



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF CHARLES ARCHIE MCLEAN, P.ENG. (Retired)

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-046(B)

CONSENT ORDER

Background

1. On July 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 Charles Archie McLean. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
2. On July 27, 2023, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
3. Mr. McLean became a Non-Practising (Retired) registrant with Engineers and Geoscientists BC on December 31, 2020.
4. The Investigation Committee and Mr. McLean 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. McLean consents to the disposition set out below.

Legislation

6. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA*.
7. The conduct of Mr. McLean took place at a time when the *EGA* was in force. As a result, the conduct in question is considered pursuant to sections 30(9)(b) and 30(9)(c) of the *EGA*, and the *Bylaws* and *Code of Ethics* under the *EGA*.
8. Pursuant to sections 35(2) and 36(1)(c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, investigations commenced under the *EGA* carry on procedurally under the *PGA*.

Admissions

9. Mr. McLean admits that he demonstrated unprofessional conduct when he prepared and authenticated a structural design for a lean-to roof for a storage structure in McBride, BC (the “Project”). The Project was deficient and did not comply with the 2012 BC Building Code which resulted in a collapse during a period of heavy snow and rain. In particular, Mr. McLean admits that he:
 - a. failed to provide sufficient details and information in his design drawings for the Project, including:
 - i. the snow drift load for the lean-to roof which resulted in the trusses for the roof being significantly under designed;
 - ii. the foundations for the lean-to storage structure;
 - iii. the connection of the lean-to storage structure to the adjacent building;
 - b. delegated responsibility to the contractor by allowing the contractor leeway to choose which type of bolts would be used for the Project in circumstances where it was not appropriate, and he had assumed professional responsibility; and
 - c. accepted professional responsibility for a structural engineering project in circumstances where he was not qualified by training or experience to fulfill that role.
10. The conduct set out above at paragraph 9 is contrary to Principle 1 of the Engineers and Geoscientists BC Code of Ethics (the “Code of Ethics”), as it stood at the time, which required that members and licensees hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.

11. The conduct set out above at paragraph 9 is contrary to Principle 2 of the Code of Ethics, as it stood at the time, which required that members and licensees undertake and accept responsibility for professional assignments only when qualified by training or experience.
12. The conduct set out above at paragraph 9(a) is contrary to section 14(b) of the Engineers and Geoscientists BC Bylaws, as it stood at the time, which required that members and licensees shall establish and maintain documented quality management processes for their practices, including regular documented checks of engineering and geoscience work using a written quality control process appropriate to the risk associated with the work.

Disposition

13. By consent, this Consent Order is made pursuant to section 73(2) of the *PGA*.
14. Mr. McLean is a Non-Practising (Retired) registrant with Engineers and Geoscientists BC and is prohibited from practising engineering in British Columbia.
15. If Mr. McLean wishes to reinstate his status as a practising Professional Registrant, as defined in the Bylaws pursuant to the *PGA*, he must:
 - a. 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. comply with all other requirements of the Credentials Committee of Engineers and Geoscientists BC and all Bylaws, policies, and guidelines respecting registration and competency.
16. If, at any time in the future, Mr. McLean successfully reinstates his status as a practising Professional Registrant with Engineers and Geoscientists BC, Mr. McLean's registration with Engineers and Geoscientists BC will be suspended for a period of six months.
17. If, at any time in the future, Mr. McLean successfully reinstates his status as a practising Professional Registrant with Engineers and Geoscientists BC, Mr. McLean agrees that he will not perform any structural engineering work (the "Practice Restriction").
18. If Mr. McLean wishes to lift or modify the Practice Restriction set out in paragraph 17, he must:

- a. Successfully complete six for-credit core courses offered by Structural Engineers Association of British Columbia (“SEABC”), at his own expense, or in the alternative, obtain prior written approval from Engineers and Geoscientists BC to take an alternative equivalent course or courses.
 - b. After successfully completing the educational courses set out in paragraph 18(a), all structural engineering work carried out by Mr. McLean must be subject to direct supervision by a professional engineer who is a registrant of Engineers and Geoscientists BC (the “Supervising Professional”), and who is approved in writing and in advance by the Registrar of Engineers and Geoscientists BC. The Supervising Professional shall provide “direct supervision” as that term is defined in the *Quality Management Guides – Guide to the Standard for Direct Supervision*, as amended, in respect of all structural engineering work performed by Mr. McLean (the “Direct Supervision”), subject to the following conditions:
 - i. The Direct Supervision must continue for a period of twelve months or until the Supervising Professional has directly supervised six projects, whichever comes later;
 - ii. The Supervising Professional must report in writing on the performance of Mr. McLean every two months during the period of Direct Supervision;
 - iii. At the conclusion of the period of Direct Supervision set out in paragraph 18(b)(i), the Supervising Professional must provide an opinion in writing to the Discipline Committee of Engineers and Geoscientists BC regarding whether Mr. McLean has demonstrated competency or requires a further period of direct supervision. If the Supervising Professional is of the opinion that Mr. McLean requires further direct supervision, the Direct Supervision must continue for an additional period of six months or an additional three projects, whichever comes later (the “Extended Direct Supervision”). The Supervising Professional must continue to provide reports on the performance of Mr. McLean to the Registrar every two months throughout the Extended Direct Supervision; and
 - iv. The costs of the Supervising Professional providing the Direct Supervision and the Extended Direct Supervision will be borne by Mr. McLean.
19. In the event that Mr. McLean fails to comply with any of the terms set out at in 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.

20. Mr. McLean 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.

Consequences of the Consent Order

21. 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.
22. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
23. Mr. McLean 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.
24. Mr. McLean 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. McLean and the Investigation Committee this 7 day of December, 2023

<original signed by>

Charles McLean, P.Eng. (Retired)

Deanna Danish

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: Peter Helland, P. Eng.
Chair, Investigation Committee