



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF ANTHONY ZEBEROFF, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T22-052

CONSENT ORDER

Background

1. On May 17, 2023, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”), the appointed Investigation Subcommittee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC issued an investigation report (the “Report”) regarding Anthony Zeberoff, P.Eng. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the Bylaws of Engineers and Geoscientists BC.
2. The Report concerns Mr. Zeberoff’s engineering services in relation to the wastewater sewerage systems for two different projects located in Nelson and Boswell, BC (respectively, the “Nelson Project” and the “Boswell Project”).
3. On May 25, 2023, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
4. The Investigation Committee and Mr. Zeberoff wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
5. Mr. Zeberoff consents to the disposition set out below.

Admissions

6. Mr. Zeberoff admits that he demonstrated unprofessional conduct in relation to the engineering services he provided for the Nelson Project and Boswell Project by:
 - a. acting as an authorized person pursuant to the *Sewerage System Regulations*, B.C. Reg. 326/2004 (the “SSR”), for the Nelson Project and Boswell Project, when the design and construction of sewerage systems is outside his area of expertise;
 - b. failing to design the sewerage system for the Nelson Project in a manner consistent with the Sewerage System Standard Practice Manual, Version 3 (the “SPM”), including failing to:
 - i. specify the location of percolation tests pits on the design or site plan;
 - ii. provide adequate description of soil characteristics in the soil report including information on mottling of the soil or root penetration in the test pit logs;
 - iii. adequately conduct percolation tests including documenting the number of tests, the date of the tests, who performed them, or a soil log;
 - iv. include specific site information such as the slope of the property, the depth to any restrictive layer, or the anticipated annual high-water level;
 - v. specify the size of the pump for the septic system;
 - vi. utilize a hydraulic loading rate that was consistent with and appropriate for the soil texture group specified on the design;
 - vii. utilize a daily design flow appropriate for the structure size and therefore occupancy;
 - viii. ensure the design met the minimum setback to a breakout point;
 - ix. ensure the seepage bed design did not exceed the maximum width of 3 metres, or alternatively, specify the rationale for deviating from the SPM; and
 - x. provide a maintenance plan that meets the minimum standards.
 - c. failing to provide adequate direct supervision in regard to the design of the sewerage system for the Nelson Project and Boswell Project;
 - d. failing to adequately supervise, or in the alternative, document the supervision of the contractor installing the Nelson Project;

- e. failing to adequately document the field reviews for the installation of the Nelson Project;
 - f. failing to prepare the holding tank application for the Boswell Project in accordance with the *SSR*, in particular proposing to have domestic sewage originating from the structure disposed of in a 'rock pit' for which no specifications were provided contrary to *SSR*;
 - g. failing to conduct field reviews for the Boswell Project;
 - h. failing to create or maintain adequate project documentation in regard to the design and installation of the Nelson Project and the Boswell Project;
 - i. signing and affixing his seal to documentation for the Nelson Project and Boswell Project, without adequately reviewing the documentation.
7. The conduct set out above at paragraph 6 is contrary to Principle 2 of the *Code of Ethics*, which requires that all registrants shall practice only in those fields where training and experience make the registrant professionally competent.
 8. The conduct set out above at paragraph 6 is contrary to Principle 4 of the *Code of Ethics*, which requires that members must have regard for applicable standards, policies, plans, and practices established by the government or Engineers and Geoscientists BC.
 9. The conduct set out at paragraph 6(c), (d), (e), (h) and (i) is contrary to Principle 12 of the *Code of Ethics*, which requires registrants to undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession.
 10. The conduct set out above at paragraph 6(i) is contrary to section 7.3.7(5)(a)(i) of the *Bylaws* of Engineers and Geoscientists BC which requires Professional Registrants to authenticate documents that the Professional Registrant has prepared in their professional capacity or has been prepared under their Direct Supervision.
 11. The conduct set out at paragraph 6(c), (d) and (e) is contrary to section 7.3.8 of the *Bylaws* of Engineers and Geoscientists BC, which requires a Professional Registrant who will Delegate work or decisions related to the Regulated Practice to a Subordinate must establish, maintain, and follow documented procedures for Delegation and Direct Supervision in accordance with the requirements set out in this section of the *Bylaws*.
 12. The conduct set out at paragraph 6(g) is contrary to section 7.3.3(1) of the *Bylaws* of Engineers and Geoscientists BC, which requires completion of field reviews during the construction... of work related to the Regulated Practice by a professional registrant, or a Subordinate under the Professional Registrant's Direct Supervision,

in a manner that is appropriate to the level of risk that has been assessed through a documented risk assessment.

