

Content Warning

Engineers and Geoscientists BC acknowledges that the following content includes information regarding sexual assault that may be distressing.
Please read with care.

IN THE MATTER OF
THE *PROFESSIONAL GOVERNANCE ACT*, S.B.C. 2018, c. 47
AND
IN THE MATTER OF MATHEW AARON SHUFELT

DECISION OF THE REGISTRAR FOLLOWING A CREDENTIALS HEARING

Hearing Date: May 13, 2024, with written submissions concluding on July 3, 2024

Counsel for Engineers and Geoscientists BC: Lindsay A. Waddell
Nyssa Lessingham

Counsel for the Applicant: Kevin Westell

A. Introduction and overview

1. Mathew Aaron Shufelt (the “Applicant”) has applied to be registered as a professional engineer with The Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC.
2. The Applicant meets all the technical qualifications for registration as a professional engineer. However, in 2018, prior to completing an application for registration with Engineers and Geoscientists BC, the Applicant pleaded guilty and was convicted of sexual assault. In accordance with the *Professional Governance Act* (the “PGA”) and the Bylaws of Engineers and Geoscientists BC (the “Bylaws”), an applicant for registration must demonstrate “good character and good repute”.
3. The question before the Registrar of Engineers and Geoscientists BC in this matter is whether the Applicant is eligible for registration on that basis.
4. Counsel for Engineers and Geoscientists BC and counsel for the Applicant presented evidence and made submissions on this question, and both parties agree that the appropriate outcome is for the Applicant to be registered, subject to certain conditions.

5. I have very carefully considered the submissions of the parties and the evidence before me. I have decided to direct that the Applicant be registered as a professional engineer, with conditions, as submitted by the parties, along with one additional reporting provision. The background and reasons for my decision are set out below.

B. Legal framework

6. Engineers and Geoscientists BC regulates the professions of professional engineering and professional geoscience in accordance with the PGA. As a regulatory body under the PGA, Engineers and Geoscientists BC exists to serve and protect the public interest.

7. Engineers and Geoscientists BC's general duty as a regulatory body is set out in section 22(1) of the PGA, which states:

22(1) It is the general duty of a regulatory body at all times to

(a) serve and protect the public interest with respect to the exercise of a profession, professional governance and the conduct of registrants in the registrants' regulated practice, and

(b) exercise its powers and discharge its responsibilities in the public interest.

8. Engineers and Geoscientists BC also has specific responsibilities to, among other things, "establish the conditions or requirements for registration of a person as a registrant" (PGA, section 22(2)(e)) and to "establish and employ registration... procedures that are transparent, objective, impartial and fair" (PGA, section 22(2)(i)).
9. In service of its duty and responsibilities established in the PGA, Engineers and Geoscientists BC has enacted bylaws setting out the requirements for registration. In particular, pursuant to Bylaw 5.6(4)(c)(ii), an applicant for registration, including an applicant for registration as a professional engineer, must provide evidence satisfactory to the Credentials Committee that the applicant is of "good character and good repute".
10. In accordance with Bylaw 5.19(1), if the Credentials Committee determines that there is a serious concern that an individual applicant does not meet the requirement to be of good character and good repute, the Credentials Committee may order a credentials hearing before the Registrar.
11. That is what occurred in this case. The Credentials Committee's concern arose from the events that resulted in the Applicant's conviction for sexual assault.

12. The parties agree that the Applicant meets all the educational and technical requirements for registration as a professional engineer. The only question that remains is whether the Applicant meets the requirement to be of good character and good repute as required by the Bylaws.
13. In this proceeding, the onus is on the Applicant to establish that he is of good character and repute on a balance of probabilities. As set out in Bylaw 5.18(1)(b), the Registrar may refuse to grant registration, or may grant registration with or without conditions.

C. Evidence before the Registrar

14. The oral evidence in this case consisted of two witnesses who testified at the credentials hearing:
 - a. Jason Ong, the Director of Registration for Engineers Geoscientists BC; and
 - b. The Applicant.
15. Additionally, the parties introduced two joint books of documents and one additional document by agreement.
16. I have accepted the evidence presented by the parties and have relied on it in reaching my decision in this case. I have considered all the evidence presented by the parties even where it is not expressly referred to in my decision.

D. Facts

17. The facts in this case emerge from the documentary and oral evidence that was presented at the credentials hearing.
18. The facts of this matter were set out in detail in the submission of Engineers and Geoscientists BC, and the Applicant has substantially agreed with those facts. I have relied on Engineers and Geoscientists BC's submission, as agreed to by the Applicant, in setting out the key facts in this case below. I am grateful to counsel for providing a fair and comprehensive description of the facts.

