

**FOLLOW UP DISCIPLINARY NOTICE
ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS**

**Removal of Peer Review Requirement for
Victor Proctor, P. Eng., Victoria, BC**

Mr. Proctor entered into a Consent Order dated June 17, 2015 with the Discipline Committee Review Panel in lieu of proceeding to a disciplinary hearing.

Paragraph (d) of the Consent Order required Mr. Proctor's services relating to wastewater treatment and disposal systems peer reviewed for a period of one year. Subsequently, the Discipline Committee Review Panel received an acceptable final report from Mr. Proctor's peer reviewer. The Discipline Committee Review Panel then confirmed that Mr. Proctor was no longer required to have peer reviews of his services relating to wastewater treatment and disposal systems and is relieved of this requirement on his license to practice engineering effective February 28, 2017.

The Discipline Committee Review Panel also confirmed that pursuant to paragraph (e) of the Consent Order, Mr. Proctor's practice remains restricted by the condition that he must have all his services relating to stormwater management peer reviewed.

The full Consent Order is attached to this Notice.

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

- and -

IN THE MATTER OF VICTOR H. PROCTOR, P.Eng.

CONSENT ORDER

Association file T13-037
and
Association file T14-049

Dated for reference June 17, 2015.

WHEREAS on May 6, 2015, a Notice of Inquiry in Association file T13-037 was served on Victor H. Proctor, P.Eng. ("Mr. Proctor") that contained the following allegations:

1. that contrary to the Act, you have demonstrated unprofessional conduct in your design and field reviews of an onsite sewerage system on Canyon Park Place, Victoria, British Columbia ("Project") wherein you filed with the Vancouver Island Health Authority a "Filing of Sewerage System and a Sewerage System Letter of Certification on August 9, 2012 and April 4, 2013 respectively without appropriate soils testing on file, and providing Project drawings without set back distances or topographic information for the Project.
2. that contrary to the Act, you have demonstrated unprofessional conduct in your requiring, before you would undertake Project repair work, that the Project owner provide signed letters addressed to the Association asking that any complaints to the Association be withdrawn.

AND WHEREAS on May 6, 2015, a Notice of Inquiry in Association file T14-049 was served on Mr. Proctor that contained the following allegations;

1. that contrary to the Act, you have contravened the bylaws of the Association, in that, you provided, in 2011, design and field reviews of a Storm Water Management Plan (SWMP) for a house on Nottingham Road, District of Oak Bay (District), British Columbia ("Project") and you signed, sealed and filed with the District, a British Columbia Building Code (BCBC) Schedule B dated June 22, 2011 with a drawing of a single

infiltration chamber and on June 24, 2011 you signed, sealed and filed with the District a BCBC Schedule C-B confirming that the single infiltration chamber SWMP had been installed and you had provided field reviews, but in your Project file you did not retain your complete Project documentation, specifically, documents of your field review(s) of the installation of the SWMP.

2. that contrary to the Act, you have demonstrated unprofessional conduct in your responses to the District as to what SWMP had been installed in 2011 and its capacity, when your June 2011 design and BCBC Schedule stated a 1 infiltration chamber SWMP had been installed, but on July 25, 2012 in response to a District e-mail you said a 2 infiltration chamber SWMP had been installed in 2011 and on January 22, 2014 in a letter to the District you said a 5 infiltration chamber SWMP had been installed in 2011.

AND WHEREAS the Association of Professional Engineers and Geoscientists of British Columbia ("Association") and Mr. Proctor wish to resolve these matters by consent in order to avoid the need for a disciplinary inquiry.

AND WHEREAS Mr. Proctor admits the allegations in the Notices of Inquiry above noted.

THEREFORE, by consent, this Order is hereby made, pursuant to the Act, specifically s. 32.1.

- (a) Mr. Proctor is hereby reprimanded;
- (b) With respect to Notice of Inquiry in file T13-037 allegation 2 concerning Mr. Proctor's conduct, albeit pursuant to legal advice, in requiring, before undertaking Project repair work, that the Project owner provide signed letters addressed to the Association asking that any complaints to the Association be withdrawn, Mr. Proctor will pay a fine to the Association in the amount of \$4,000. The fine will be payable within 60 days of the reference date of this Consent Order;
- (c) Mr. Proctor shall pay the Association's legal costs, including disbursements and taxes, in this matter up to the reference date of this Consent Order, up to a maximum of \$1800.00. Such costs will be payable within 60 days of the reference date of this Consent Order;
- (d) Mr. Proctor shall have all his services relating to wastewater treatment and disposal systems, started after the reference date of this Order, peer reviewed by a professional engineer approved in writing and in advance by the Registrar of the Association in accordance with the Council Policy on Discipline Committee Ordered Peer Reviews (the "Peer Reviewer"). The Peer Reviewer shall review each and every design for technical compliance, quality management, field reviews, record keeping and the issuance of certificates. The requirement for peer reviews shall continue for at least

