



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF VICTOR PROCTOR

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T21-054

CONSENT ORDER

Background

1. On June 22, 2015, the Association of Professional Engineers and Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC (“Engineers and Geoscientists BC”) and Mr. Proctor entered into a Consent Order regarding the deficient engineering services he provided in relation to a sewerage system and a stormwater management plan (the “2015 Consent Order”). In the 2015 Consent Order, Mr. Proctor agreed, among other things, that he demonstrated unprofessional conduct contrary to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) and the *Bylaws* under the *EGA*.
2. In the 2015 Consent Order, Mr. Proctor received a reprimand, was ordered to pay a fine and costs, and was required to have peer reviews of his work related to sewerage systems and stormwater management plans. The requirement for peer reviews on sewerage systems was lifted on February 28, 2017, but the requirement for peer review on stormwater management plans is still in effect.
3. On April 5, 2017, Engineers and Geoscientists BC and Mr. Proctor entered into a second Consent Order regarding the deficient engineering services he provided in relation to two guardrail design projects (the “2017 Consent Order”). In the 2017 Consent Order, Mr. Proctor agreed, among other things, that he demonstrated unprofessional conduct contrary to the *EGA*, and the *Code of Ethics* under the *EGA*.

4. In the 2017 Consent Order, Mr. Proctor was suspended for a period of two months, ordered to pay a fine and costs, and complete the Professional Practice Examination. Mr. Proctor's membership, as registration was then referred to under the *EGA*, was also subject to a condition that he was prohibited from performing structural engineering work (the "Practice Restriction").
5. On November 25, 2020, Mr. Proctor authenticated a Schedule B and Schedule C-B which included the structural capacity for the mechanical and plumbing components for a project in Victoria, BC (the "Victoria Project").
6. On April 29, 2021, the Investigation Committee of Engineers and Geoscientists BC, authorized an investigation of Mr. Proctor's work for the Victoria Project to investigate a breach of the Practice Restriction agreed to in the 2017 Consent Order.
7. On June 16, 2021, Mr. Proctor authenticated a Schedule B and Schedule C-B which included the structural capacity for the mechanical and plumbing components for a project in Esquimalt, BC (the "Esquimalt Project").
8. On July 29, 2021, the Investigation Committee of Engineers and Geoscientists BC resolved to expand the investigation to include the Esquimalt Project and investigate a second breach of the Practice Restriction agreed to in the 2017 Consent Order.
9. On September 29, 2022, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the "*PGA*"), the Investigation Subcommittee of the Engineers and Geoscientists BC assigned to the file issued an investigation report (the "Report") regarding Mr. Proctor and his work on the Victoria Project and Esquimalt Project. The Report was provided to the Investigation Committee pursuant to s. 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
10. On October 27, 2022, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
11. On January 2, 2023, Mr. Proctor resigned his registration with Engineers and Geoscientists BC.
12. The Investigation Committee and Mr. Proctor wish to resolve the matter by consent pursuant to section 73(2) of the *PGA* in order to avoid the need for a disciplinary hearing.
13. Mr. Proctor consents to the disposition set out below.

Legislation

14. On February 5, 2021, the *EGA* was repealed and replaced by the *PGA*.
15. The conduct of Mr. Proctor related to the Victoria Project took place at a time when the *EGA* was in force. The conduct of Mr. Proctor related to the Esquimalt Project took place after the *PGA* came into force. As a result, the conduct in question is

considered pursuant to both the *EGA*, and the *Bylaws* and *Code of Ethics* under the *EGA*, and the *PGA*, and the *Bylaws* and *Code of Ethics* under the *PGA*.

Admissions

16. Mr. Proctor admits that:
 - a. on November 25, 2020, in relation to the Victoria Project, he demonstrated unprofessional conduct contrary to the *EGA* and violated the 2017 Consent Order and the Practice Restriction by engaging in structural engineering, particulars of which are that he authenticated a Schedule B and Schedule C-B which included the structural capacity for the mechanical and plumbing components of the project including the anchorage and seismic restraint; and
 - b. on June 16, 2021, in relation to the Esquimalt Project, he committed professional misconduct contrary to the *PGA* and violated the 2017 Consent Order and the Practice Restriction by engaging in the practice of structural engineering, particulars of which are that he authenticated a Schedule B and Schedule C-B which included the structural capacity for the mechanical and plumbing components of the project including the anchorage and seismic restraint.

Disposition

17. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
18. Mr. Proctor's registration in Engineers and Geoscientists BC is cancelled.
19. If at any time Mr. Proctor wishes to be re-registered with Engineers and Geoscientists BC:
 - a. he must as a condition of such application provide written notice to Engineers and Geoscientists BC that he has at his own expense:
 - i. completed and passed the Engineers and Geoscientists BC Professional Practice Examination;
 - ii. completed the Professional Engineering and Geoscience in BC Online Seminar; and
 - b. he must comply with all requirements of the Credentials Committee of Engineers and Geoscientists BC and all Bylaws, policies, and guidelines respecting registration and competency.
20. If Mr. Proctor successfully re-registers with Engineers and Geoscientists BC at any time in the future, he agrees that all engineering work prepared by him must be subject to a peer review, pursuant to the *Discipline Committee Order Peer Review*

Policy 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 a minimum period of twelve months and the Approved Peer Reviewer must review a minimum of six projects, 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. Proctor has completed the Peer Review process and that, in the opinion of the Approved Peer Reviewer, Mr. Proctor has demonstrated competence such that he should be permitted to undertake engineering work without oversight;
 - d. following the Peer Review Period, if the opinion of the Approved Peer Reviewer is that Mr. Proctor has not demonstrated competence such that he should be permitted to undertake engineering work without oversight and requires further peer review, the Peer Review Period must continue for an additional six-month period, or the completion of two additional projects whichever comes later (the "Extended Peer Review"), following which the Approved Peer Reviewer must provide confirmation in writing that Mr. Proctor has completed the Extended Peer Review; and
 - e. Mr. Proctor will pay the costs associated with the Peer Review.
21. Mr. Proctor will pay \$2,500 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.

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. Proctor 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. Proctor 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. Proctor and the Investigation Committee this 23rd day of February, 2023.

<original signed by>

Victor Proctor

L. Rosa Hossack

Witness Name

<original signed by>

Witness Signature

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