Disposition

13. By consent, this Consent Order is made pursuant to section 73(2) of the *PGA*.
14. Mr. Zeberoff's registration in Engineers and Geoscientists BC is suspended for a period of three months commencing on November 17, 2023 (the "Suspension Period").
15. During the period from the effective date of this Consent Order until the commencement of the Suspension Period, Mr. Zeberoff will:
 - a. make reasonable arrangement for the orderly transfer of his ongoing professional engineering project files to other professional engineers; and
 - b. limit his practice to those project files that he is currently engaged on and not take any new project files or other engineering work.
16. On or before the end of the Suspension Period, Mr. Zeberoff must provide written notice to Engineers and Geoscientists BC that he has at his own expense:
 - a. successfully completed the Professional Engineering and Geoscience Practice in BC Online Seminar; and
 - b. successfully completed the Authentication of Documents (formerly "Use of Seal") online webinar.
17. As of the effective date of this Consent Order, Mr. Zeberoff agrees that he will be restricted from practicing in the area of wastewater sewerage systems. Specifically, Mr. Zeberoff will not act as an Authorized Person pursuant to the *SSR* and the *SPM* or conduct any engineering work related to sewerage systems (the "Practice Restriction").
18. If Mr. Zeberoff wishes to lift or modify the Practice Restriction set out in paragraph 17, he must successfully complete one of the following three educational programs at his own expense, and notify Engineers and Geoscientists BC once completed:
 - i. "ROWP Planner" course provided by the BC OnSite Sewage Association; or
 - ii. "Onsite Wastewater Practitioner Training Program Phase I" course provided by WCOMWMA Onsite Wastewater Management of BC; or
 - iii. Equip Training Entry Level Courses: EQUIP OS110, EQUIP OS120, EQUIP OS 130, EQUIP OS 140.

19. If Mr. Zeberoff successfully lifts the Practice Restriction set out in paragraph 17 by completing one of the required educational programs set out in paragraph 18, all engineering work in the area of wastewater sewerage systems must be subject to peer review pursuant to the *Discipline Committee Ordered Peer Review Policy* and the *Peer Review Guidelines* of Engineers and Geoscientists BC, as may be amended or revised from time to time (the "Peer Review"), subject to the following conditions:
 - a. the peer reviewer must be a professional engineer who is a registrant of Engineers and Geoscientists BC and who is approved in writing by the Registrar of Engineers and Geoscientist BC (the "Approved Peer Reviewer");
 - b. the Peer Review will continue for either a minimum period of six months from the date the Approved Peer Reviewer is approved by the Registrar, or the completion of six projects in the area of wastewater sewerage systems, whichever comes later (the "Peer Review Period");
 - c. following the Peer Review Period, the Approved Peer Reviewer will provide Engineers and Geoscientist BC with confirmation in writing that Mr. Zeberoff has completed the peer review process and that, in the opinion of the Approved Peer Reviewer, Mr. Zeberoff has demonstrated competence such that he should be permitted to perform engineering services in the area of wastewater sewerage system services without oversight;
 - d. following the Peer Review Period, if the opinion of the Approved Peer Reviewer is that Mr. Zeberoff has not demonstrated competence such that he should be permitted to perform engineering services in the area of wastewater sewerage system without oversight and requires further peer review, the Peer Review Period will continue for an additional six month period, or the completion of six additional projects in the area of wastewater sewerage systems, whichever comes later (the "Extended Peer Review Period"), following which the Approved Peer Reviewer must provide confirmation in writing that Mr. Zeberoff has completed the Extended Peer Review and has demonstrated he should be permitted to perform engineering services in the area of wastewater sewerage systems without oversight; and
 - e. all costs associated with the Peer Review shall be borne by Mr. Zeberoff.
20. Mr. Zeberoff will pay \$5,000 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution towards the legal and investigative costs incurred in this matter.
21. In the event that Mr. Zeberoff fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

22. The full text of this Consent Order will be published on the website of Engineers and Geoscientists BC, and a summary will be published in print and electronic publications, including in public communications.
23. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
24. Mr. Zeberoff agrees that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the opportunity to obtain independent legal advice.
25. Mr. Zeberoff and Engineers and Geoscientists BC 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. Zeberoff and the Investigation Committee this 9 day of November 2023.

<original signed by>

Anthony Zeberoff. P.Eng.

Emily Moss

Name of Witness

<original signed by>

Signature of Witness

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

<original signed by>

Per: Robert Allan Dakin, P. Eng.
Vice-Chair, Investigation Committee