

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

WHEREAS:

- a. It is the mandate of the Association of Professional Engineers and Geoscientists of British Columbia ("APEGBC") under the provisions of the *Engineers and Geoscientists Act* (the "Act") to protect the public interest in the practices of professional engineering and professional geoscience, including in terms of restricting those practices to members and licensees of APEGBC;
- b. Information and documents (in the form of audio recordings) have been received by APEGBC indicating that, in August and December 2014, Yogeshchandra Ramanlal Nathawad represented himself to a third party as a geotechnical engineer and implied that he is a member of APEGBC.
- c. Mr. Nathawad's membership in APEGBC was revoked in April 2001, and since that time, Mr. Nathawad has not been a member of APEGBC and has not been licensed to practice as a professional engineer or a professional geoscientist in British Columbia;
- d. Mr. Nathawad's conduct as set out at paragraph b above was in breach of section 22 of the Act;
- e. APEGBC and Mr. Nathawad wish to resolve this matter without resort to legal action; and
- f. Mr. Nathawad has had an opportunity to seek independent legal advice regarding this matter and this Letter of Undertaking.

THEREFORE:

In recognition of the time, effort and expense involved for Mr. Nathawad to go through an enforcement procedure and the risk of an injunction and up to \$25,000 in exemplary damages being granted to APEGBC, and in consideration of APEGBC not commencing enforcement action in respect of Mr. Nathawad's conduct as set out at paragraph b above by way of a legal proceeding in the Supreme Court of British Columbia, Mr. Nathawad agrees to this Letter of Undertaking and the following terms:

1. I, **Yogeshchandra Ramanlal Nathawad**, unless and until I am duly registered as a member or licensee of APEGBC in the future, will hereafter cease and desist from:

- (i) engaging in the practice of professional engineering or professional geoscience in British Columbia;
 - (ii) assuming, verbally or otherwise, the title of professional engineer or professional geoscientist in British Columbia;
 - (iii) using any word, name, title, designation, descriptive term or statement implying, or calculated to lead any other person to believe, that I am a professional engineer or professional geoscientist, or that I am ready or entitled to engage in, or that I am engaged in, the practice of professional engineering or professional geoscience in British Columbia;
 - (iv) acting in any manner that leads any person to believe that I am authorized to fill the office of or act as a professional engineer or professional geoscientist in British Columbia; and
 - (v) representing or implying in any publication or communication to any person, that I am a member of APEGBC.
2. I understand and accept that my breach of the terms set out at paragraph 1 above would be a breach of section 22 of the Act.
 3. I understand and accept that this Letter of Undertaking may be published in *Innovation*, and on APEGBC's website, and in such other places and in such manner as APEGBC deems appropriate.
 4. I agree that APEGBC may refer to this Letter of Undertaking in any legal proceeding against me, in the event that I breach any of the terms of this Letter of Undertaking.

[section of page intentionally left blank]

- 5. If APEGBC takes legal action against me for breach of the Act, I will not argue delay as a result of this Letter of Undertaking.

AGREED and ACCEPTED by
Yogeshchandra Ramanlal Nathawad
this 13th day of March, 2015 in the
presence of:



Y.N.

) **Yogeshchandra Ramanlal**
Nathawad

ACCEPTED by APEGBC this 13th day of
March, 2015

[Signature] DEPUTY
REGISTRAR

[Signature]
Ann English, P.Eng.
CEO and Registrar of APEGBC