

**IN THE MATTER OF THE *ENGINEERS AND GEOSCIENTISTS ACT*
R.S.B.C. 1996, CHAPTER 116**

and

IN THE MATTER OF HEQING (ALBERT) JIAN, P.Eng.

Engineers and Geoscientists BC File No. T19-031

CONSENT ORDER

Background

1. On November 25, 2020, the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association"), also operating as Engineers and Geoscientists BC, issued a Notice of Inquiry to Heqing (Albert) Jian, P.Eng. ("Mr. Jian") pursuant to s. 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "*Act*").
2. The Association and Mr. Jian wish to resolve the matter by consent pursuant to section 32.1 of the *Act* in order to avoid the need for a disciplinary inquiry.

Admissions

3. Mr. Jian admits the allegations set out in the Notice of Inquiry, namely that he demonstrated unprofessional conduct, incompetence, or negligence by:
 - a. Acting as the Authorized Person pursuant to the Sewerage Systems Regulations, B.C. Reg. 326/2004 in regard to a sewerage system at [REDACTED], Maple Ridge, B.C. (the "Property") designed and constructed in or around 2014 (the "Sewerage System"), when the design and construction of sewerage systems is outside his area of expertise;
 - b. Failing to design the Sewerage System in a manner consistent with the Sewerage System Standard Practice Manual (the "SPM"); and/or a specified alternative standard practice by, among other things:
 - i. Designing a system with a maximum infiltrative surface per orifice in excess of that provided by SPM.
 - ii. Failing to identify the lineal loading rate used and how it was calculated;

- iii. Failing to identify the hydraulic loading rate used for the basal area and how it was calculated;
 - iv. Failing to identify the hydraulic loading rate for the mound sand and how it was calculated;
 - v. Inconsistently reporting soil texture;
 - vi. Designing a system with a pump tank volume below that required by the SPM;
 - vii. Failing to measure, or identify measurements for, the squirt height for the system's distribution field lateral orifices;
 - viii. Failing to measure, or record, the pump run time, dose volume or drainback volume;
 - ix. Inconsistently recording the septic tank volume making it unclear whether the septic tank volume is adequate for the Property in question; and
 - x. Incorrectly recording the location of the septic tank, pump chamber and sand mound on the Property.
- c. Failing to provide adequate direct supervision of ██████████, A.Sc.T., in regard to the design and installation of the Sewerage System;
 - d. Signing and sealing a Record of Sewerage System form dated April 21, 2014, in regard to the Sewerage System, that affirmed that the plans and specifications attached therein were consistent with the Ministry of Health's Sewerage System Standard Practice Manual (the "SPM") when he knew or ought to have known that, the plans and specifications were not consistent with the SPM;
 - e. Signing and sealing a Letter of Certification dated November 27, 2014, in regard to the Sewerage System, that affirmed that the Sewerage System had been constructed in accordance with standard practice when he knew or ought to have known that the Sewerage System had not been constructed in accordance with standard practice; and
 - f. Signing and sealing a Letter of Certification dated November 27, 2014, in regard to the Sewerage System, that affirmed that the Sewerage System had been constructed substantially in accordance with the plans and specifications filed with Fraser Health Authority when he knew or ought to have known, that the Sewerage System had not been constructed

substantially in accordance with the plans and specifications filed with Fraser Health Authority on or about April 21, 2014.

