



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT* S.B.C. 2018,
CHAPTER 47

and

IN THE MATTER OF LESLIE SEAN MCGINN, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T22-026

CONSENT ORDER

Background

1. On April 25, 2024, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”), the appointed Investigation Subcommittee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued an investigation report (the “Report”) regarding Mr. Leslie Sean McGinn, P.Eng.. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
2. The Report concerned Mr. McGinn’s engineering services in relation to his design and authentication of a wastewater sewerage system in Powell River, BC (the “Sewerage System”).
3. On April 25, 2024, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
4. The Investigation Committee and Mr. McGinn wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
5. Mr. McGinn consents to the disposition set out below.

Admissions

6. Mr. McGinn admits that he demonstrated professional misconduct in relation to the engineering services he provided for the Sewerage System. In particular, Mr. McGinn admits that he failed to:
 - a. design the Sewerage System in a manner consistent with the Sewerage System Standard Practice Manual, Version 3, or provide a rationale for using an alternative standard practice, including:
 - i. selecting an appropriate system which would ensure an even distribution of effluent;
 - ii. providing an accurate description of the soil structure in the test pit logs, including information on soil mottling and a high seasonal water table;
 - iii. indicating the following information in the report and design of the dispersal system:
 1. the correct design flow and hydraulic loading rate from the dispersal field into the soil;
 2. calculations of the water table mound and linear loading from the dispersal field;
 3. the dispersal field installation, the ground slope, the soil profile, and the estimated high elevation of the anticipated high-water table;
 4. a slope constraint assessment; and
 5. vertical separation to the highest anticipated high seasonal water table;
 - iv. submitting the required information about the dispersal system design to Vancouver Coastal Health including photos of the test pits, labelled construction photos, and tables providing details of percolation tests;
 - b. design the Sewerage System in a manner consistent with the Professional Practice Guidelines: Onsite Sewerage Systems, Version 1.3, or provide a rationale for using an alternative standard practice, including:
 - i. indicating descriptive features in the design drawings including the orientation of the design, the slope of the ground, a scale sufficient to show details of the installation, the distance to potential seepage breakouts, and surface water drainage features such as a ditch;

- ii. indicating the following information in the report and design of the dispersal system:
 - 1. the elevation of critical features, trenches, infiltrators, and the spacing between the infiltrators; and
 - 2. how dispersal trenches fit into the topography;
 - c. create or maintain adequate project documentation in regard to the design and construction of the Sewerage System;
 - d. adequately conduct, or in the alternative, document field reviews; and
 - e. adequately provide direct supervision, or in the alternative, document supervision in regard to the design and construction of the Sewerage System.
7. The conduct set out above at paragraph 6 is contrary to Principle 1 of the *Code of Ethics*, which requires registrants to hold paramount the safety, health, and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace.
 8. The conduct set out above at paragraph 6 is contrary to Principle 4 of the *Code of Ethics* and section 7.3.1(2) of the *Bylaws* of Engineers and Geoscientists BC, which require registrants to have regard for applicable standards, policies, plans and practices established by the government or Engineers and Geoscientists BC.
 9. The conduct set out above at paragraph 6 is contrary to Principle 12 of the *Code of Ethics*, which requires registrants to undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession.
 10. The conduct set out above at paragraph 6(c), (d), and (e) is contrary to sections 7.3.2(1) and (3) of the *Bylaws* of Engineers and Geoscientists BC, which require registrants to establish, maintain, and follow documented procedures for the retention and preservation of project documentation and to retain and preserve complete project documentation for a minimum of ten years.
 11. The conduct set out above at paragraph 6(c) is contrary to sections 7.3.3(1) to (3) of the *Bylaws* of Engineers and Geoscientists BC, which require field reviews to be completed during the construction, manufacturing, fabrication, implementation, testing, or commissioning of work by a registrant or individuals under their direct supervision. Registrants must establish, maintain, and follow documented procedures for documented field reviews.
 12. The conduct set out above at paragraph 6(d) is contrary to sections 7.3.8(1) and (2) of the *Bylaws* of Engineers and Geoscientists BC, which require registrants to establish, maintain, and follow documented procedures for delegation and direct

supervision and to ensure delegated work is carried out under their direct supervision.

Disposition

13. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
14. Mr. McGinn's registration in Engineers and Geoscientists BC is suspended for a period of three months commencing on November 13, 2024, (the "Suspension Period").
15. During the period from the date of the execution of this Consent Order until the commencement of the Suspension Period, Mr. McGinn will:
 - a. limit his practice to those project files that he is currently engaged on and will not take on any new project files or other engineering work; and
 - b. make reasonable arrangements for the orderly transfer of his ongoing professional engineering project files to other professional engineers.
16. On or before the end of the Suspension Period, Mr. McGinn must provide written notice to Engineers and Geoscientists BC that he has at his own expense, successfully completed the following courses provided by Engineers and Geoscientists BC:
 - a. the Professional Engineering and Geoscience Practice in BC Online Seminar;
 - b. the Authentication of Documents webinar;
 - c. the Direct Supervision webinar;
 - d. the Documented Field Reviews During Implementation and Construction webinar; and
 - e. the Regulation of Firms Permit to Practice Training.
17. Six months after the conclusion of the Suspension Period, Mr. McGinn agrees to undergo a practice review conducted by Engineers and Geoscientists BC (the "Practice Review"), at his own expense. The precise timing and process of the Practice Review will be determined by the Audit and Practice Review Committee.
18. Mr. McGinn will pay \$2,500 to Engineers and Geoscientists BC towards the legal and investigative costs of Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order.

19. In the event that Mr. McGinn fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

20. The full text of this Consent Order will be published on the website of Engineers and Geoscientists BC, and a summary will be published in print and electronic publications, including in public communications.

21. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.

22. Mr. McGinn agrees that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the opportunity to obtain independent legal advice.

23. Mr. McGinn and Engineers and Geoscientists BC 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. McGinn and the Investigation Committee October 30, 2024.

<original signed by>

Leslie Sean McGinn, P.Eng.

James Wilson

Name of Witness

<original signed by>

Signature of Witness

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

<original signed by>

Per: Peter Helland, P.Eng.
Chair, Investigation Committee