Background

19. The Applicant was born in Surrey, BC. At the time of the credentials hearing, he was 34 years old. After graduating high school in 2007, he completed one year of studies in an engineering transfer program. He then transferred to the University of British Columbia ("UBC").
20. While at UBC, the Applicant primarily lived in a fraternity house on campus. He was active in the fraternity.

21. The Applicant graduated from UBC in 2013 with a Bachelor of Applied Science. While completing his degree, the Applicant obtained summer employment with two geotechnical companies.
22. After his graduation from UBC, the Applicant began working with a large engineering firm in a capacity that did not require registration with Engineers and Geoscientists BC. The Applicant worked mainly out of Pointe-du-Bois, Manitoba, on a schedule of 14 days on and 7 days off. During his days off, the Applicant returned to his parents' home in Chilliwack.

Sexual assault, guilty plea, and sentencing

23. With respect to the facts relating to the Applicant's conduct and conviction set out below, they are mainly derived from BC Supreme Court Justice Tammen's reasons for decision in sentencing the Applicant, a decision indexed as *R. v. Shufelt*, 2018 BCSC 328 (the "Sentencing Decision"). The Sentencing Decision is subject to a publication ban under section 486.4(1) of the *Criminal Code*, which prohibits the publication of information that might identify the victim or a witness.
24. I am mindful that the facts underlying the Applicant's conviction for sexual assault may affect readers who have experienced sexual violence or know someone affected by it. The details of the Applicant's offence are only described to the extent necessary to understand the context of his application for registration.
25. On February 18, 2015, the Applicant was off work and met with a male friend at UBC. During the visit, the Applicant was scrolling on Tinder, a social media dating application, and came across the profile of Ms. A.
26. [REDACTED]
27. The Applicant sent Ms. A a text message after seeing her Tinder profile. Ms. A exchanged text messages and arranged to meet for drinks that evening.
28. Ms. A and Ms. B met the Applicant for drinks at a pub near UBC. The three spent about three hours at the pub, during which time the Applicant drank numerous alcoholic beverages, including shots of tequila. Ms. A, Ms. B, and the Applicant then took a taxi back to the fraternity house at UBC.
29. At the fraternity house, the three continued socializing, drinking, and playing beer pong for two to three hours. The Applicant testified that he eventually experienced an alcohol-induced "black-out", and that his last memory of the night of February 18, 2015 is of playing beer pong at the fraternity house.

30. [REDACTED]
31. The Applicant kept drinking. Sometime later, he got permission to stay in the same room where Ms. A was. [REDACTED]
32. Ms. A awoke [REDACTED] and realized that the Applicant had sexually assaulted her while she was sleeping. [REDACTED]
33. The next day, Ms. A texted the Applicant to confront him about what had happened. The Applicant testified that he was shocked and confused to hear what he had done to Ms. A. The Applicant later met with Ms. A, and she explained what had happened. The Applicant described what he could remember. After the meeting, the Applicant and Ms. A had no further contact.
34. The matter was reported to law enforcement, and in August 2015 the Applicant was criminally charged with one count of sexual assault.
35. A preliminary inquiry was held in 2016. In August 2017, the Applicant entered a guilty plea in BC Supreme Court. At the credentials hearing, the Applicant testified that he has no recollection of sexually assaulting Ms. A, but he accepts her allegations and pleaded guilty on that basis.
36. On January 11, 2018, the Applicant was sentenced by BC Supreme Court Justice Tammen to 21 months of imprisonment, followed by 18 months of probation, and 20 years on the sex offender registry. The reasons for that decision are set out in the Sentencing Decision.

Sentence and treatment

37. The Applicant was imprisoned from January to July 2018, largely at Ford Mountain Correctional Centre ("Ford Mountain").
38. The Applicant testified that while at Ford Mountain he attended weekly Alcoholics Anonymous ("AA") meetings run by other inmates. He also testified that he met with an Indigenous spiritual volunteer who was an active AA member outside of Ford Mountain. The two had conversations about sobriety and the spiritual volunteer became the Applicant's sponsor for a short period following his release from custody.
39. The Applicant testified that while at Ford Mountain, he also participated in a Cognitive Behavioural Therapy ("CBT") course run by corrections officers which

was aimed at helping inmates to understand their thinking errors and the role those thinking errors played in their offending.

