

IN THE MATTER OF
THE *ENGINEERS AND GEOSCIENTISTS ACT*,
R.S.B.C. 1996, c. 116 as amended and

IN THE MATTER OF HANS HERINGA, P. Eng.

DECISION OF THE DISCIPLINE COMMITTEE
Penalty and Costs

Hearing date:	By written submissions
Discipline Committee Panel:	Chris Arthur, P.Eng., Chair Thomas Leung, P.Eng., Struct. Eng. Tom Morrison, P.Eng.
Counsel for the Association:	Lindsay Waddell Heather Hoiness
For the Member	Charles Fenton, retired lawyer Hans Heringa, P.Eng.

A. Introduction

1. On January 3, 2019, this Panel of Discipline Committee (the "Panel") of the Association of Professional Engineers and Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC (the "Association") found that Hans Heringa, P.Eng. breached section 30(4) of the *Engineers and Geoscientists Act*, RSBC 1996 c 116 (the "Act") by failing to provide the Investigation Committee of the Association with a copy of his complete file regarding a Record of Sewerage System that he submitted for subdivision purposes for the property located at [REDACTED], Qualicum Beach, British Columbia as requested by the Association on September 12, 2018, and as re-iterated on October 24, 2018, and November 6, 2018, and by the deadline of November 9, 2018 which was ultimately set by the Association (the "Determination").

2. In its Determination, the Panel requested written submissions on the appropriate penalty and whether costs should be imposed. The Panel received written submissions on penalty and costs from the Association and Mr. Heringa.
3. In the present case, the Association seeks an order that:
 - a. Mr. Heringa is required to complete the Professional Engineering and Geoscientists in BC Online Seminar at his own expense by no later than six months from the date of the Panel's decision on penalty;
 - b. Mr. Heringa is required to complete and pass the Professional Practice Examination of the Association, at his own expense, by no later than six months from the date of the Panel's decision on penalty;
 - c. Mr. Heringa will pay to the Association a fine of \$8000 no later than 30 days from the date of the Panel's decision on penalty;
 - d. Mr. Heringa pay to the Association costs of \$26,815.26 (an amount equivalent to 80% of its investigation and legal costs) within three months from the date of the Panel's decision on penalty; and
 - e. If Mr. Heringa does not fulfill the requirements of paragraphs (a) to (d) by six months from the date of the Panel's decision on penalty, his membership will be suspended until he had done so.
4. Mr. Heringa submitted seven documents as part of this response to penalty and costs. The Panel will not address the document marked "without prejudice" in these reasons. Mr. Heringa's position with respect to penalty and costs is that no sanctions or costs should be imposed against him. He submits that only a reprimand is "the applicable and appropriate penalty".

B. Request for Reconsideration

5. Mr. Heringa seeks to submit new documents to argue that VIHA no longer has any issue with his conduct, and therefore the Panel's determination should be reconsidered.
6. The Association argues that the Panel has no jurisdiction to reconsider its Determination as there is no statutory authority for reconsideration under the Act.
7. The Panel finds the documents Mr. Heringa is seeking to admit are irrelevant. Whether VIHA no longer has any issue with Mr. Heringa's conduct is irrelevant to the Determination that Mr. Heringa breached section 30(4) of the Act. As such, the Panel declines Mr. Heringa's request for reconsideration. While it is not necessary for this Panel to make a finding on jurisdiction for reconsideration, the Panel agrees that Mr.

Heringa has failed to establish that the Panel has the statutory authority for reconsideration in any event.

C. Legal Framework for Penalty and Costs

8. Having made a determination under section 33(1) of the Act that Mr. Heringa contravened the Act, the Panel may impose the following penalties:

33 (2) If the discipline committee makes a determination under subsection (1), it may, by order, do one or more of the following:

(a)reprimand the member, licensee or certificate holder;

(b)impose conditions on the membership, licence or certificate of authorization of the member, licensee or certificate holder;

(c)suspend or cancel the membership, licence or certificate of authorization of the member, licensee or certificate holder;

(d)impose a fine, payable to the association, of not more than \$25 000 on the member, licensee or certificate holder.

9. Section 35(1) of the Act permits the Panel to direct the payment of reasonable costs as follows:

35 (1)If the discipline committee makes a determination under section 33 (1), the discipline committee may direct that reasonable costs of and incidental to the investigation under section 30 and the inquiry under section 32, including reasonable fees payable to solicitors, counsel and witnesses, or any part of the costs, be paid by the person, and the costs may be determined by the committee.

