

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

- and -

IN THE MATTER OF Graham Olney, P.Eng.

CONSENT ORDER

Dated for reference August 5, 2014.

WHEREAS on April 7, 2014, a Notice of Inquiry was issued to Graham Olney, P. Eng. ("Mr. Olney"), that contained the following allegation:

AND TAKE NOTICE that, contrary to the *Act*, you have demonstrated negligence, or unprofessional conduct, in that you signed and sealed drawings dated June 6, 2008 for a client relating to the design and construction of a skylight at the [REDACTED] at [REDACTED] Vancouver, British Columbia, for which you assumed professional responsibility for structural engineering matters (the "Project"). Further, the design was deficient and in applying your signature and seal to these drawings your services were not in compliance with the standard of practice expected of a professional engineer practising in British Columbia undertaking similar work at the time, particulars of which are:

- a. The design drawings dated June 6, 2008, prepared by O & S Engineering International Inc, that you signed, affixed your seal and submitted in relation to the Building Permit for the Project show the skylight supported at the top by a new steel angle. The drawings further show that these rafters are screwed to the new angle with two -#12 screws. The as built condition of this detail discovered in 2012 indicates that the new angle was not installed nor were the rafters connected by screws to the angle that supports them. You submitted a Schedule C-B (Assurance of Professional Field Review Compliance) dated November 18, 2008 (the "Schedule"), stating, *inter alia*, that the structural components of the Project "*substantially comply in all material respects with... the plans and supporting documents submitted in support of the application for the building permit*". The change of the support for the top of the skylight and the missing screws are not consonant with the statement respecting 'substantial compliance' in the Schedule.
- b. Your calculations dated May 27, 2008:
 - i. in particular those presented on page D4 of your original design notes, incorrectly conclude that the skylight will not be subjected to net wind uplift;

- ii. apply the formulae in Figure I-10 of the NBCC 2005 structural Commentaries incorrectly; and
- iii. do not display sound engineering judgement.

AND WHEREAS Mr. Olney admits the allegations in the Notice of Inquiry;

AND WHEREAS the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association") and Mr. Olney 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 *Act*, specifically s.32.1:

- (a) Mr. Olney is hereby reprimanded.
- (b) Mr. Olney agrees to resign his membership in the Association within 60 days of the reference date of this Consent Order.
- (c) Mr. Olney shall pay a fine in the amount of \$2,000 to the Association, payable to the Association within 60 days from the reference date of this Consent Order.
- (d) Mr. Olney shall pay \$2,000 towards the Association's legal costs, including disbursements and taxes, payable within 60 days of the reference date of this Consent Order.
- (e) Mr. Olney agrees that should he re-apply for membership or licensure by the Association, without limiting any other power of the Council to determine if Mr. Olney meets the requirements for membership or licensing, prior to Mr. Olney being registered or licensed by the Association he agrees to the following conditions:
 - i. Mr. Olney must successfully complete the Law and Ethics Program and pass the Professional Practice Examination offered by the Association; and,
 - ii. Mr. Olney must successfully complete to the satisfaction of the Association's Discipline Committee:
 - a) the course "C1 Analytic Methods in Structural Engineering" offered by the Structural Engineers Association of British Columbia; or
 - b) an alternative course of education in the area structural engineering that Mr. Olney may propose, subject to the approval of the Discipline Committee.

(f) Further, should Mr. Olney re-apply for membership or licensure by the Association and meet the requirements for membership or licensing, Mr. Olney agrees:

- i. to a condition imposed on his membership in the Association that he shall have his professional engineering services peer reviewed by a Peer Reviewer. Mr. Olney shall provide the names of potential Peer Reviewers for approval by the Registrar of the Association prior to the date of reinstatement. The requirement for peer reviews shall continue for at least twelve months from the date of approval of the Peer Reviewer. The Peer Reviewer shall provide written reports about Mr. Olney's work to the Registrar of the Association every 90 days (the "Reports"). The Peer Reviewer shall report to the Discipline Committee at the conclusion of the twelve month period by providing a written opinion as to whether Mr. Olney requires continuing peer review and for how long (the "Annual Report"). The costs for the Peer Reviewer, including costs for the Reports and Annual Reports, shall be borne by Mr. Olney. Mr. Olney shall provide to the Peer Reviewer regular updates to his engineering project list during the peer review period; and,
- ii. at any time after the issuance of the Annual Report, Mr. Olney may apply to the Association, in writing, to lift the requirement for peer review by:
 - a) providing the Discipline Committee with proof that he has satisfied the conditions set out in paragraph (e)(ii) of this Consent Order; and
 - b) satisfying the Discipline Committee that he is competent to practise unsupervised.

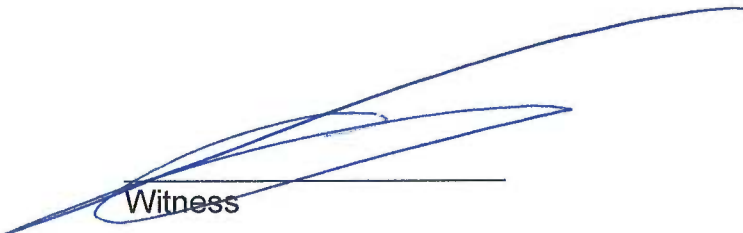
On such application, the Discipline Committee may, among other items, consider the opinion of the Peer Reviewer as contained in the Reports and Annual Report, and may grant the application with or without further conditions or reject the application.

(g) If Mr. Olney fails to comply with the conditions set out in paragraph (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.

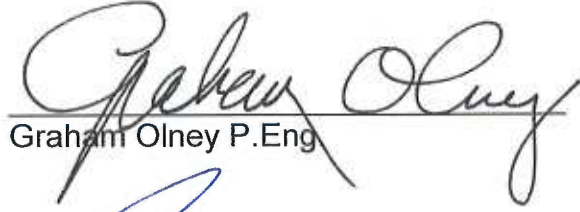
The full text or a summary of this Consent Order will be published by the Association in print and electronic publications including on the Association's website.

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.


This Consent Order is approved and accepted by Mr. Olney and a member of the Discipline Committee this 5th day of August, 2014.



Witness



Graham Olney P.Eng



Paul Adams, P.Eng.