



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

AND

IN THE MATTER OF CHUNGMO CHUNG, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE T22-009

CITATION

TO: Chungmo Chung, P.Eng.
[REDACTED]
[REDACTED]

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, will meet on a date to be determined, for the purpose of conducting a discipline hearing pursuant to the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “*PGA*”). The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA* on February 5, 2021. While allegations in this Citation are made under the *EGA*, the procedures established by the *PGA* and the current Bylaws of Engineers and Geoscientists BC will be followed as far as they can be adapted to this proceeding.

AND TAKE NOTICE that in connection with a property located at [REDACTED] Maple Ridge, B.C. (the “*Property*”), in respect of which you were the structural and geotechnical Engineer of Record, the allegations against you are that you acted contrary to the *EGA* as follows:

1. You demonstrated unprofessional conduct, or in the alternative negligence, by:

- a. failing to conduct a geotechnical assessment for the Property and in particular, failing to conduct an adequate field investigation or prepare an adequate design to demonstrate that the soil bearing capacity for the Property was sufficient for the design footing loads;
 - b. deviating from the recommendations set out in the September 21, 2011 Geotechnical Report prepared by Valley Geotechnical Engineering Services Ltd. without explanation and failing to change the standard wording on the structural engineering design drawings for the Property sealed by you to note these deviations, namely, using a different site class and peak ground acceleration, and choosing not to reinforce the concrete slabs with rebar and incorporate adequate control joints;
 - c. failing to prepare a landslide assessment or report according to the legislated guidelines, even though you completed the Appendix D: Landslide Assessment Statement for this Property as if you had prepared such an assessment or report;
 - d. failing to conduct quality control testing of the fill material, or any soil tests in making the determination that placed soil under the concrete slabs would not excessively settle;
 - e. failing to conduct an on-site inspection prior to construction of the slab to assess the condition of the fill;
 - f. failing to conduct field reviews, or alternatively, adequately supervise your employee or delegate who conducted the on-site inspections and prepared the field review reports for the Property;
 - g. signing and sealing a Schedule B Letter of Assurance in circumstances where you did not conduct the requisite testing of the bearing capacity of the ground and soil.
2. The conduct described above in paragraph 1(f) is contrary to section 14(b) of the Engineers and Geoscientists BC Bylaws, as it stood at the time, which required all members and licensees to establish and maintain documented quality management processes for their practices, including field reviews either conducted by the member or licensee or under their direct supervision.
 3. The conduct described in paragraphs 1(b), 1(c), and 1(g) is contrary to section 20(9) of the *EGA*, which required that a member or licensee only apply their seal to reports, documents, plans or things that were prepared and delivered by the member or licensee, or that were prepared and delivered under their direct supervision.
 4. In the alternative, the conduct set out above in paragraph 1(a)-(g) is contrary to the Code of Ethics, as it stood at the time, which required that members and

licensees uphold the values of truth, honesty, and trustworthiness and, in particular:

- a. Principle 1, which required that members and licensees hold paramount the safety, health and welfare of the public, the protection of the environment, and promote health and safety within the workplace; and
- b. Principle 3, which required that members and licensees provide an opinion on a professional subject when it is founded upon adequate knowledge and honest conviction.

AND FURTHER TAKE NOTICE that you, Chungmo Chung, P.Eng., have the right, at your own expense, to be represented by legal counsel at the hearing by the Panel of the Discipline Committee pursuant to section 79 of the *PGA*, and you or your legal counsel will have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegations.

AND FURTHER TAKE NOTICE that, pursuant to section 78 of the *PGA*, in the event you fail to attend or remain in attendance at a discipline hearing held under section 75 of the *PGA*, the Panel of the Discipline Committee may, if satisfied that you have been notified of the hearing, proceed with the hearing in your absence and make any order that the Panel of the Discipline Committee could have made in your presence.

DATED this 29th day of February, 2024.

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

<original signed by>

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