10. The relevant factors to consider in determining an appropriate penalty are set out in *Law Society of British Columbia v. Ogilvie*, [1999] LSBC 17:

a. the nature and gravity of the conduct proven;

b. the age and experience of the respondent;

c. the previous character of the respondent, including details of prior discipline;

d. the impact upon the victim;

e. the advantage gained, or to be gained, by the respondent;

f. the number of times the offending conduct occurred;

g. whether the respondent has acknowledged the misconduct and taken steps to disclose and redress the wrong, and the presence or absence of other mitigating circumstance;

h. the possibility of remediating or rehabilitating the respondent;

i. the impact on the respondent of criminal or other sanctions or penalties;

- j. the impact of the proposed penalty on the respondent;
- k. the need for specific and general deterrence;
- l. the need to ensure the public's confidence in the integrity of the profession; and
- m. the range of penalties imposed in similar cases.

[the "Ogilvie Factors"]

11. As noted by the Association, the more recent decision of *Law Society of BC v. Dent*, 2016 LSBC 05, held that it is not necessary to consider each *Ogilvie* factor in every case, and that the factors can be consolidated. In *Dent*, the following consolidated list was suggested:
 - a. Nature, gravity and consequences of conduct;
 - b. Character and professional conduct record of the respondent;
 - c. Acknowledgement of the misconduct and remedial action; and
 - d. Public confidence in the legal profession including public confidence in the disciplinary process.
12. The Association submits that the Ogilvie/Dent factors are appropriate to decide penalty in this case. The Association notes that this approach has been followed by other discipline panels of the Association including in *Re Halarewicz* (18 January 2018).
13. Mr. Heringa made no submissions on the legal framework or approach to be adopted in the assessment of penalty and costs.
14. The Panel agrees with the Association that the Ogilvie / Dent factors are the appropriate factors to consider in this case.

D. Analysis

Penalty

Nature, gravity, and consequences of the conduct

15. The Association submits that the nature and gravity of Mr. Heringa's conduct is serious as he failed to provide the Association with requested information until it was, in his own admission, convenient for him to do so.
16. The Association submits that Mr. Heringa's conduct frustrated the Association's ability to conduct a timely investigation into a complaint by Island Health. The Association submits that the Association's primary tool to fulfill its statutory mandate to protect the

public interest is its investigative powers. Mr. Heringa's conduct thwarted this critical aspect of the Association's work in regard to a very serious Complaint.

17. Mr. Heringa submits that he did "supply a copy of the relevant and limited portion of the Files, as soon as he was able to, and quickly after the extent of the necessary Files were properly defined. Technically there was no offense. There were many extenuating circumstances for the delay, and it is submitted the delays were all reasonable". In addition, he submits that "had the original requests been simple, and clearer...and if the urgency was made clear, then the response to EGBC could perhaps have been sooner". Mr. Heringa submits there was a quick response and full compliance. He says there was only one delay which was reasonable. He says he then complied and provided the requested information within two weeks.
18. Mr. Heringa made those arguments during the inquiry hearing and the Panel did not accept those arguments at the time. The Panel reiterates its findings in that regard:

32. The Panel finds that Mr. Heringa admitted in his May 17, 2019 correspondence to Ms. Wilson that he failed to provide a copy of his complete file, regarding a Record of Sewerage System Filing for the Project that was the subject of the Complaint, to the Association.

33. The Panel does not accept Mr. Heringa's evidence that the Subcommittee's request was unclear. The communications from Mr. Heringa and Mr. Fenton seeking adjournments reference being away on holiday, the size of the file, the status of the litigation proceedings. They do not convey a lack of understanding about the nature of the request.

34. The Panel does not accept Mr. Heringa's assertion that he did not have time to produce the file until May 30 or 31, 2019. The Panel finds that assertion is not supported by the content of the correspondence. The Panel finds that the requested documents did not turn out to be the significant size represented by both Mr. Fenton and Mr. Heringa.

35. At no time prior to the November 9, 2018 deadline did Mr. Heringa communicate to the Association any of the other difficulties which he subsequently raised as reasons for his delay in producing the requested file including his health or his wife's health.

36. Mr. Heringa admitted that he produced the file when he "had the time" and "when it suited [him]". The Panel finds that Mr. Heringa produced the file when it was convenient. The Panel finds that Mr. Heringa did not find it convenient to deal with the Association during his lengthy periods in Mexico. The Panel finds that the timing of Mr. Heringa's production of the file was largely prompted by the issuance of the Notice of Inquiry.