40. After the Applicant's release from custody, while on probation, he participated in the Forensic Sex Offender Program provided by the Forensic Psychiatric Services Commission (the "FSO Program"). The FSO Program involved group and individual therapy sessions facilitated by Dr. D, a registered psychologist. Dr. D assessed the Applicant as an appropriate candidate for the FSO Program, therefore the Applicant was required to complete the FSO Program, which ran from November 2020 to January 2021.
41. Due to COVID-19 restrictions in place at the time, the Applicant's participation in the FSO Program was entirely online via videoconference calls. The Applicant testified that he disclosed the details of his offence to Dr. D in their initial meeting. Group sessions covered topics including thinking errors, rehabilitation, and building a self-management plan. The Applicant participated in all aspects of the FSO Program, including completing assigned homework.
42. In May 2019, following his release from custody on full parole, the Applicant gained employment as a labourer with a small mechanical installation company.
43. In October 2019, the Applicant's period of parole ended, and he began serving his 18-month probation.
44. In December 2019, the Applicant was hired by BC Hydro to work on the Site C Dam in Fort St. John.
45. The Applicant completed his probation in April 2021.

Application for registration

46. On April 19, 2014, after his graduation from UBC but before the criminal charges, the Applicant initiated an application for registration as an Engineer-in-Training with Engineers and Geoscientists BC. The application was never completed, and the Applicant never obtained registration.
47. On January 9, 2018, an article was published in the Vancouver Sun about the Applicant's guilty plea and conviction. The article inaccurately referred to the Applicant as a "civil engineer". The article was brought to the attention of Engineers and Geoscientists BC by a third party.
48. At the time, the Applicant was not a registrant and did not have any active application for registration outstanding with EGBC – the EIT application that had been submitted in 2014 was inactive and no application for registration as a professional engineer had been initiated. Engineers and Geoscientists BC staff saved the Vancouver Sun article, and two other similar news articles which

reported on the Applicant's case, to the Applicant's file to ensure that the information related to his criminal conviction would be considered if he were to pursue registration in the future.

49. In late 2020, the Applicant submitted his academic transcript and other documentation required for registration as a professional engineer. Engineers and Geoscientists BC produced a competency assessment report for the Applicant.
50. On January 9, 2021, the Applicant's file was brought to the Credentials Committee for the first time to consider the issue of good character and repute. No decision was made at that time.
51. On January 31, 2022, the Applicant formally initiated his application for registration as a professional engineer by completing the required online application form. One of the questions on the online application form asks whether the person submitting the application has ever been convicted of an offence. The Applicant answered "yes".
52. The Applicant was asked to provide further information about his conviction. He did so by letter on March 31, 2022 (the "Application Letter"). The Application Letter set out some of the circumstances regarding the Applicant's offence, his recollection of the events, his personal introspection, and his efforts at rehabilitation.
53. Mr. Ong testified that he read the Application Letter and that he found it to be detailed and properly focused on acknowledgement of the assault of Ms. A and detailing the steps the Applicant had taken to rehabilitate his character. I agree with Mr. Ong's assessment of the Application Letter.
54. On March 1, 2023, Mr. Ong wrote to the Applicant to advise him that the Application Letter would be presented to the Credentials Committee at their meeting on March 8, 2023. Mr. Ong also invited the Applicant to provide court documents for the Credentials Committee's consideration. The Applicant responded that he was unable to provide court documents due to the publication ban, but that he could make himself available to the Credentials Committee to answer any questions they may have.
55. The Credentials Committee met on March 8, 2023 to consider the Applicant's file. The Credentials Committee concluded that, aside from the requirement for good character and repute, the Applicant had met all other requirements for registration as a professional engineer pursuant to Bylaw 5.6(4).
56. The Credentials Committee also found that the Applicant's criminal conviction brought into question his character and repute in relationship to his suitability for registration as a professional engineer. The Credentials Committee passed a

motion to inform the Applicant that his application would not proceed further at that time and that the Credentials Committee was considering the appropriate next steps.

57. On March 23, 2023, Mr. Ong communicated the Credentials Committee's decision to the Applicant. Mr. Ong invited the Applicant to submit any additional documentation he would like the Credentials Committee to consider.
58. In the months that followed, the Applicant provided:
 - a. Two letters of support from [REDACTED];
 - b. The discharge report authored by Dr. D following his completion of the FSO Program; and
 - c. A letter of support from his probation officer.
59. These materials were reviewed by Mr. Ong, and the authorship was verified by Engineers and Geoscientists BC.
60. On September 27, 2023, the Applicant's file was put before the Credentials Committee. The Credentials Committee considered the file, including the additional materials provided by the Applicant, and determined that the Applicant's application should be subject to a credentials hearing. That decision is what brings the Applicant's matter before me.

