
Voluntary Undertaking

Between

**The Association of Professional Engineers and
Geoscientists of Alberta (“APEGA”)**

And

**Mr. Bret Hutchinson, P.Eng.
Registrant # 96702**

I. Whereas:

1. The Association of Professional Engineers and Geoscientists of Alberta (APEGA) is a body incorporated pursuant to the Engineering and Geoscience of Professions Act, R.S.A. 2000, c. E-11.1 (the EGPA).
2. Mr. Bret Hutchinson, P.Eng. (the “Registrant”) is a registered Professional member of APEGA entitled to engage in the practice of engineering.
3. On June 22, 2022, Mr. Allan Ng, P.Eng., (the “Complainant”), Director, Professional Practice, APEGA received an email from the Registrant informing APEGA he was subject to a pending consent order (the “Order”) with Engineers and Geoscientists British Columbia (EGBC).
4. On June 30, 2022, the Order was executed. A copy of the EGBC Order is attached.
5. The EGBC Order outlines the Registrant’s admission to practicing outside of his scope of expertise, specifically with the design and construction of a Wastewater Sewerage System on or about 2017. Admissions:
 - a) The Registrant failed to design the Sewerage System in a manner consistent with the Sewerage System Standard Practice Manual, Version 3.
 - b) The Registrant authenticated a letter stating the Sewerage System was designed in conformance with the Standard Practice Manual when it was not.
6. As per the Order, the Registrant agreed that effective June 30, 2022, his scope of practice in British Columbia will be restricted from engaging in the engineering of wastewater sewerage systems.

7. The Order further stipulated that the Registrant may practice engineering in the area of wastewater sewerage systems; however, only after stipulated conditions, outlined in pars. 10 and 11 of the Order, have been fully executed.
8. The Registrant was also fined \$2500 by EGBC and was ordered to pay an additional \$3217.05 towards the legal and investigative costs.
9. The Registrant has not practiced in this area since 2017 and had never engaged in engineering wastewater sewerage systems in Alberta. Further, the Registrant has no intention to practice in this area in the future.
10. This Voluntary Undertaking is related to APEGA IC Case 22-15, in which it is the Registrant's intent to resolve the matter by entering a Recommended Discipline Order which recognizes this Voluntary Undertaking.

Voluntary Undertaking

As a result of the above, I, Mr. Bret Hutchinson, P.Eng., make the following Voluntary Undertaking with APEGA:

11. I acknowledge the truth and accuracy of the recitals set out above.
12. I acknowledge I will not engage in the practice engineering in the area of wastewater sewerage systems (the 'restricted practice') in Alberta.
13. I acknowledge that should I wish to engage in the restricted practice in Alberta in the future, I must first comply with the following conditions:
 - a) At my own expense, successfully complete (passing grade) Alberta based wastewater management installation training suitable to the Director, Enforcement, such as the Alberta Onsite Wastewater Management Association Installer Training Program (modules 101-118) or equivalent; and,
 - b) Upon completion of the condition noted in Paragraph 13(a), I acknowledge that I may only engage in the restricted practice pursuant to the following supervised practice conditions:
 - i. All such work must be supervised by a qualified professional engineer, secured by the Registrant, who practices engineering in wastewater sewerage systems; who agrees to assume the role of supervisor; and who has been approved in advance, in writing, by the Director, Enforcement (Approved Supervisor).
 - ii. The supervised practice will be at the Registrant's expense.
 - iii. The supervised practice must continue for a minimum of twelve months from the date the supervisor is approved by the Director, Enforcement, or the completion of four wastewater sewerage systems, whichever comes later (Supervision Period).
 - iv. Following the Supervision Period, I will obtain written confirmation from the Approved Supervisor that attests to my competence to perform wastewater sewerage system designs, and provide that letter to the Director, Enforcement.

- v. Following the Supervision Period, if the opinion of the Approved Supervisor is that I require further supervision, the Supervision Period shall continue for additional six-month periods, until such time that the Approved Supervisor determines that I am competent to undertake the design of wastewater sewerage systems.
14. I acknowledge that if APEGA receives an inquiry about my complaint history from another regulatory body or a member of the public, APEGA will be at liberty to provide a copy of this Voluntary Undertaking to that body or person.
 15. Should I apply to practice engineering in any other jurisdiction, APEGA may release to other regulator bodies, in its discretion, information contained in or relating to this Voluntary Undertaking.
 16. I acknowledge that a copy of this Voluntary Undertaking will be provided to the APEGA Registrar.
 17. If APEGA has grounds to believe that I have breached this Voluntary Undertaking, I agree that APEGA may notify anybody or person who may be affected or potentially affected by the breach of this Voluntary Undertaking.
 18. I acknowledge that a breach of this Voluntary Undertaking will result in a separate Complaint of unprofessional conduct by APEGA.
 19. I acknowledge that a copy of this Voluntary Undertaking may be published on the APEGA website and that the APEGA Member Directory will reflect the restricted practice as outlined in paragraph 11 above.
 20. I acknowledge I have had the opportunity to seek and receive legal advice with respect to this Voluntary Undertaking prior to signing this Voluntary Undertaking, and I enter this Voluntary Undertaking voluntarily.
 21. There are no further restrictions placed on my professional practice in Alberta.


Mr. Bret Hutchinson, P. Eng.