...

41. The Panel finds that Mr. Heringa being out of the country or on holiday does not obviate his requirement to comply with section 30(4) of the Act. In any event, the

records demonstrate that Mr. Heringa was aware of the Subcommittee's request by the time of his return at the end of October or beginning of November 2018 and he only produced the documents approximately six months later because that was when it was convenient for him to do so.

...

44. The Panel finds that Mr. Heringa, failed to provide the Investigation Committee of the Association with a copy of his complete file regarding a Record of Sewerage System that he submitted for subdivision purposes for the property located at [REDACTED], Qualicum Beach, British Columbia as requested by the Association on September 12, 2018, and as re-iterated on October 24, 2018, and November 6, 2018. The Panel finds that the allegations have been proven by the Association to the requisite standard.

19. Mr. Heringa also submits that the complaint is not serious because the sewerage filings relating to the underlying complaint can be amended and he submits, that the complainant no longer takes issues with Mr. Heringa's conduct.
20. Mr. Heringa submits there was no financial gain to him personally. He also submits that "There was no victim here, other than myself, perhaps." He submits there was no public hazard.
21. The Panel finds Mr. Heringa's conduct to be serious. The Panel accepts the Association's submission Mr. Heringa frustrated the Association's ability to conduct a timely investigation into a complaint by Island Health. In doing so, Mr. Heringa impeded the Association's statutory mandate to protect the public interest using its investigative powers. The Panel does not accept that Mr. Heringa had nothing to gain. By failing to comply with the Association's requirements until it was convenient for him to do so, he was able to delay responding to the Association's requests at a time of his choosing and convenience. This favour a more serious penalty.

Character and Professional Conduct of the Member

22. The Association submits that Mr. Heringa's position and experience at the time of the conduct at issue militate in favour of a more substantial penalty.
23. Mr. Heringa has been a member of the Association since 1974. At the time of the hearing he was nearly 70 years old. At the time of the events in question, he was a co-owner of [REDACTED] in Nanaimo, British Columbia. The Association submits that he is an experienced professional engineer who owns his own company. As such, he should have been well aware of his professional obligations.
24. The Association acknowledges that Mr. Heringa's lack of prior disciplinary record with the Association is a relevant factor. The Association submits that this factor is neutral.
25. Mr. Heringa submits that he is 70 years old and has been practicing as an engineer since 1974. He says that he has no previous complaints or past disciplinary history

with the Association. He says that he “should be left in peace for valid, medical and kindness, and professional reasons. [His] Wife, and friends at VIHA and elsewhere would also appreciate a proper solution to this matter.”

26. Mr. Heringa disagrees with the Association that this factor should be considered neutral and submits that his lack of disciplinary record of 44 years speaks volumes and should be given significant weight.
27. The Panel recognizes that Mr. Heringa has no prior disciplinary history during a lengthy career. This favours a lesser penalty. However, due to Mr. Heringa’s professional history, he ought to have known his professional obligations and the consequences of failing to abide by those obligations. This factor is therefore neutral.

Acknowledgement of Misconduct and Remedial Action

28. The Association submits that Mr. Heringa has never acknowledged any wrongdoing or expressed any regret for having failed to comply with the Association’s requests. The Association submits that during the hearing he attempted to deflect blame for his actions onto the Association or his agent, Mr. Fenton.
29. The Association pointed out that the Panel relied upon Mr. Heringa’s evidence under cross-examination that he provided the requested information “when it suited him”. The Association submits that he gave no evidence to suggest he regretted that approach or appreciated the consequences of his actions. The Association also pointed to the Panel’s findings regarding Mr. Heringa’s closing comment to the Panel which the Panel found demonstrated a continued failure to take any responsibility for his actions.
30. The Association submits this factor militates in favour of a more substantial penalty.
31. The Panel notes the following statements by Mr. Heringa in Response which are relevant to the assessment of his acknowledgment of misconduct and remedial action:

Technically, there was no offense.

...

My wife’s previous travel commitments to Europe for our 49th Wedding Anniversary from September 1, 2018 to October 31, 2018, which was also my Wife’s [REDACTED] and celebration. After that we had to leave for Mexico for our typical 3-4 month winter vacation, and there are no regrets.