The Applicant's current situation

61. The evidence of the Applicant, uncontested by Engineers and Geoscientists BC, indicates that he has made significant changes in his life since his offence, and indeed appears to be a different person than he was in February 2015.
62. On January 1, 2018, the Applicant made the decision to become completely sober. The Applicant testified that this decision was solidified at his first Alcoholics Anonymous meeting. The Applicant regularly attended Alcoholics Anonymous meetings while incarcerated and testified that he has not relapsed since he first became sober.
63. The Applicant testified that after he was released from custody, he did not plan to date, but that plan changed when he met the woman who is now his wife. Shortly after they met, the Applicant disclosed his conviction for sexual assault and his issues with alcohol use. The Applicant testified that this led to difficult conversations with his wife and, subsequently, his wife's family and friends, but that he feels supported in his recovery. His is now married with an infant son.

64. The Applicant continues to be employed with BC Hydro. In order to spend more time with his family, he has been working a hybrid schedule since the birth of his son.
65. The Applicant's description of himself, and his behaviours, in 2015 paints a picture of a young man on a harmful, destructive path. Today, the Applicant has largely come to terms with his offence, has parted ways with his negative peer group, has ceased consuming alcohol, and has found renewed purpose in his family life with his wife and young son.

E. Question before the Registrar

66. As set out above, the question in this proceeding is whether the Applicant has met his onus to establish that he is an individual of good character and repute suitable for registration as a professional engineer.
67. In assessing that question, the options are set out in Bylaw 5.18(1)(b). Following a credentials hearing, I as Registrar must do one of the following:
 - a. Grant the Applicant's application;
 - b. Grant the Applicant's application subject to limits or conditions on registration;
or
 - c. Reject the Applicant's application.

F. Positions of the parties

68. Although the onus in this application is on the Applicant, by agreement of the parties, Engineers and Geoscientists BC provided its submissions first.
69. Engineers and Geoscientists BC submits that the Applicant should be granted registration as a professional engineer, subject to the following conditions:
 - a. The Applicant must inform his employer of the Registrar's decision and provide his employer with a copy of Registrar's decision;
 - b. The Applicant must maintain absolute abstinence from alcohol;
 - c. The Applicant must self-report to the Registrar any alcohol use, whether or not that use occurs during working hours;
 - d. The Applicant must attend Alcoholics Anonymous meetings on at least a monthly basis;
 - e. The Applicant must attend monthly one-on-one counselling sessions with a drug and alcohol counsellor or psychologist, payment for which shall be the

- Applicant's responsibility. The Applicant will provide his drug and alcohol counsellor or psychologist with a copy of Dr. D's discharge report and a copy of the Registrar's decision. The Applicant must instruct this counsellor or psychologist to report any relapse to Engineers and Geoscientists BC;
- f. The Applicant must provide satisfactory evidence to the Registrar within three (3) months of the Registrar's decision that he has enrolled in, paid for, and successfully completed at least four (4) hours of education or training, pre-approved by the Credentials Committee, on anti-harassment and respect in the workplace.
70. Engineers and Geoscientists BC submits that the conditions above should apply for a period of two years, beginning one month after the Registrar issues a decision, and at the end of the two years, the Applicant must submit a report to the Registrar confirming his compliance with the conditions.
71. The Applicant substantially adopted the submissions of Engineers and Geoscientists BC. The Applicant submits that he has met his burden to establish suitability for registration as a professional engineer, and he "fully and unequivocally" accepts the conditions proposed by Engineers and Geoscientists BC.
72. The parties also made submissions on the form of publication. I will address that issue separately at the end of this decision.

G. Analysis

73. I have accepted the submissions of Engineers and Geoscientists BC, which were supported by the Applicant, with respect to the appropriate approach for assessing good character and repute. Some of the applicable principles arising from the caselaw and set out in the submissions of the parties are summarized below.
74. The objective of a requirement for good character for professional licensure is the protection of the public and the maintenance of the integrity of the profession: *Lum v. Alberta Dental Association and College*, 2016 ABCA 154. This is consistent with Engineers and Geoscientists BC's duties under the PGA. In my assessment, this objective includes maintaining public confidence in the profession.
75. Good character connotes moral strength, and includes integrity, candour, empathy, and honesty. The question of good repute can be answered by asking "would a right-thinking member of the community, knowing all of the facts, consider the applicant to be of good repute?": *Lee (Re)*, 2009 LSBC 22.
76. Criminal conduct raises an immediate concern regarding an applicant's character: *Applicant 3 (Re)*, 2010 LSBC 23. The past misconduct must be assessed to determine its relevance to character, and therefore, to eligibility for registration.

