

**IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT
RSBC 1996, CHAPTER 116, as amended**

AND

IN THE MATTER OF GREGORY J. SAUNDERS, P.Eng.

REASONS FOR DECISION

This panel (the "Panel") of the Discipline Committee of the Association of Professional Engineers and Geoscientists of British Columbia ("APEGBC") was convened to determine an application in writing made by APEGBC pursuant to section 33.1(3) of the *Engineers and Geoscientists Act* (the "Act") regarding the respondent member Gregory J. Saunders, P.Eng. (the "Member"). The basis for the application was that APEGBC had become aware of discipline imposed on the Member in Ontario by that province's regulatory body, Professional Engineers Ontario ("PEO"). Section 33.1(3) of the Act permits APEGBC, without conducting an inquiry but after giving the member an opportunity to be heard, to make "one or more of the orders in section 33 (2) that it considers equivalent to the order made in the other province".

APEGBC filed with the Panel (1) an affidavit sworn by Jesse Romano dated May 17, 2016 (the "Affidavit"), attaching Exhibits "A" through "E"; and (2) written submissions of APEGBC dated June 2, 2016 (the "Submissions"). Exhibit "E" to the Affidavit is a letter from APEGBC staff lawyer Taymaz Rastin to the Member, confirming the Member's consent to a seven (7) month suspension, and bearing the Member's return signature confirming consent. The Member's signature on Exhibit "E" is not dated, but from the email in Exhibit "D" to the Affidavit, it appears to have been signed and returned on May 11, 2016.

Both the Affidavit and the Submissions were emailed concurrently to the Panel and to the Member on June 3, 2016 by Mr. Rastin. The Panel's independent legal counsel Eric Wredenhagen also emailed the Member on June 3, 2016 to confirm the Member's receipt of the materials, and to advise that, as it appeared that he consented to the application, it was assumed that he would not be providing submissions unless he advised to the contrary. The Member replied by email on June 15, 2016 confirming that he would not be providing any submissions.

On April 21, 2016, APEGBC's Director of Legislation, Ethics & Compliance, Efrem Swartz, wrote to the Member advising that APEGBC had become aware of disciplinary action taken against the Member in Ontario as a consequence of the Elliot Lake Mall collapse (Affidavit, Exhibit "A"). PEO had issued reasons dated March 18, 2016 (Affidavit, Exhibit "B") confirming both a finding of professional misconduct against the Member (on the basis of an agreed statement of facts), and the penalty imposed (on the basis of a joint submission), consisting of 1) a reprimand, 2) a seven (7) month suspension, 3) a fine of \$2,000, and 4) publication of the decision (the "PEO Decision"). There was no order as to costs.

The Panel is satisfied, on the basis of its review of the Affidavit, that "disciplinary action [was] taken against the member or licensee by a body that governs the practice of professional

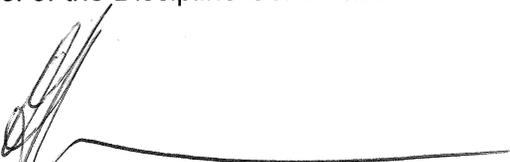
engineering or professional geoscience in another province of Canada” as provided for in section 33.1(1) of the Act. The matter has been referred to the Panel pursuant to section 33.1(2) of the Act. The Panel may now therefore, pursuant to section 33.1(3) of the Act, make an order that it considers “equivalent to the order made in the other province”, i.e. equivalent to the PEO Decision.

APEGBC’s Submission is that it is “fair and proportionate” that that the appropriate “equivalent” order in British Columbia would be a seven (7) month suspension, as imposed in the PEO Decision, commencing from the date of the Panel’s order. APEGBC further submits, however, that the other elements of the disciplinary action imposed by the PEO Decision – the reprimand, fine and the publication – should not form part of the Panel’s order. With respect to the fine and reprimand, APEGBC’s conventional practice is not to include the penalties of fine and/or reprimand where a higher level of penalty has also been imposed (in this case, a suspension). With respect to publication, APEGBC’s standard practice is to update its online profile for each APEGBC member who has been disciplined to include an online link to APEGBC’s Disciplinary Actions webpage, which records all disciplinary orders made by the APEGBC Discipline Committee (including the order of this Panel). There is therefore no need for a specific order as to publication.

Having reviewed the materials submitted, and on the basis of the Member’s consent, the Panel determined to make the order set out as Schedule “A” to these Reasons for Decision.

DATE: **June 23, 2016**

Panel of the Discipline Committee



Oliver Bonham, P. Geo



Thomas Leung, P. Eng.



Bruce Nicholson, P.Eng.

Schedule "A"

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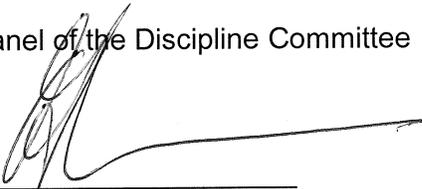
ORDER

Before a Panel of the Discipline)	23rd DAY OF
Committee of the Association of)	
Professional Engineers and)	June, 2016
Geoscientists of British Columbia:)	
Oliver Bonham, P.Geo.)	
Thomas Leung, P.Eng.)	
Bruce Nicholson, P. Eng.)	

On the application of the Association of Professional Engineers and Geoscientists ("APEGBC"), pursuant to the *Engineers and Geoscientists Act* RSBC 1996 Chapter 116, as amended (the "Act"), specifically section 33.1(3), without a hearing, and upon reviewing the written submissions and written evidence provided by APEGBC, including the affidavit of Jesse Romano sworn May 17, 2016, and on the basis of the consent of the respondent Gregory J. Saunders to the order sought, this Panel of the Discipline Committee hereby orders:

1. that the membership of Gregory J. Saunders, P.Eng. in APEGBC be suspended, effective as of the date of this order, for a period of seven (7) months, pursuant to sections 33.1(3) and 33(2)(c) of the Act.

Panel of the Discipline Committee



Oliver Bonham, P. Geo

Thomas Leung, P. Eng.

Bruce Nicholson, P.Eng.