There was really no need for all the “bullying” of 78 year old Chuck Fenton, nor of

■■■■, my part-time Secretary, from September 12, 2018 to November 9, 2018, as the VIHA Complaint to EGBC wasn't their problem, and they were both unable to assist. They didn't have the documents, and my Wife and I were away, and we preferred not to be bothered by business during our trip. Matters could wait.

There are broad powers given to the Panel to penalize a Member who has violated the Act. It is submitted that only 2(a) is the applicable or appropriate penalty here. Otherwise the Panel's findings must simply be appealed, as the Member doesn't deserve a Penalty under the above circumstances. There was no violation. We responded in a reasonable way, the best as we could, when we could. We are perhaps entitled to an apology for the earlier, wrongful, and onerous demands on others from September 12, 2018 to November 9, 2018, by the EGBC Solicitor.

...

The EGBC must be aware that I was obviously blindsided here, and even further upset by the recent action of the EGBC to punish me with about \$40,000.00 in Penalties over \$1,000.00 worth of Filings, now fully corrected? What gives? Why not shoot me, or give me the COVID-19 virus instead? It's like the Canadian Government confiscating Mr. Matsui's house and property and money, then shipping Mr. Matsui to a Japanese internment camp, despite him having fought in WWI for England and Canada, and getting the highest British medal possible for bravery. It is so unjust and undeserving. And even today, the only recognition his family got was a recent Government apology, and no mention of any restitution. "Me thinks that I am in a similar situation".

...

There was no victim here, other than myself, perhaps.

....

I am sorry, that I was late, and that various items had to be clarified, and that various other events in my life had to have priority, and that I was away, in Europe or Mexico, or committed to other tasks. However the EGBC's written, onerous requests and demands were also a partial reason for the delays.

...

I had to prioritize and make choices and decisions, as best I could in response. In hindsight, my decisions were still the best for me then. I apologize for the ill will that it may have created.

...

The entire incident was unfortunate. And actually having a Panel Hearing for it, was enough punishment, enough additional cost, and enough mental anguish for me and for my family, and for my career, and for my well being, and all at an inopportune time. "When it rains, it pours". "No good deed goes unpunished".

....

It was an honest, and simple, inadvertent mistake, and one which was rectified in the time permitted by VIHA, and as the records show.

....

We still think, and believe that our time frame was reasonable, under all of the circumstances.

...

Our present belief is that an Appeal of the Panel's finding is still possible, but we first wanted to see what the (reasonable) costs and penalty would be, and if any kind of apology is provided to me or my staff.

[emphasis added]

32. Mr. Heringa also expressly submits in relation to whether he has acknowledged misconduct and taken steps to disclose and redress the wrong that, "There was no misconduct. In hindsight, I should have clarified that my performance on May 15, 2019 stopped the Hearing and Penalties."

33. He also argues there are other mitigating circumstances. With respect to the Association's proposed terms for coursework and a fine, Mr. Heringa argues:

(a & b) - I am semi-retired, with a part-time office. The EGBC, and Lawyers and Panel know this. I simply now wish to clean up my "loose ends", and be limited to cleaning up all my loose ends in 2020, and I will no longer practise Civil Engineering, as of November 19, 2020.

(c) - It's just not supportable for me to have to pay a Fine of any kind. There was performance here with reasonable requests in a reasonable time.

34. Mr. Heringa submits the following in terms of the impact of the Association's proposed penalty upon him:

These proposed excessive Penalties would be detrimental to my financial situation, and professional reputation, and to my ego, and to my mental well being, along with being very damaging to the health of my wife, and of my 98 year old Mom. The impacts of these proposed Penalties are all of very serious, and negative in nature. They are completely unwarranted here, and unexpected, in my professional opinion. Many of my family members and friends work for VIHA and already know about this matter. Even my other Engineering friends are very puzzled by the "heavy handed" approach and treatment of me, with these two Filings. Are the Lawyers and the Panel really this desperate for work, and billings, with forced repayment by others

35. The Panel finds that Mr. Heringa has failed to adequately acknowledge his misconduct. The Panel finds that Mr. Heringa's submissions indicate that he has no remorse regarding his conduct. For example, Mr. Heringa's comments that the Panel is a "Kangaroo Court", that he is entitled to an apology and an honorarium, demonstrate he flouts the Panel's authority and process and has no remorse. This factor weighs strongly in favour of a more serious penalty.

