall provide "direct supervision" as that term is defined in the *Quality Management Guides – Guide to the Standard for Direct Supervision (Version 2.0 – February 17, 2021)*, in respect of all engineering work performed by Mr. Guan (the "Direct Supervision").
  - b. The Direct Supervision will commence at the conclusion of the Suspension Period and shall continue for a period of twelve months, subject to paragraph 9(d).
  - c. The Supervising Professional shall report in writing on the performance of Mr. Guan to the Registrar of Engineers and Geoscientists BC every two months during the period of Direct Supervision.
  - d. At the conclusion of the period of Direct Supervision set out in paragraph 9(b), the Supervising Professional shall provide an opinion in writing to the Discipline Committee of Engineers and Geoscientists BC regarding whether Mr. Guan requires a further period of direct supervision. If the Supervising Professional is of the opinion that Mr. Guan requires further direct supervision, the Direct Supervision shall continue for an additional period of six months. The Supervising Professional shall continue to provide reports on the performance of Mr. Guan to the Registrar every two months throughout this additional period of Direct Supervision.

- e. The costs of the Supervising Professional providing the Direct Supervision and preparing the reports referenced above shall be borne by Mr. Guan.
9. During the period of Direct Supervision, at his own expense, Mr. Guan must successfully complete the following course:

Analysis and Design of Earth Retaining Structures (provided by EPIC, online September 21 – 22, 2023, Course Code: 13-1202-ONL22).
10. Twenty-four months after the completion of the period of Direct Supervision, Mr. Guan will undergo a Practice Review conducted by Engineers and Geoscientists BC, at his own cost, the precise timing and process of which will be determined by the Audit and Practice Review Committee.
11. Mr. Guan will pay \$10,000 towards the legal costs of Engineers and Geoscientists BC within 30 days of the date of this Consent Order.
12. In the event that Mr. Guan fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

*[this space is intentionally left blank]*

**Consequences of the Consent Order**

- 13. The full text or a summary of this Consent Order will be published by Engineers and Geoscientists BC in print and electronic publications including on the Engineers and Geoscientists BC website.
- 14. This Consent Order has the same force and effect as an action taken or penalty imposed under section 75(6) of the *PGA*.
- 15. Mr. Guan agrees that Engineers and Geoscientists BC has advised him that he should receive independent legal advice regarding this Consent Order and that he has had the benefit of independent legal advice regarding this Consent Order.
- 16. Engineers and Geoscientists BC and Mr. Guan 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. Guan and the members of the Discipline Resolution Panel this 13 day of April, 2023.

<original signed by>  
\_\_\_\_\_  
Zhao Guan, P.Eng.

Man Fu  
\_\_\_\_\_  
Name of Witness

<original signed by>  
\_\_\_\_\_  
Jurgen Franke, P.Eng.  
Member, Discipline Resolution Panel

<original signed by>  
\_\_\_\_\_  
Signature of Witness

<original signed by>  
\_\_\_\_\_  
Roz Nielsen, P.Eng.  
Member, Discipline Resolution Panel

<original signed by>  
\_\_\_\_\_  
Reshmeena Lalani, CPA, CA  
Member, Discipline Resolution Panel