Past misconduct is usually relevant to an assessment of good character but is not singularly determinative: *Gill (Re)*, 2015 LSBC 16.

77. The issue in assessing good character and good repute is an applicant's character and repute at the time of the application: *Lee (Re)*, 2009 LSBC 22; *Applicant 3 (Re)*, 2010 LSBC 23. The question becomes whether the applicant has demonstrated rehabilitation.
78. It is important to emphasize that the standard is not "perfection" or "certainty". An applicant is not required to provide a warranty or assurance that they will never breach the public trust: *Applicant 3 (Re)*, 2010 LSBC 23. An application for registration is not to be treated as an assessment of likelihood of the applicant re-offending: *Applicant 18 (Re)*, 2024 LSBC 12.
79. Ultimately, the determinative factor in a credentials hearing is the public interest. For Engineers and Geoscientists BC, acting in the public interest includes protecting the public from unsuitable registrants, as well as recognizing the concept of redemption through rehabilitation.

Assessing good character and repute

80. I agree with Engineers and Geoscientists BC's submission that assessing good character and repute in the context of the Applicant's conviction for sexual assault in this case requires a careful examination of the surrounding circumstances, including, in particular:
 - a. The nature and seriousness of the misconduct;
 - b. The timing of the misconduct;
 - c. Rehabilitation;
 - d. Candour in the application process;
 - e. Acceptance of responsibility, remorse, and understanding of harm;
 - f. Repute.
81. My analysis of these factors is set out below.

Nature and Seriousness of the misconduct

82. The misconduct in this case is very serious. Sexual assault is by its nature an inherently serious and reprehensible offence, which causes significant harm to victims. In the Sentencing Decision, Justice Tammen stated that the Applicant's

conduct has had a “profound and lasting emotional and psychological impact” on Ms. A.

83. This serious misconduct raises serious concerns about the Applicant’s suitability for registration. It is not difficult to conceive of circumstances where this type of conduct, in the absence of significant rehabilitation, would disqualify an individual from registration with Engineers and Geoscientists BC.
84. While the Applicant’s misconduct did not occur within the practice of professional engineering, the larger professional context must be considered.
85. Historically, the profession of professional engineering has been largely male. It is critically important to the public interest and the wellbeing of the profession that it be a safe and welcoming environment for women. Engineers and Geoscientists BC is firmly behind that objective, and at the hearing evidence was led about Engineers and Geoscientists BC’s commitment to the “30 By 30” national initiative to increase the number of newly licensed engineers who are women.
86. It would be an understatement to say that the Applicant’s misconduct does not align with those objectives. In his testimony, the Applicant properly acknowledged that his presence in the profession could cause women he might work with to feel unsafe. Safety and respect are fundamental values of professional engineering, and given the nature of the Applicant’s misconduct, conditions on his registration are necessary and appropriate.

Timing of the misconduct

87. The misconduct in this case took place in February 2015, when the Applicant was 25 years old. At that time, the Applicant appears to have been struggling with alcohol consumption, and, with great respect, was generally on a negative path in his life.
88. More than nine years have passed since. While the passage of time is relevant because historic misconduct is generally less concerning than recent misconduct, the passage of time *alone* does not generate or restore a person’s good character.
89. In this case, I consider the passage of time to weigh somewhat in the Applicant’s favour, but more significantly, I have considered the considerable changes in the Applicant’s life during that period. He has served a custodial sentence. He has given up alcohol. He is married with a young son and has the support of a long-term employer.
90. I consider that the nine years that have passed since the offence, and the significant changes he has made in his life during that time, weigh in the Applicant’s favour in establishing good character and repute.