Public Confidence in the Profession and Deterrence

36. The Association submits there is a strong need for both specific and general deterrence in this case.
37. The Association submits that there is nothing in Mr. Heringa's evidence or conduct that suggests he would be any more cooperative with similar requests made to him in future. The Association submits, that to the contrary, Mr. Heringa's conduct in relation to the submission schedule set by the Panel demonstrates the opposite is true. Through his administrative assistant, Mr. Heringa informed the Panel that because of Mr. Heringa's travel schedule "the timeline set for Mr. Heringa may need to be changed or extended". Mr. Heringa did not seek leave of the Panel for an extension but again sought to dictate what is required of him in this process to conform with what suited him personally.
38. With respect to general deterrence, the Association submits that it is essential to maintaining public confidence in the integrity of the engineering profession that members are held to account for failing to cooperate with investigations of complaints.
39. The Association relies several decisions of prior discipline panels:
- a. In *Re Syed*, the conduct at issue was a failure to provide requested information to the Association's investigation committee under section 30(4) of the Act. Mr. Syed said he provided the information. The Panel found that Mr. Syed "did not demonstrate that he understood the requirements of the Association, nor did he acknowledge the gravity of not responding to the Association in the manner or within the time-frame required" and that a "a member not responding to the Association undermines public confidence in the integrity of the profession". Mr. Syed was ordered to pay a fine of \$5,000, complete and pass the Professional Practice Examination, complete the Professional Engineering and Geoscience Practice in BC Online Seminar, pay costs of \$7,500, and in the event that he failed to fulfill those requirements by a certain date, his membership would be suspended.
 - b. In *Re Stromotich*, the member failed to provide information requested by the Association and sent an email questioning the competency of another professional. The Panel ordered a two month suspension, a fine of \$10,000, and required that Mr. Stromotich prepare an apology letter, write and pass the

Association's Professional Practice Exam within two months, and that he pay costs to the Association in the amount of \$51,935.35.

c. In *Re Ho*, the member failed to provide information to the Association as required in the course of a practice review. He agreed to a reprimand and to provide the Practice Review Committee with any further information it requested at any time in the future. The member agreed that if he did not comply with the future requests of the Practice Review Committee he would be subject to further penalties, including being required to pay a fine of not more than \$25,000.

d. In *Re Yu*, the member failed to provide information to the Investigation Committee. He agreed to a consent order that included a reprimand and a requirement that he pay costs of \$1,000.

e. In *Re Strade*, the member failed to provide information to the Investigation Committee. He agreed to a consent order that included practice restrictions and a reprimand.

40. The Association submits that the *Re Syed* and *Re Stromotich* cases are the most relevant.
41. Mr. Heringa argues there is no need for specific deterrence as he is now compliant with the Association's request.
42. Mr. Heringa argues that general deterrence is "not applicable" in this case as "there should be some leeway, and understanding with time frames, especially for unexpected events, and for minor complaints. The time frame must be reasonable. EGBC also needs to be reasonable and understanding of the delays."
43. Mr. Heringa distinguishes the *Re Syed* decision on the basis that Mr. Syed only partially complied with the request in that case, whereas Mr. Heringa did ultimately comply in full with the request. He says that the *Re Stromotich* decision has no application as it involved a different regulator. Mr. Heringa notes that in *Re Ho*, the penalty was only a reprimand. Similarly, with *Re Yu*, Mr. Heringa notes that case ordered a reprimand and \$1000 in costs. Mr. Heringa suggests because he ultimately provided the requested documents, he should receive less than \$1000 in costs. He argues on that same basis that he should receive a lesser penalty than in the *Re Stade* case.
44. In reply, the Association submits that the Association's efforts to investigate the complaints were frustrated in this case in precisely the same manner as in *Re Syed*. The Association submits that the relevant period for delivering documents is not before the hearing or at the hearing but by when the requested deadline and prior to the issuance of a Notice of Inquiry. The Association disputes that the *Re Stromotich* decision was from another regulator. The Association notes that *Re Ho*, *Re Yu* and

Re Stade were all resolved by consent. Costs are inevitably lower when resolved by consent as they did not proceed to hearing.

45. The Panel finds there is a need for specific and general deterrence in this case. The Panel agrees that there is nothing in Mr. Heringa's evidence or conduct that suggests he would be any more cooperative with similar requests made to him in future.
46. With respect to general deterrence, it is essential to maintaining public confidence in the integrity of the engineering profession that members are held to account for failing to cooperate with investigations of complaints. Moreover, members of the profession must also be made aware that there are consequences for failing to cooperate with the Association. This factor weights in favour of a more significant penalty.
47. In weighing all of these factors and considering the parties' submissions, including the caselaw cited, the Panel has decided that the appropriate penalty is a fine in the amount of \$5000.
48. The Panel also orders that Mr. Heringa complete the Professional Engineering and Geoscientists in BC Online Seminar and the Professional Practice Examination of the Association. If Mr. Heringa does not pay the fine within 30 days, complete these exams within six months, and pay his costs within 18 months, the Panel orders that Mr. Heringa will be suspended.