a period of twelve months from the date of approval of the Peer Reviewer or six such projects, whichever is longer. The cost of the Peer Reviewer shall be borne by Mr. Proctor. The Peer Reviewer shall report in writing to the Registrar of the Association on the reviews, including the name and location of each wastewater treatment and disposal system, every three months and shall report in writing to the Association's Discipline Committee at the conclusion of the twelve month period or six such projects, whichever is longer, providing an opinion on whether Mr. Proctor requires continuing peer reviews and for how long. The cost for all Peer Reviewer reports shall be borne by Mr. Proctor. Mr. Proctor shall provide to the Peer Reviewer regular updates to his wastewater treatment and disposal systems project list during the peer review period;

(e) Mr. Proctor shall have all his services relating to any SWMP, started after the reference date of this Order, peer reviewed by a professional engineer approved in writing and in advance by the Registrar of the Association in accordance with the Council Policy on Discipline Committee Ordered Peer Reviews. The Peer Reviewer shall review each and every design for technical compliance, quality management, field reviews, record keeping and issuance of certificates. The requirement for peer reviews shall continue for at least a period of twelve months from the date of approval of the Peer Reviewer, or six such projects, whichever is longer. The cost of the Peer Reviewer shall be borne by Mr. Proctor. The Peer Reviewer shall report in writing to the Registrar of the Association on the reviews, including the name and location of each SWMP system, every three months and shall report in writing to the Association's Discipline Committee at the conclusion of the twelve month period or six such projects, whichever is longer, providing an opinion on whether Mr. Proctor requires continuing peer reviews and for how long. The cost for all Peer Reviewer reports shall be borne by Mr. Proctor. Mr. Proctor shall provide to the Peer Reviewer regular updates to his SWMP project list during the peer review period;

(f) If a peer reviewer is not appointed in accordance with paragraphs (d) and/or (e), or if the services of the Peer Reviewer described in paragraphs (d) and/or (e) above cease for any reason, Mr. Proctor shall transfer all his existing wastewater treatment and disposal projects and/or SWMP projects as applicable to another professional engineer approved in writing and in advance by the Registrar;

(g) Mr. Proctor shall be at liberty to apply to the Association to lift the practice restrictions set out in paragraphs (d) and/or (e) of this Consent Order after six months and at least six projects in the subject area of his application upon his providing to the Association's Discipline Committee proof that he has successfully completed further training and education in wastewater treatment and disposal systems and SWMP together with a supporting report from his Peer Reviewer(s) that is acceptable to the Association's Discipline Committee, who may grant the application with or without further conditions or reject the application;

(h) If Mr. Proctor fails to comply with any of conditions (b),(c) (d) (e) or (f) of this Consent Order, his membership in the Association shall be suspended until every default has been remedied in accordance with the terms of this Consent Order; and

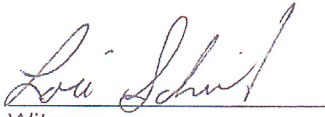
(i) Mr. Proctor agrees that his name will be removed from the "Professionals for Sewerage System Regulation" list that is published on the Association's website, until such time as the peer review requirement in paragraph (d) above is removed.

This Consent Order has the same force and effect as an Order made under section 33(2) of the *Act* and may be dealt with under section 34 of the *Act* if conditions in the Consent Order are not met.

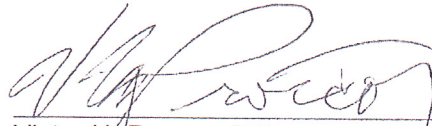
The full text or a summary of this Consent Order will be published by the Association in print and electronic publications including on the Association's website.

The Association and Mr. Proctor agree that this Consent Order may be executed in counterparts and delivered as an electronic document.


This Consent Order is approved and accepted by Mr. Proctor and the members of the Discipline Committee Review Panel this 22nd day of June, 2015.




Witness




Victor H. Proctor, P.Eng.



Neil Cumming, P.Eng.



Ed Bird, P.Eng.



Ron Yaworsky, Ph.D., P.Eng.