

**LETTER OF UNDERTAKING REGARDING COMPLIANCE WITH THE  
ENGINEERS AND GEOSCIENTISTS ACT, RSBC 1996, c 116 (the "Act")**

**WHEREAS:**

The Association of Professional Engineers and Geoscientists of the Province of British Columbia, also doing business as Engineers and Geoscientists BC (the "Association") and Luke Moger ("Moger") agree to the following statement of facts:

- A. It is the mandate of the Association under the provisions of the Act to protect the public interest in British Columbia in the practices of professional engineering and professional geoscience, including by restricting those practices to members and licensees of the Association and taking steps to minimize any risk of confusion among members of the public as to whether individuals they deal with are professional engineers or geoscientists entitled to practice in British Columbia;
- B. Moger holds a degree in Applied Science in Mining and Mineral Processing from the Norman B. Keevil Institute of Mining Engineering at the University of British Columbia;
- C. Between 2011 and 2016 Moger used the titles "project engineer" and "mining engineer" in connection with his name to refer to positions that he held with Mount Polley Mining Corporation notwithstanding that Moger was not registered as a member of the Association or licensed to practice professional engineering in British Columbia (the "Conduct");
- D. Upon becoming aware of the prohibition on his use of these titles through notification from the Association, Moger promptly discontinued using the titles "project engineer" and "mining engineer";
- E. Moger agrees that the Conduct breached section 22 of the Act; and
- F. Moger has had an opportunity to seek independent legal advice regarding this matter and this Letter of Undertaking.

**THEREFORE:**

In consideration of the Association not commencing a legal proceeding against Moger in the Supreme Court of British Columbia to seek injunctive relief or exemplary damages in respect of the Conduct, Moger agrees to the following:

- 1. Unless and until Moger becomes a duly registered member or licensee of the Association, Moger will cease and desist from using the titles "project engineer", "mining engineer" or any other word, name, title, designation, descriptive term or statement implying, or calculated to lead any other person to believe, that he is a professional engineer or professional geoscientist or is ready or entitled to engage in, or is engaged in, the practice of professional engineering as defined in section 1(1) of the Act;
- 2. Moger understands and agrees that this Letter of Undertaking or a summary of it may be published in the Association's magazine *Innovation*, on the Association's website, and in such other places and in such manner as the Association deems appropriate;

