

**LETTER OF UNDERTAKING REGARDING COMPLIANCE WITH THE
ENGINEERS AND GEOSCIENTISTS ACT, RSBC 1996, c.116 AS AMENDED**

WHEREAS:

- a. It is the mandate of the Association of Professional Engineers and Geoscientists of British Columbia ("APEGBC") under the provisions of the *Engineers and Geoscientists Act* (the "Act") to protect the public interest in the practices of professional engineering and professional geoscience, including in terms of restricting those practices to members and licensees of APEGBC;
- b. In or about March 2014, Philip Cookson Buchanan ceased in being a member of APEGBC due to his failure to pay his APEGBC practice fee for the year 2014;
- c. In or about March 2014, APEGBC sent correspondence to Mr. Buchanan advising him that he had ceased in being a member of APEGBC and that he was no longer licensed to practice professional engineering in British Columbia or represent himself as a professional engineer;
- d. Information and documents have been received by APEGBC indicating that, from in or about March 2014 to in or about February 2015, Philip Cookson Buchanan represented himself to the public as being a practicing member of APEGBC and that during that period he engaged in an unauthorized practice of professional engineering;
- e. Mr. Buchanan's conduct as set out at paragraph d above was in breach of section 22 of the Act;
- f. APEGBC and Mr. Buchanan wish to resolve this matter without resort to legal action; and
- g. Mr. Buchanan has had an opportunity to seek independent legal advice regarding this matter and this Letter of Undertaking.

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THEREFORE:

In recognition of the time, effort and expense involved for Mr. Buchanan to go through an enforcement procedure and the risk of an injunction and up to \$25,000 in exemplary damages being granted to APEGBC, and in consideration of APEGBC not commencing enforcement action in respect of Mr. Buchanan's conduct as set out at paragraph d above by way of a legal proceeding in the Supreme Court of British Columbia, Mr. Buchanan agrees to this Letter of Undertaking and the following terms:


1. I, **Philip Cookson Buchanan**, unless and until I am duly registered as a member or licensee of APEGBC in the future, will hereafter cease and desist from:
 - (i) engaging in the practice of professional engineering or professional geoscience in British Columbia;
 - (ii) assuming, verbally or otherwise, the title of professional engineer or professional geoscientist in British Columbia;
 - (iii) using any word, name, title, designation, descriptive term or statement implying, or calculated to lead any other person to believe, that I am a professional engineer or professional geoscientist, or that I am ready or entitled to engage in, or that I am engaged in, the practice of professional engineering or professional geoscience in British Columbia;
 - (iv) acting in any manner that leads any person to believe that I am authorized to fill the office of or act as a professional engineer or professional geoscientist in British Columbia; and
 - (v) representing or implying in any publication or communication to any person, that I am a member of APEGBC.
2. I understand and accept that my breach of the terms set out at paragraph 1 above would be a breach of section 22 of the Act.

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3. I understand and accept that this Letter of Undertaking may be published in *Innovation*, and on APEGBC's website, and in such other places and in such manner as APEGBC deems appropriate.
4. I agree that APEGBC may refer to this Letter of Undertaking in any legal proceeding against me, in the event that I breach any of the terms of this Letter of Undertaking.
5. If APEGBC takes legal action against me for breach of the Act, I will not argue delay as a result of this Letter of Undertaking.

AGREED and ACCEPTED by
Philip Cookson Buchanan
this 18th day of Feb, 2015 in
the
~~presence of:~~

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Philip Cookson Buchanan

ACCEPTED by APEGBC this 10th day of
April, 2015



DEPUTY REGISTRAR
for Ann English, P.Eng.
CEO and Registrar of APEGBC