4. The conduct set out above at paragraph 3(a)-(f) is contrary to Principle 2 of the Association's Code of Ethics which requires that members and licensees shall undertake and accept responsibility for professional assignments only when qualified by training or experience.
5. The conduct set out above at paragraph 3(a)-(f) is contrary to Principle 3 of the Association's Code of Ethics which requires that members and licensees shall provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction.
6. The conduct set out above at paragraph 3(c)-(f) is contrary to section 20(9) of the *Act* which provides that a member or licensee receiving a seal or stamp under this section must use it, with signature and date, to seal or stamp estimates, specifications, reports, documents, plans or things that have been prepared and delivered by the member or licensee in the member's or licensee's professional capacity or that have been prepared and delivered under the member's or licensee's direct supervision.
7. The conduct set out above at paragraph 3(b) (ii)-(v), (vii)-(x) is contrary to section 14(b)(2)-(3) of the Association's Bylaws which requires that members and licensees shall establish and maintain documented quality management processes for their practices, which shall include, as a minimum:
 - a. regular, documented checks of engineering and geoscience work using a written quality control process appropriate to the risk associated with the work; and,
 - b. documented field reviews by, or under the direct supervision of, members or licensees, of their domestic projects during implementation or construction.

Disposition

8. By consent, this Order is made pursuant to section 32.1 of the *Act*.
9. Mr. Jian's membership in the Association is suspended for a period of two months commencing on January 18, 2021 (the "Suspension").
10. From the date of the execution of this Consent Order to January 18, 2021, Mr. Jian will:

- a. Make reasonable arrangements for the orderly transfer of his ongoing professional engineering project files to other professional engineers; and,
 - b. Limit his practice to those project files that he is currently engaged on and not take any new project files or other engineering work.
11. The following conditions are imposed on Mr. Jian's membership:
- a. If Mr. Jian designs sewerage systems following the Suspension, all such work must be peer reviewed pursuant to the Association's *Discipline Committee Order Peer Review Policy*, by a peer reviewer approved by the Association's Registrar;
 - b. The peer review referred to above in paragraph 11(a) will continue for either 12 months from the date a peer reviewer is approved by the Association's Registrar, or the completion of 10 sewerage system projects, whichever comes later;
 - c. Following the period of peer review, Mr. Jian will obtain an opinion from the peer reviewer that Mr. Jian is competent to perform sewerage system designs and provide that opinion to the Association's Registrar;
 - d. At the conclusion of the peer review period as per paragraph 11(b), if the opinion of the peer reviewer is that Mr. Jian requires further peer review, the length of the peer review period may be extended for a further six months, or the completion of 5 sewerage system projects, whichever comes later;
 - e. The costs of the peer reviewer, if any, shall be borne by Mr. Jian; and
 - f. Six months after the completion of the peer review, Mr. Jian will commence a Practice Review, at his own cost, the precise timing of which will be determined by the Practice Review Committee.
12. Prior to undertaking any work with respect to the design of sewerage systems, Mr. Jian will successfully complete one of the following two courses at his own expense:
- a. "ROWP Planner" course provided by the BC OnSite Sewage Association;
- or
- b. "Onsite Wastewater Practitioner Training Program Phase I" course provided by WCOWMA Onsite Wastewater Management of BC.

13. Mr. Jian will complete the Professional Engineering and Geoscience Practice in BC Online Seminar at his own expense, by no later than two months from the date of this Consent Order.
14. Mr. Jian will complete the Professional Practice Examination of the Association at his own expense, as scheduled on April 12-14, 2021.
15. Mr. Jian will pay \$5,000 towards the Association's legal and investigative costs within 30 days of the date of this Consent Order.
16. In the event that Mr. Jian fails to comply with any of the terms of this Consent Order, his membership in the Association will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

17. 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.
18. 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.
19. Mr. Jian agrees that the Association has advised him that he should obtain independent legal advice regarding this Consent Order and that the Association has given him the time necessary to obtain independent legal advice.

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20. The Association and Mr. Jian 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. Jian and the members of the Discipline Committee Review Panel this 14th day of January, 2021.

<original signed by>

Heqing (Albert) Jian, P.Eng.

Danielle Jian

Name of Witness

<original signed by Danielle Jian>

<original signed by>

Derek Cooper, P.Eng.
Member, Discipline Committee

Signature of Witness

<original signed by>

Ron Yaworsky, P.Eng.
Member, Discipline Committee

<original signed by>

Frank Denton, P.Eng. FEC, FGC (Hon)
Member, Discipline Committee