

**IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT
R.S.B.C., 1996, c. 116, as amended**

- and -

IN THE MATTER OF MOHAMMED ZAINUL ABIDEEN KHAN, P.ENG.

CONSENT ORDER

Dated for reference October 30, 2009.

WHEREAS Mohammed Zainul Abideen Khan, P.Eng. ("Mohammed Khan") was served with a Notice of Inquiry that alleged that he had breached paragraph 14(a)(1) of the Code of Ethics of the Association by failing to hold paramount the safety, health and welfare of the public in the design of the building as evidenced in:

1. the drawings that Mohammed Khan signed, sealed and submitted to the municipal authority on October 8, 1996 for a building permit application; specifically:
 - a) the building is torsionally ill conditioned without sufficient consideration of cross-building seismic loading at the front of the building;
 - b) the floor diaphragm is not sufficiently connected to the main masonry wall to transfer lateral forces in or out of the plane of the wall;
 - c) the capacity of the concrete walls is insufficient for lateral seismic loads;
 - d) the capacity of the piled foundations under the concrete walls is insufficient for lateral seismic loads;
 - e) the roof diaphragm is not sufficiently connected to the block walls to transfer the shear load parallel to and perpendicular to the wall;
 - f) the plywood shear walls on the second floor are overstressed;
 - g) the anchorage of the plywood shear walls is insufficient to transmit the seismic shear load and overturning moments to the floor diaphragm supporting the walls;
 - h) there is insufficient separation between the building and adjacent structures to accommodate seismic initiated building movement; and
 - i) the drawings reference outdated Codes; and

2. the partially revised drawings for the building prepared by Mohammed Khan that he signed, sealed and submitted to the municipal authority for a building permit application on January 8, 1997; specifically:

- a) the partially revised drawings did not fully address all of the issues raised by the municipal authority with respect to his drawings dated October 8, 1996.

AND WHEREAS Mohammed Khan entered into an agreement with The Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association") dated November 27, 1997 (the "Stipulated Order") whereby he admitted the allegations in the Notice of Inquiry and agreed to certain penalties.

AND WHEREAS Mohammed Khan's membership in the Association was subject to a condition restricting his practice of structural engineering, pursuant to the terms of the Stipulated Order.

AND WHEREAS the enforceability of the Stipulated Order has been challenged in other proceedings.

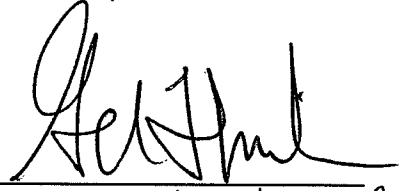
AND WHEREAS the Association and Mohammed Khan wish to give legal effect to the practice restriction in the Stipulated Order.

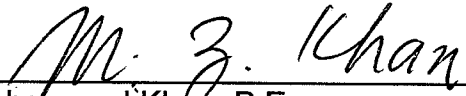
AND WHEREAS the Association and Mohammed Khan wish to resolve this matter by consent in order to avoid the need for a disciplinary inquiry.

THEREFORE by consent, this Order is hereby made, pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 as amended ("Act"), specifically s. 32.1.


1. Mohammed Khan admits the allegations of unprofessional conduct set out in the Notice of Inquiry.
2. Mohammed Khan's penalty for this unprofessional conduct is as follows:
 - a) Mohammed Khan's practice shall be limited to the design of wood frame buildings, defined as Part 9 buildings in the BC Building Code, but may include the design of building elements within a Part 9 building that are governed by the provisions of Part 4 of the BC Building Code.
 - b) Mohammed Khan may apply for the above condition to be removed upon submission of evidence, satisfactory to the reviewing member of the Discipline Committee, that he has successfully completed the following courses or their equivalents (such equivalents to be approved in advance by the Discipline Committee) to upgrade his structural design skills: Civil Engineering 505 and Civil Engineering 506, offered by the University of British Columbia.

This Consent Order is approved and accepted by Mohammed Khan and a member of the Discipline Committee this 13th day of October, 2009.


Witness
Geoff Thiele, APEGBC


Mohammed Khan, P.Eng.

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Witness
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Roy Wares, P.Eng.
Chair, Discipline Committee