

**LETTER OF UNDERTAKING REGARDING COMPLIANCE WITH THE  
ENGINEERS AND GEOSCIENTISTS ACT, RSBC 1996, c 116 (the "Act")**

**WHEREAS:**

The Association of Professional Engineers and Geoscientists of the Province of British Columbia, also doing business as Engineers and Geoscientists BC (the "Association") and Francis Moul ("Moul") agree to the following statement of facts:

- A. It is the mandate of the Association under the provisions of the Act to protect the public interest in British Columbia in the practices of professional engineering and professional geoscience, including by restricting those practices to members and licensees of the Association and preventing unauthorized practice by others;
- B. From 2005 to the date of this Letter of Undertaking, Moul engaged in the practice of professional geoscience and used the title "geophysicist" in connection with his name, while employed by or at various companies in British Columbia (the "Conduct");
- C. Moul has never been registered as a member of the Association or been licensed to practice professional geoscience in British Columbia;
- D. Moul agrees that the Conduct was in breach of section 22 of the Act; and
- E. Moul has had an opportunity to seek independent legal advice regarding this matter and this Letter of Undertaking.

**THEREFORE:**

In consideration of the Association not commencing a legal proceeding against Moul or his present employer Condor North Consulting ULC ("Condor") in the Supreme Court of British Columbia to seek injunctive relief or exemplary damages in respect of the Conduct, Moul and Condor agree to all of the following:

- 1. Unless and until Moul becomes a duly registered member or licensee of the Association, Moul will cease and desist from:
  - a. engaging in the practice of professional geoscience except when a professional geoscientist directly supervises and assumes full responsibility for Moul's geoscience service or work; and
  - b. using the titles "geoscientist", "geophysicist" or any similar titles that imply that Moul is a professional geoscientist or that he is ready or entitled to engage in the practice of professional geoscience;
- 2. Within 7 days of the acceptance of this Letter of Undertaking, Moul and Condor will advise the Association of the name of a professional geoscientist duly registered with the Association who will, unless and until Moul becomes registered or licensed with the Association, directly supervise

and assume responsibility for any and all practice of professional geoscience by Moul or Condor in British Columbia;

3. Moul and Condor will immediately advise the Association if at any point in the future the professional geoscientist referred to in paragraph 2 is no longer able or willing to continue supervising and assuming responsibility for Moul or Condor's practice of professional geoscience;
4. Moul will pay the Association exemplary damages in the amount of \$5,000 by way of four payments of \$1,250 each, the first of which payment will be made upon the date of acceptance of this Letter of Undertaking by the Association with the subsequent payments made in 3 month intervals thereafter;
5. Moul and Condor understand and agree that this Letter of Undertaking or a summary of it may be published in *Innovation*, on the Association's website, and in such other places and in such manner as the Association deems appropriate;
6. Moul understands and agrees that his breach of the terms set out in paragraph 1 above would constitute a breach of section 22 of the Act;
7. Moul and Condor understand and agree that the Association may refer to this Letter of Undertaking in any legal proceeding against Moul or Condor, in the event that either party breaches any of the terms that they have agreed to in this Letter of Undertaking; and



8. The Association, Moul and Condor agree that this Letter of Undertaking may be executed in counterparts and delivered as an electronic document.

AGREED and ACCEPTED by **Francis Moul** )  
this \_\_\_\_ day of \_\_\_\_\_, 2018 in the )  
presence of: )  
\_\_\_\_\_) )  
Witness Name )  
\_\_\_\_\_) )  
Witness Signature )

\_\_\_\_\_  
Francis Moul

AGREED and ACCEPTED by  
**CONDOR NORTH CONSULTING ULC**  
this 2 day of February 2018 in the )  
presence of: )  
\_\_\_\_\_) )  
Witness Name )  
\_\_\_\_\_) )  
Witness Signature )

\_\_\_\_\_  
Condor North Consulting ULC by its  
authorized signatory

ACCEPTED by the **Association**  
this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Ann English, P.Eng.  
CEO and Registrar of the Association

