

**LETTER OF UNDERTAKING REGARDING COMPLIANCE WITH THE  
ENGINEERS AND GEOSCIENTISTS ACT, RSBC 1996, c.116 AS AMENDED**

**WHEREAS:**

The Association of Professional Engineers and Geoscientists of British Columbia (“APEGBC”) and Stephen James Burke agree to the following statement of facts:

- I. It is the mandate of APEGBC under the *Engineers and Geoscientists Act* (the “Act”) to protect the public interest in British Columbia in the practices of professional engineering and professional geoscience, including in terms of stopping unauthorized practices of professional engineering and professional geoscience.
- II. On March 22, 2009, Mr. Burke ceased in being a professional engineer registered by APEGBC due to his failure to pay his APEGBC practice fee for the year 2009.
- III. During the period from March 22, 2009 to December 11, 2015 (the “Material Period”), Mr. Burke was prohibited under the Act from engaging in the practice of professional engineering or representing himself as a professional engineer in British Columbia.
- IV. In June 2015, during the Material Period, Mr. Burke prepared an expert report for a Court proceeding in British Columbia in which he represented himself as a professional engineer registered in British Columbia.
- V. It is Mr. Burke’s position that apart from the conduct set out at paragraph IV above, he did not engage in the practice of professional engineering in British Columbia during the Material Period.
- VI. Subsequent to the Material Period, Mr. Burke’s membership in APEGBC was reinstated.

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**THEREFORE:**

In recognition of the time, effort and expense involved for Mr. Burke to go through an enforcement procedure and the risk of being liable to pay up to \$25,000 in exemplary damages to APEGBC for past instances of unauthorized practice of professional engineering, and in consideration of APEGBC not commencing a legal proceeding in the Supreme Court of British Columbia against Mr. Burke in respect of his conduct as set out at paragraph IV above, Mr. Burke agrees to this Letter of Undertaking and the following terms:

1. I, **Stephen James Burke**, understand that if I fail to pay the annual practice fee or other fees imposed under the Act or the APEGBC Bylaws, my membership in APEGBC may be cancelled pursuant to section 21.2 of the Act.
2. I will promptly inform APEGBC of any future changes to my contact information, unless I intend to cease in being a member of APEGBC, in which case, I will immediately:
  - (a) cease and desist from practising professional engineering in British Columbia;
  - (b) cease and desist from acting in any manner that might lead any person to believe that I am authorized to fill the office of or act as a professional engineer in British Columbia; and
  - (c) deliver to the offices of APEGBC all of my professional engineer's stamps that were issued to me by APEGBC.
3. I understand and accept that this Letter of Undertaking may be published in *Innovation*, and on APEGBC's website, and in such other places and in such manner as APEGBC deems appropriate.
4. I agree that APEGBC may refer to this Letter of Undertaking in any legal proceeding against me, in the event that I breach any of the terms of this Letter of Undertaking.

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