Rehabilitation

91. The Applicant presented evidence to demonstrate the significant work he has undertaken to change his life and address the factors that contributed to his criminal conduct.
92. Engineers and Geoscientists BC provided detailed submissions on several aspects of the Applicant's rehabilitation based on the evidence presented at the credentials hearing. The aspects of his rehabilitation which I consider to be the most impactful are set out below.
 - a. Incarceration – The Applicant spent seven months of his sentence in custody. After hearing his experiences, and accepting generally that a custodial sentence can have a significant impact on any individual, my assessment is that this experience brought the need to change his behaviour home to the Applicant.
 - b. Programming – The Applicant has attended Alcoholics Anonymous, at various frequencies, since 2018. He participated in CBT while incarcerated. During his probationary period, he completed the FSO Program with Dr. D. Dr. D's assessment was that the Applicant was an active participant who demonstrated excellent understanding of the program materials.
 - c. Self-management plan – During the FSO Program, the Applicant developed an understanding of the factors which contributed to his offence. He subsequently developed a self-management plan to address those factors, consisting of two key components: positive relationships and abstinence from drugs and alcohol. The Applicant testified that he works on his issues with relationships and substance abuse every day to ensure he is going down the right path.
 - d. Abstinence from alcohol – Shortly after his sexual assault of Ms. A, the Applicant recognized that his alcohol use was a problem. He drastically reduced his alcohol consumption, and on January 1, 2018, he decided to give up alcohol entirely. He testified that he has not relapsed since and no longer experiences urges to drink alcohol.
 - e. Negative peers / relationships – The Applicant testified that around the time of his offence, he was surrounded by a negative peer group that regularly engaged in binge drinking. Since his incarceration, the Applicant has taken steps to distance himself from such people, which required cutting some friends out of his life. During that time he met his wife, and is now a father to a young son. The Applicant gave evidence about being an involved father and husband, and rebuilding his relationship with other family members.

93. Overall, the parties have submitted and I agree that the Applicant has shown that he has made significant positive changes to his character since the date of his offence.

Candour in the application process

94. The Applicant disclosed his criminal conviction to Engineers and Geoscientists BC in his online application form. The Applicant described his conviction as an “assault-related offence committed under the influence of alcohol”.
95. The Applicant was challenged on this characterization during cross-examination, and readily agreed that by linking the offence to alcohol use, he may have been minimizing the offence. However, he maintained that this was not an attempt to mislead anyone as he expected (correctly) that his disclosure would lead to further inquiries, including a criminal record check.
96. I agree with Engineers and Geoscientists BC that this description somewhat undermines the nature and seriousness of what occurred, but I also accept that the Applicant was anticipating further inquiries and was not intending to conceal his criminal conviction. It is worth mentioning that the Applicant at that time would not necessarily have known that Engineers and Geoscientists BC had a notation in his file about the criminal conviction.
97. The Applicant subsequently submitted the Application Letter, as requested by Mr. Ong. The Application Letter was candid, reflective, and detailed.
98. The Applicant also testified at the credentials hearing. I had the opportunity to see and hear the Applicant during his testimony, and I found him to be credible and sincere.
99. Overall, and accepting that the wording the Applicant chose to make his initial disclosure on the online application form should have been more direct, I find that the Applicant was candid during the application process. He gave honest answers and provided the required information, and made no attempt to conceal relevant facts or mislead Engineers and Geoscientists BC in the assessment of his application. This weighs in his favour.

Acceptance of responsibility, remorse, and understanding of harm

100. The Applicant testified that the day after the sexual assault, he apologized to Ms. A, despite having no memory of the events. He went on to plead guilty to the charge against him on the basis of Ms. A’s allegations. The effect of his guilty plea was to accept responsibility for his offence and foreclose the possibility that he might be acquitted at a trial.
101. In the Sentencing Decision, the Court accepted that the Applicant was “extremely remorseful for his actions”.

102. The Applicant then faced the consequences of his behaviour, including a custodial sentence and a period of probation.
103. In Dr. D's discharge report following the Applicant's completion of the FSO Program, she wrote that the Applicant "took responsibility for his offence and expressed significant remorse as a result of his offending".
104. The Applicant expressed remorse directly in his Application Letter. He stated:
- I feel great remorse for causing harm to [Ms. A], a person I considered a friend. I also feel remorse for the stress and disappointment I have caused to my family and friends.
105. At the credentials hearing, the Applicant expressed similar remorse. He reflected on Ms. A's description of the harm that he had caused her, and testified that the words she used were very hard for him to hear and are painful to recount.
106. The Applicant entirely accepted the findings from the Sentencing Decision. However, in their submissions, Engineers and Geoscientists BC pointed out that the Applicant focused mainly or entirely on his alcohol use at the time of the offence. The Applicant also referred to his offence as "the offence", which, it is submitted, indicates a lesser degree of responsibility than referring to it as "his offence".
107. This was the only substantive disagreement between the parties in their submissions. In response submissions, counsel for the Applicant submitted that the Applicant's testimony was not offered in a "factual vacuum", as the other causes of his misconduct were dealt with elsewhere in the evidence. It was also submitted that the Applicant's descriptions of the event are a "random semantic approach", and that more descriptive language could have a "traumatizing or retraumatizing effect on others at the hearing".
108. With respect, I do not accept that the Applicant's approach was "random". The Applicant is intelligent and well-spoken, and was assisted by capable counsel. After nine years to reflect on these events, my impression is that his words were chosen with care.
109. I also do not accept that a less specific description of his offence was given to avoid "traumatizing" those in attendance at the hearing. The credentials hearing was attended only by the parties and their counsel, all of whom had access to the Sentencing Decision and were very familiar with the subject matter of the credentials hearing.

