

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

and

IN THE MATTER OF GERHARD TSCHEPPE, P.ENG.

File No. T18-006

CONSENT ORDER

Background

1. On April 14, 2019, the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "**Association**"), doing business as Engineers and Geoscientists BC, issued a Notice of Inquiry dated March 29, 2019 to Gerhard Tscheppe, P.Eng. ("**Mr. Tscheppe**") pursuant to section 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "**Act**").
2. The Association and Mr. Tscheppe wish to resolve the matter by way of a consent order pursuant to section 32.1 of the Act.

Admissions

3. Mr. Tscheppe admits that in connection with an excavation located at a residential property on Lombard Street, in Kamloops, British Columbia (the "**Lombard Property**"):
 - (a) he demonstrated unprofessional conduct in 2017 in relation to the site instructions dated May 18, 2017 and May 25, 2017, which were required pursuant to s. 20.78 of the *Occupational Health and Safety Regulation*, B.C. Reg. 143/2017 (the "**Site Instructions**"), which Mr. Tscheppe signed and sealed, but which were inadequate, including by:
 - i. failing to include in the Site Instructions drawings, sketches, plans or sections and/or clearly written descriptions and instructions with respect to the embankments and the concrete lock blocks on the perimeter of the embankments;
 - ii. failing to adequately describe in the Site Instructions the geology and soil conditions of the embankments;

- iii. failing to include in the Site Instructions the instructions and/or conditions to be followed by workers in proximity to the excavation;
 - iv. failing to explain in the Site Instructions the consequences of a failure of the embankments or the concrete lock blocks on the perimeter of the embankments;
 - v. failing to identify in the site instruction dated May 18, 2017 any limitations for machinery or equipment being used adjacent to the excavation;
 - vi. failing to set out in the site instruction dated May 18, 2017 the time period for which the site instruction applies; and
 - vii. failing to provide in the Site Instructions an adequate description of the influence of changing weather conditions and an adequate description of the precautions that should be taken as a result of weather conditions;
- (b) he demonstrated unprofessional conduct in 2017 in relation to the excavation at the Lombard Property by failing to adequately investigate and assess the stability of the embankments of the excavation and the concrete lock blocks on the perimeter of the excavation, and by failing to perform or directly supervise calculations in relation to the stability of the embankments of the excavation and concrete lock blocks on the perimeter of the excavation.
- (c) the conduct set out in each of paragraphs 3(a) to 3(b) is contrary to Principal 1 of the Association's Code of Ethics which requires that all members and licensees shall hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.

Disposition

4. This Consent Order is made pursuant to section 32.1 of the Act.
5. Mr. Tscheppe's membership in the Association is cancelled effective October 15, 2019 (the "**Cancellation Date**").

6. During the period from the date of this Consent Order to the Cancellation Date, Mr. Tscheppe 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.
7. Mr. Tscheppe will pay \$5,000.00 towards the Associations legal costs and costs of the investigation immediately upon signing this Consent Order.
8. In the event that Mr. Tscheppe fails to comply with any of the terms of this Consent Order prior to the Cancellation Date, 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

9. The full text or summary of this Consent Order will be published by the Association in print and electronic publications including on the Association's website.
10. 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 the conditions of the Consent order are not met.
11. Mr. Tscheppe agrees that he has obtained independent legal advice regarding this Consent Order.
12. The Association and Mr. Tscheppe agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

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This Consent Order is approved and accepted by Mr. Tscheppe and the members of the Disciplinary Committee Review Panel this 4th day of September, 2019

<original signed by>

Gerhard Tscheppe, P.Eng.

Renate Kals

Name of Witness

<original signed by>

Thomas Leung, P.Eng., Struct.Eng.
Member, Discipline Committee

<original signed>

Signature of Witness

<original signed by>

Peter Bobrowsky, P.Geo.
Member, Discipline Committee

<original signed by>

Chris Arthur, P.Eng.
Member, Discipline Committee