Costs

49. The Association submits that there are no special circumstances in this case which justify departing from the Panel's normal practice of awarding costs where the allegations set out in the Notice of Inquiry have been proven against the member.
50. The Association indicates that it has incurred \$33,519.08 costs in relation to this matter:
 - a. Legal fees and disbursements \$31,809.21
 - b. Investigation and hearing costs \$1,709.87
51. The Association submits that in previous cases, Discipline Committee Panels have awarded reasonable costs of between 70-90% actual costs incurred by the Association. The Association submits that in this case, costs in the mid-range of that spectrum is appropriate. It seeks reasonable costs at 80% of actual costs, in the amount of \$26,815.26.
52. Mr. Heringa submits:

The Panel "may" direct the member to pay the reasonable costs of the Association. The Panel then doesn't have to direct the member to pay any costs. The costs, if any, must also be reasonable. I am a semi-retired Civil Engineer, presently receiving a Pension of \$700.00/month. There is now also the new

serious, adverse financial impact of the COVID-19 Virus to consider. I submit that “collectively”, I or Chuck Fenton, or █████ did nothing wrong under the circumstances, and that a Penalty or the Costs, is just not deserved. Doing so would only create confirmation that the Panel Hearing was in fact a Kangaroo Court, as Chuck Fenton was very concerned about. There should perhaps be an apology here.

53. In addition, Mr. Heringa submits:

(d) It's not supportable for me to have to pay such an excessive amount of \$26,815.26 for these completely unnecessary legal costs. The Panel already knew that we had complied with providing only the necessary documents related to the Filing as was agreed, within two weeks, well before the Hearing. The Hearing wasn't justified, or necessary.

(e) It is proposed that I simply retire and retain my membership as a “non-practising” Engineer from January 1, 2020 and onwards, until my “death do us part”.

54. Mr. Heringa submits that only reasonable costs may be awarded and that the proposed costs were avoidable by the Association as it was not necessary to hold a hearing after Mr. Heringa provided the requested documents. Mr. Heringa submits that only the investigation costs are reasonable and should be the maximum awarded.

55. Mr. Heringa argues in closing that the Panel should reconsider its decision, the Association should apologize to Mr. Heringa for making improper and onerous demands from others at Mr. Heringa's office, he should be found to be professional and exemplary as the necessary documents were provided on May 31, 2019, and the Panel should award Mr. Heringa a \$5000 honorarium for his preparation, attendance and submissions at the hearing.

56. In reply, the Association argues that while Mr. Heringa submits that he does not have the means to pay the proposed costs, his submissions regarding his companies and travel suggest otherwise.

57. The Association also disputes that the Panel has the authority to make an order of \$5000 in favour of Mr. Heringa given that section 35 makes clear costs are to be awarded against the unsuccessful party.

58. The Panel finds that the Association's fees and disbursements are reasonable. The Panel does not see any reason to depart from the normal range of awards and orders that Mr. Heringa pay 70% of the Association's costs, in the amount of \$23,463.36.

Order

59. The Panel orders that:

- a. Mr. Heringa is required to complete the Professional Engineering and Geoscientists in BC Online Seminar at his own expense by no later than six months from the date of the Panel's decision on penalty;
- b. Mr. Heringa is required to complete and pass the Professional Practice Examination of the Association, at his own expense, by no later than six months from the date of the Panel's decision on penalty;
- c. Mr. Heringa will pay to the Association a fine of \$5000 no later than 30 days from the date of the Panel's decision on penalty;
- d. Mr. Heringa pay to the Association costs of \$23,463.36 (an amount equivalent to 70% of its investigation and legal costs) within 18 months from the date of the Panel's decision on penalty; and
- e. If Mr. Heringa does not fulfill the requirements of paragraphs (a) to (d) by the time periods set out above, his membership will be suspended until he had done so.

Dated: June 18, 2020

<original signed by>

Chris Arthur, P.Eng., Chair,

<original signed by>

Thomas Leung, P.Eng.,

<original signed by>

Tom Morrison, P.Eng.