110. While I have not accepted the Applicant's submissions about the way this evidence should be characterized, I have concluded that issue does not change the outcome.
111. Examining the Applicant's conduct as a whole, from his apology the day after the event, to his guilty plea in the criminal proceedings, to his genuine expressions of remorse at the credentials hearing, I conclude that he has consistently accepted responsibility for his conduct, demonstrated remorse, and recognized the harm that he has caused.

Repute

112. Repute, in this context, requires consideration as to whether a right-thinking member of the community, knowing the relevant facts, would consider the Applicant to be of good repute at the time of the credentials hearing. The parties agree that the answer to that question is "yes". That conclusion is supported by letters from [REDACTED], P.Eng, and [REDACTED], P.Eng [REDACTED] [REDACTED] and a letter from the Applicant's probation officer.
113. The Applicant testified that he provided [REDACTED] with the Application Letter so they would be fully informed before deciding whether to provide a reference for him. Both [REDACTED], who are professional engineers registered with Engineers and Geoscientists BC, agreed to write letters of support.
114. Both letters are very supportive of the Applicant. Based on the information provided by [REDACTED] and [REDACTED], the Applicant appears to be a well-respected employee who is a mentor for junior staff members. The Applicant is reported to be professional in his duties, works well with his colleagues, and has not displayed any misbehaviour towards others at BC Hydro.
115. The Applicant's probation officer also provided a letter of support. Again, this letter is very supportive. The Applicant's probation officer states that it is rare for a person in his line of work to provide a letter of support, but chose to do so in this case because of the positive behaviour and qualities he observed in the Applicant during his period of supervision.
116. It is important to acknowledge that support letters will not always be of much assistance to a decision-maker. That is because they are, at least to some extent, self-selected, and putting too much weight on such letters can "detract from a regulator's duty to protect the public interest": *Gregory (Re)*, 2022 LSBC 17. *Gregory* was decided in the context of a discipline proceeding, but in my assessment similar caution is appropriate in the registration process.
117. However, in the specific circumstances of this case, I have found the support letters to be helpful in assessing the question of good repute. The Applicant's probation officer's letter, in particular, is impactful. His letter is clear that he rarely

writes letters of support, and that in his experience the Applicant “always took responsibility for his past mistakes and was proactive in implementing changes”. [REDACTED] and [REDACTED] letters indicate that the Applicant is effective and professional in his work, and has very good working relationships with his colleagues. These things weigh in the Applicant’s favour.

Conclusion on good character and good repute

118. The Applicant committed reprehensible misconduct when he sexually assaulted Ms. A in February 2015. This raises significant concerns about his character and suitability for registration.
119. With that said, character is not fixed. I must consider the Applicant’s character at the time of the hearing in May 2024, and I must keep an open mind to the prospect of redemption through rehabilitation, recognizing that the standard to be applied is not perfection.
120. Considering all of the circumstances of this case, including the Applicant’s acceptance of responsibility and significant efforts to rehabilitate his character, I have concluded that the Applicant has met the requirement for good character and repute and is therefore eligible for registration as a professional engineer.

I. Conditions

121. The cases referred to by the parties support the concept of attaching conditions in matters involving sexual assault and substance abuse. Both apply in the Applicant’s case.
122. I consider conditions necessary in this case to protect the public interest and public confidence in the profession, given the nature of the Applicant’s conduct and the potential impact of his registration. Conditions should address the factors that the Applicant identified as contributing to his offence and the critical need to ensure that the engineering profession can be a safe and inclusive environment for all.
123. I note again that in his submissions, the Applicant indicated that he “fully and unequivocally accepts” the conditions proposed by Engineers and Geoscientists BC.
124. I have therefore decided to place the conditions agreed to by the parties, set out at paragraph 69 above, on the Applicant’s registration.
125. In addition to the report required following completion of these conditions (paragraph 70), I have also decided that it is appropriate to require the Applicant to confirm his understanding of these conditions and to provide the group or district of Alcoholics Anonymous that he will attend (in reference to paragraph 69(d)) and the name of the counsellor or psychologist he will attend (in reference to paragraph 69(e)) at the time these conditions take effect. This will ensure that the Applicant

has the necessary arrangements in place and will promote accountability with the conditions.