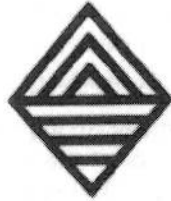
All this agreed to by APEGA this 8 day of August ~~July~~ 2022.

The Association of Professional Engineers
and Geoscientists of Alberta



Per:

Mr. Garth Jespersion, Director, Investigations



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF BRET COLBY HUTCHINSON, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-026

CONSENT ORDER

Background

1. On June 24, 2021, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the "PGA"), the Investigators of Engineers and Geoscientists BC assigned to the file issued an investigation report regarding Bret Hutchinson, P.Eng. (the "Report"). The Report was provided to the Investigation Committee pursuant to s. 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
2. On June 24, 2021, the Investigation Committee considered this matter and appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
3. The Investigation Committee of Engineers and Geoscientists BC and Mr. Hutchinson wish to resolve the matter by consent pursuant to section 73(2) of the *PGA*.
4. Mr. Hutchinson consents to the disposition set out below.

Legislation

5. 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*.
6. The conduct of Mr. Hutchinson 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*, specifically unprofessional conduct, incompetence, and negligence, and the *Bylaws* and *Code of Ethics* under the *EGA*.
7. 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

8. Mr. Hutchinson admits that he demonstrated unprofessional conduct by:
 - a. Acting as an authorized person pursuant to the *Sewerage Systems Regulations*, B.C. Reg. 326/2004 (the "*Regulations*"), in regard to a sewerage system designed and constructed in or around 2017 (the "*Sewerage System*"), when the design and construction of sewerage systems is outside his area of expertise, contrary to section 14(a) of the *Bylaws*, specifically, Principle 2 and 3 of the *Code of Ethics*, as it then read.
 - b. Failing to design the Sewerage System in a manner consistent with the Sewerage System Standard Practice Manual, Version 3 (the "*SPM*") which resulted in the premature failure of the Sewerage System. Specifically, Mr. Hutchinson failed to:
 - i. correctly evaluate site soil and ground water conditions; and
 - ii. properly determine the elevation of the natural high groundwater table in order to design an appropriate dispersal field for the conditions at the site.
 - c. Authenticating and filing a letter of certification with Northern Health Authority on July 24, 2017, confirming the Sewerage System was designed and constructed substantially in accordance with the the *SPM*, when he ought to have known that it was not fully designed and constructed in accordance with the *SPM*, contrary to section 20(9) of the *EGA*.

Disposition

By consent, this Order is made pursuant to section 73(2) of the *PGA*, and the following conditions are imposed on Mr. Hutchinson's registration:

9. Mr. Hutchinson agrees that his practice will be restricted from practising in the area of wastewater sewerage systems. Specifically, Mr. Hutchinson will not act as an authorized person pursuant to the *Regulations* and the SPM, or conduct any engineering work related to sewerage systems, except as permitted by paragraph 11 of this Order.

10. If Mr. Hutchinson wishes to practice in the area of wastewater sewerage systems following execution of the Consent Order, Mr. Hutchinson will successfully complete one of the following two courses at his own expense, and provide evidence to Engineers and Geoscientists BC that the courses have been successfully completed:
 - a. "ROWP Planner" course provided by the BC OnSite Sewage Association

 - or

 - b. "Onsite Wastewater Practitioner Training Program Phase I" course provided by WCOMWMA Onsite Wastewater Management of BC.

11. In addition to paragraph 10, if Mr. Hutchinson wishes to practice in the area of wastewater sewerage systems following execution of the Consent Order, the following conditions are imposed:
 - a. all such work must be reviewed by a peer reviewer secured by Mr. Hutchinson and approved in writing by the Engineers and Geoscientists BC Registrar (the "Registrar");

 - b. the peer review referred to above in paragraph 11(a) must continue for a minimum of twelve months from the date the peer reviewer is approved by the Registrar, or the completion of four wastewater sewerage systems, whichever comes later (the "Peer Review Period");

 - c. following the Peer Review Period, Mr. Hutchinson will obtain an opinion from the approved peer reviewer that he is competent to perform wastewater sewerage system designs and provide that opinion to the Registrar;

 - d. following the Peer Review Period, if the opinion of the approved peer reviewer is that Mr. Hutchinson requires further peer review, the Peer Review Period shall continue for additional six-month periods, until such time that the approved peer reviewer determines that Mr. Hutchinson is competent to undertake the design of wastewater sewerage systems, or the completion of two wastewater sewerage system designs, whichever comes later; and

- e. the costs of the peer reviewer, if any, shall be borne by Mr. Hutchinson.
- 12. Mr. Hutchinson will complete the Professional Engineering and Geoscience Practice in BC Online Seminar at his own expense, by no later than three months from the date of this Consent Order.
- 13. Mr. Hutchinson will pay a fine of \$2,500 to Engineers and Geoscientists BC within 30 days of the date of the Consent Order.
- 14. Mr. Hutchinson will pay \$3,217.05 towards the legal and investigative costs of Engineers and Geoscientists BC within 30 days of the date of this Consent Order.
- 15. In the event that Mr. Hutchinson 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

- 16. The full text or a summary of this Consent Order will be published by Engineers and Geoscientists BC in print and electronic publications including on Engineers and Geoscientists BC's website.
- 17. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
- 18. Mr. Hutchinson agrees that he has received independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the time necessary to obtain independent legal advice.

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