LETTER OF UNDERTAKING REGARDING COMPLIANCE WITH THE
ENGINEERS AND GEOSCIENTISTS ACT, RSBC 1996, c. 116

FACTS:

The Association of Professional Engineers and Geoscientists of the Province of British Columbia, also operating as Engineers and Geoscientists BC (the "Association") and Richard Hardy Iredale ("Iredale"), agree to the following statement of facts:

1. It is the mandate of the Association under the provisions of the *Engineers and Geoscientists Act, R.S.B.C. 1996, c. 116* (the "Act") to protect the public interest in British Columbia in the practices of professional engineering and professional geoscience, including by preventing unauthorized practice by individuals who are not members or licensees of the Association, and by taking steps to minimize any confusion among members of the public as to whether the individuals they deal with are professional engineers or geoscientists legally entitled to practice in British Columbia.

2. Iredale is a former professional engineer whose registration as a professional engineer was cancelled on March 2, 2018.

3. After the cancellation of his registration, Iredale engaged in the unauthorized practice of professional engineering and misuse of title, in contravention of section 22 of the Act, by:

    a) providing professional engineering services and applying his cancelled professional engineer's stamp to drawings and Letters of Assurance in relation to the following:

        i. a gas station in Lantzville, British Columbia;
        ii. a project on Hillside Avenue in Victoria, British Columbia;
        iii. a project on Broad Street in Victoria, British Columbia;
        iv. a project on Georgina Point Rd. on Mayne Island, British Columbia;
        v. a project on Wilkes Road on Mayne Island, British Columbia;
        vi. a project on Companion Way on Mayne Island, British Columbia;
        vii. a project on Suffolk Road on Salt Spring Island, British Columbia;
        viii. a project on Clark Street in North Saanich, British Columbia;
        ix. a project on Russel Street in Victoria, British Columbia;
        x. a project on Keating Cross Road in North Saanich, British Columbia;
        xi. a project on Campbell Bay Road on Mayne Island, British Columbia; and
        xii. a project on Letour Rd. on Mayne Island, British Columbia;

    b) representing himself as a professional engineer and using the acronym "*P.Eng.*" on his company's website, on social media, and in correspondence, including with authorities having jurisdiction.

    (a and b collectively, the "Conduct")

4. Iredale acknowledges that he was aware that he was not a professional engineer when he engaged in the conduct described in 3(a)(v) and 3(b).

5. Iredale agrees that the Conduct constituted a breach of section 22 of the Act.

6. On February 28, 2020, the Association wrote to Iredale and requested that he provide full and frank disclosure of all professional engineering work that he engaged in while not registered as a professional engineer. In response to the Association's request, Iredale provided disclosure that omitted certain of the projects listed at paragraph 3(a) above.
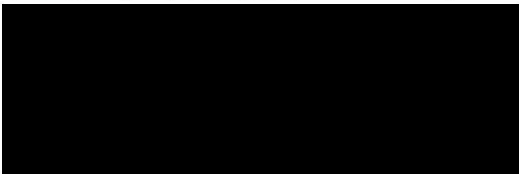
UNDERTAKING:

In consideration of the Association not commencing a legal proceeding in the Supreme Court of British Columbia against Iredale in respect of the above-referenced breach of section 22 of the Act, Iredale agrees to all of the following:

7. Unless and until Iredale becomes a registered member or licensee of the Association, Iredale will cease and desist from:

    a. engaging in the practice of professional engineering;

    b. affixing his cancelled professional engineer's stamp, or the likeness of his former professional engineer's stamp, to any drawings, letters of assurance, or documents of any type, for any purpose; and

    c. representing himself as, or acting in any manner reasonably capable of leading a person to believe that he is a professional engineer.

8. Iredale will pay the Association exemplary damages in the amount of $5,000.

9. Iredale agrees not to seek reinstatement of his membership in the Association for 1 year after executing this Letter of Undertaking.

10. Iredale will notify every party to whom he provided professional engineering services on or after March 2, 2018, that he was not registered as a professional engineer and was not legally entitled to provide professional engineering services at the time, and will provide the Association with proof that this notification has taken place.

11. Iredale understands and agrees that his breach of the terms set out in paragraph 7 above would constitute a breach of section 22 of the Act.

12. Iredale understands and agrees that the Association may refer to this Letter of Undertaking in any legal proceeding against him, in the event that he breaches any of the terms of this Letter of Undertaking.

13. Iredale represents that the projects listed at 3(a) above are a full and complete list of all professional engineering he engaged in between March 2, 2018 and the date of this Letter of Undertaking. Iredale agrees that if the list at 3(a) omits any project or matter in relation to which Iredale provided professional engineering services or affixed his cancelled professional engineer's stamp between March 2, 2018 and the date of this Letter of Undertaking, the Association will be entitled to immediate
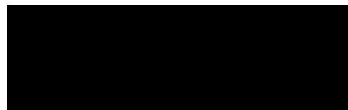
injunctive relief under section 23 of the Act and to the full amount of exemplary damages available under section 27 of the Act.

14. Iredale understands and agrees 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.

15. Iredale has had an opportunity to seek independent legal advice regarding this matter and this Letter of Undertaking.

AGREED and ACCEPTED by **Richard Hardy Iredale** this)
_22_ day of _Sept_____, 2020 in the presence of:)
)
)
)
)   Richard Hardy Iredale
)

Witness Signature   )

ACCEPTED by the **Association**
this _15th_ day of _October_____, 2020

Tony Chong, P.Eng.
Chief Regulatory Officer & Deputy Registrar

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