J. Publication

126. The last question to be addressed is the form of publication of this decision.

127. The applicable portions of the Bylaws state as follows:

5.19 Credentials Hearing on Good Character and Good Repute of an Individual Applicant

...

(2.1) EGBC must publish the full text of a credentials hearing decision on a public website maintained by EGBC within 30 days of the date of the credentials hearing decision.

(2.2) The publication of a credentials hearing decision pursuant to subsection (2.1) must not identify the Applicant.

(2.3) Despite subsection (2.2), the publication of a credentials hearing pursuant to subsection (2.1) may identify the Applicant if

(a) the Applicant consents in writing; or

(b) the matter of serious concern identified by the Credentials Committee pursuant to subsection (1), including the identity of the Applicant, is known to the public.

128. In this case, both of the exceptions set out in Bylaw 5.19(2.3) apply: the Applicant's criminal conviction was reported in the media and is therefore a matter known to the public, and the Applicant has agreed that he should be identified by name in the decision on that basis.

129. I have therefore exercised my discretion to identify the Applicant by name in this decision, which is to be published in full.

130. Beyond the agreement of the parties, my assessment is that the public interest is served by naming the Applicant in this decision – doing so promotes transparency in the regulatory process, and makes the public and the profession aware of the Applicant's circumstances and the reasons for his registration. Doing so also promotes compliance with the conditions attached to the Applicant's registration.

131. Finally, as agreed by the parties and out of respect to Ms. A and the publication ban ordered in the criminal proceedings, I have attempted to anonymize any information that might identify her, pursuant to Bylaw 5.19(3)(a).

K. Conclusion and Order

132. Pursuant to Bylaw 5.18(1)(b), I direct that the Applicant's application for registration as a professional engineer is granted, subject to the following conditions:
- a. The Applicant must inform his employer of this decision and provide his employer with a copy of this decision;
 - b. The Applicant must maintain absolute abstinence from alcohol;
 - c. The Applicant must self-report to the Registrar any alcohol use, whether or not that use occurs during working hours;
 - d. The Applicant must attend Alcoholics Anonymous meetings on at least a monthly basis;
 - e. The Applicant must attend monthly one-on-one counselling sessions with a drug and alcohol counsellor or psychologist, payment for which shall be the Applicant's responsibility. The Applicant must provide his drug and alcohol counsellor or psychologist with a copy of Dr. D's discharge report and a copy of this decision. The Applicant must instruct this counsellor or psychologist to report any relapse to Engineers and Geoscientists BC;
 - f. The Applicant must provide satisfactory evidence to the Registrar within three (3) months of this decision that he has enrolled in, paid for, and successfully completed at least four (4) hours of education or training, pre-approved by the Credentials Committee, on anti-harassment and respect in the workplace.
133. As agreed by the parties, the conditions above will take effect as of November 1, 2024 - one month from the date of this decision.
134. On or before that date, the Applicant must provide written confirmation of his understanding of these conditions, along with the group or district of Alcoholics Anonymous he will attend and the name of the counsellor or psychologist he will attend.
135. The conditions will remain in effect until November 1, 2026. Within one month of that date, the Applicant must submit a report confirming his compliance with the conditions.

Dated October 1, 2024:



David A. Pavan, Registrar of Engineers and Geoscientists BC

Addendum to Decision

1. Since the issuance of the decision to the parties on October 1, 2024, I have considered whether additional redactions may be necessary prior to publication.

2. Bylaw 5.19(3)(a) states as follows:

(3) Despite subsections (2.1), (2.3) and (2.4), prior to publishing the full text of the credentials hearing decision, the Registrar must anonymize, redact, or otherwise not make publicly available any identifying, personal or sensitive information if the Registrar determines that the public interest in the information being made publicly available is outweighed by the privacy interest of

(a) a person other than the Applicant...

3. I invited submissions from the parties on this issue, and I have determined that the privacy interests of individuals other than the Applicant require that certain sensitive and identifying information not be made publicly available.

4. I have therefore redacted limited portions of paragraphs 26, 30, 31, 32 which relate to the circumstances of the Applicant's offence, and paragraphs 58, 112, 113, 114, and 117 which contain identifying information of the authors of two reference letters for the Applicant.

Dated October 29, 2024:



David A. Pavan, Registrar of Engineers and Geoscientists BC