

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

and

IN THE MATTER OF KONSTANTIN POPOV, P.Eng.

File No. T16-055

NOTICE OF INQUIRY

TO: Konstantin Popov, 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 virtually via Zoom Video Conferencing hosted by Charest Reporting on July 6 – 10, 2020, 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, incompetence or negligence when, in 2015, while acting as Project Manager for Counterpoint Interiors Ltd. ("Counterpoint") on a project at 4853 Hastings Street in Burnaby, B.C. (the "Project"), you encouraged Tibor Gyimesi and/or M.M. Welding Inc. (collectively "M.M.") to submit a higher bid for welding work on the Project than that already tendered by M.M. and to split M.M.'s increased profit with you through Ecotech Management Inc. ("Ecotech"), thereby creating, and profiting from a rigged bid process to the detriment of the owner of the Project.
2. In the alternative, you engaged in a conflict of interest in or about the fall of 2015 when you accepted payment of \$9,450 through Ecotech for project management services allegedly rendered to assist M.M. with completion of work on the Project while you were also acting as Project Manager for the Project on behalf of Counterpoint.
3. The conduct set out at paragraphs 1 and 2 above is contrary to Principle 4 of the Association's Code of Ethics which requires members to act as faithful agents of their employers, maintain confidentiality and avoid a conflict of interest but, where such conflict arises, fully disclose the circumstances without delay to the employer.
4. The conduct set out at paragraphs 1 and 2 above is contrary to Principle 5 of the Association's Code of Ethics which requires that members uphold the

principle of appropriate and adequate compensation for the performance of engineering and geoscience work.

5. The conduct set out at paragraphs 1 and 2 above is contrary to Principle 7 of the Association's Code of Ethics which requires that members conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others and give credit where it is due and accept, as well as give, honest and fair professional comment.

AND FURTHER TAKE NOTICE that you, Konstantin Popov, 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 Inquiry 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 22nd day of June, 2020.

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



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