

**IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT**

**R.S.B.C. 1996, CHAPTER 116 as amended**

**and**

**IN THE MATTER OF JOHANNES BLUEMINK, P.Eng.**

**CONSENT ORDER**

**Background and Facts**

1. On November 1, 2016, a Notice of Inquiry dated October 29, 2016 was issued to Johannes Bluemink, P. Eng. ("Mr. Bluemink"), containing the following allegations:
  - A. You have demonstrated unprofessional conduct, incompetence, or negligence by issuing drawings under your seal (the "Drawings"), relating to a project to remediate part of the roof at the Canfor--Northwood Pulpmill in Prince George, British Columbia, which were deficient and fell below the standard expected of a professional engineer in the following respects:
    - (a) The Drawings depict an unstable structure, in particular two jacking frames mounted on an overhead bridge crane in circumstance where:
      - (i) the columns of the jacking frames were not connected to the overhead bridge crane in such a way as to provide the necessary rotational fixity to the columns, and instead were unstable pinned base connections;
      - (ii) there were no moment connections between the columns of the jacking frames and the beams supported by those columns;
      - (iii) the beams on top of the columns were prone to twisting and lateral torsional buckling; and
      - (iv) the eccentric loading condition contributed to a risk of torsion which was not accounted for in the design.
    - (b) the matters set out in (a) above meant the jacking frames as designed were inherently unstable, regardless of site conditions; and

- (c) the Drawings were based on calculations supervised by you (the "Calculations") that were incorrect, inconsistent and demonstrated a lack of understanding of structural engineering concepts, and accordingly fell below the standard expected of a professional engineer.
- B. You have demonstrated unprofessional conduct, incompetence, or negligence in the use of your seal, in the following respects:
- (a) affixing your seal to the Drawings, which were Issued for Construction, in relation to the two jacking frames in circumstances where you did not, and by virtue of your training and experience could not, conduct an appropriate review of much of the professional work related to the Drawings;
  - (b) affixing your seal to the Calculations in circumstances where you did not, and by virtue of your training and experience could not, conduct an appropriate review of much of the professional work related to the Calculations; and
  - (c) where affixing your seal had the effect of misrepresenting that you are qualified by training or experience to design structures such as the jacking frames, or more generally to perform structural engineering, when in fact you are not so qualified.
- C. You have demonstrated unprofessional conduct, incompetence, or negligence in connection with the preparation of the Drawings and Calculations by:
- (a) supervising and reviewing the work of an engineer-in-training in the preparation of the Drawings and Calculations when you were not qualified by training or experience for that assignment;
  - (b) accepting responsibility for a professional assignment you were not qualified to perform, in particular structural engineering; and
  - (c) failing to obtain an independent review of the Drawings and Calculations prior to issuing them for construction.
- D. You have demonstrated unprofessional conduct by including the title block of "Simon & Co. Structural Engineers" on the Drawings when Simon & Co. did not prepare or review the Drawings and had not approved the design of the jacking frames, the consequences of which include that the Drawings are misleading in that they make

it appear that structural engineers were involved in the design of the jacking frames or had acted as reviewers when this was not the case.

### **Admissions**

2. Mr. Bluemink admits the allegations in the Notice of Inquiry set out in paragraph 1 above.
3. Mr. Bluemink admits that:
  - (a) the conduct set out at paragraphs 1A to 1C above is contrary to Principles 1 to 3 of the Code of Ethics of the Association of Professional Engineers and Geoscientists of British Columbia ("APEGBC");
  - (b) the conduct set out at paragraph 1D above is contrary to Principles 1 and 7 of the APEGBC Code of Ethics; and
  - (c) the conduct set out at paragraphs 1A and 1C(c) above is contrary to sections 14(b)(2) and 14(b)(4) of the Bylaws of APEGBC.

### **Disposition**

4. This Order is made pursuant to section 32.1 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "Act").
5. The following conditions are imposed on Mr. Bluemink's membership:
  - (i) Mr. Bluemink must not perform structural engineering;
  - (ii) The only exception to condition (i) is that Mr. Bluemink may perform structural design in connection with the structural components of mechanical systems;
  - (iii) To the extent that Mr. Bluemink performs structural design in connection with the structural components of mechanical systems, this work must be peer reviewed pursuant to APEGBC's *Discipline Committee Ordered Peer Review Policy* for a minimum of 12 months;
  - (iv) The peer reviewer in condition (iii) must be approved in advance in writing by the APEGBC Registrar;
  - (v) Following the conclusion of the minimum 12 month period referred to in condition (iii), Mr. Bluemink may apply in

writing to the Discipline Committee to have condition (iii) lifted, subject to conditions (vi) and (vii) below.

- (vi) Before making an application to the Discipline Committee under condition (v), Mr. Bluemink must obtain the written opinion of the peer reviewer that, based on a minimum of 12 months of peer review, Mr. Bluemink is fit to perform structural design in connection with the structural components of mechanical systems without peer review (the "Written Opinion"), and must provide a copy of the Written Opinion to the Discipline Committee, along with any other written submissions or materials that Mr. Bluemink seeks to have the Discipline Committee consider in support of his application.
- (vii) Before making an application to the Discipline Committee under condition (v), Mr. Bluemink must successfully complete the Structural Engineering Association of B.C. 12-week Structural Steel Design for Buildings course which is offered in September 2017, and must provide proof thereof to the Discipline Committee.

6. Mr. Bluemink shall pay a fine in the amount of \$5,000 to APEGBC, payable within 30 days of the date of this Consent Order.
7. Mr. Bluemink shall pay \$5,000 towards APEGBC's legal costs within 30 days of the date of this Consent Order.

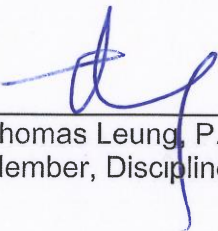
#### **Consequences of the Consent Order**

8. The full text or a summary of this Consent Order will be published by APEGBC in print and electronic publications including on APEGBC'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. APEGBC and Mr. Bluemink agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

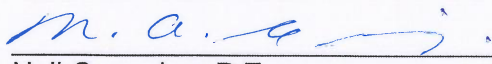
This Consent Order is approved and accepted by Mr. Bluemink and the members of the Discipline Committee Review Panel this 22 day of December, 2016.

  
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Johannes Bluemink, P.Eng.

  
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Thomas Leung, P.Eng., Struct.Eng., FEC  
Member, Discipline Committee

  
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Gregory Miller,  
Counsel for Johannes Bluemink, P.Eng.

  
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Bruce Nicholson, P.Eng.,  
Member, Discipline Committee

  
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Neil Cumming, P.Eng.,  
Member, Discipline Committee