



APEGA Recommended Discipline Order

APEGA members and permit holders are required to practise engineering and geoscience skillfully, ethically, and professionally. They must meet all prescribed requirements and follow all applicable legislation and regulations, such as the [Engineering and Geoscience Professions Act, General Regulation, Code of Ethics, and APEGA bylaws](#). Investigation and enforcement—followed by, when necessary, judgment based on a fair hearing of the facts—are requirements of ours in service to the public interest. For more information, please visit www.apega.ca/enforcement/discipline-decisions.

Date: October 6, 2022

Discipline Case Number: 22-010

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF BRET HUTCHINSON, P. ENG.**

Pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000
Regarding the Conduct of Bret Hutchinson, P. Eng.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has completed an investigation into the conduct of Mr. Bret Hutchinson, P.Eng. (the “Registrant”) with respect to a complaint initiated by [Name withheld], Director, Professional Practice at APEGA (the “Complainant”).

PLEASE NOTE: The EGBC Decision mentioned in this RDO as Appendix A is not attached. The EGBC Decision (File No. T20-026) can be found on the EGBC website, in its entirety, under Discipline Hearings & Notices (effective Date June 30, 2022).

A. THE COMPLAINT

1. The Complainant referred the matter to APEGA's Investigative Committee on June 22, 2022, after becoming aware that the Registrant engaged in unprofessional conduct and/or unskilled practice of the profession in the Province of British Columbia, contrary to s. 44(1) of the EGP Act, by virtue of the Registrant's role in the engineering design of a wastewater sewerage system in 2017.

B. AGREED STATEMENT OF FACTS

2. The Registrant is a mechanical engineer registered in Alberta and British Columbia.
3. The Registrant is based in Prince George, B.C.



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4. The Registrant has been in good standing with APEGA since becoming a professional member of APEGA in 2012.
5. In 2017, the Registrant was engaged to design a wastewater sewerage system in the province of British Columbia.
6. After the project had been completed, a complaint was filed with Engineers and Geoscientists of British Columbia (EGBC).
7. The complaint was investigated, and on June 24, 2021, an investigation report was completed and provided to the EGBC Investigation Committee.
8. The investigation determined that the Registrant had acted outside his area of expertise and engaged in unprofessional conduct. Specifically, the Registrant failed to provide a design in a manner that complied with the Sewerage Systems Regulations. He failed to:
 - Correctly evaluate site soil and ground water conditions.
 - Properly determine the elevation of the natural high groundwater table in order to design an appropriate dispersal field for the conditions at the site.
9. Further, the Registrant provided an authenticated letter to the Northern Health Authority on July 24, 2017, stating the sewerage system was designed in conformance with the Standard Practice Manual, when he ought to have known it was not.
10. On June 22, 2022, the Registrant notified APEGA Professional Practice of the EGBC investigation and disclosed that the matter was being resolved by way of a pending Consent Order.
11. The EGBC Consent Order was signed by both parties on June 30, 2022.
12. The Registrant acknowledges his admission to unprofessional conduct as outlined in the EGBC Consent Order. The Registrant's admissions are outlined in Paragraph 8 of the Consent Order.
13. The sanctions imposed on the Registrant by EGBC are outlined in Paragraphs' 9 to 16 of the EGBC Consent Order.
14. A copy of the EGBC Consent Order is attached to this Order as Appendix A.



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C. VOLUNTARY UNDERTAKING AND PROTECTION OF THE PUBLIC IN ALBERTA

15. To ensure the protection of the public in Alberta, the Registrant has entered a Voluntary Undertaking with APEGA, in which he agreed not to practice engineering in Alberta in the area of wastewater sewerage systems.
16. A copy of the Voluntary Undertaking is attached to this Order as Appendix B

D. CONDUCT BY THE REGISTRANT

17. The Registrant freely and voluntarily admits that at all relevant times the Registrant was an APEGA Professional Member and was thus bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.
18. The Registrant freely and voluntarily admits that the conduct described above constitutes unprofessional conduct and/or unskilled practice as defined in Section 44(1) of the Act.

Section 44(1) of the *Engineering and Geoscience Professions Act (EGP Act)* defines unprofessional conduct and unskilled practice:

44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board

- (a) is detrimental to the best interests of the public,*
- (b) contravenes a code of ethics of the profession as established under the regulations,*
- (c) harms or tends to harm the standing of the profession generally,*
- (d) displays a lack of knowledge of or lack of skill or judgment in the practice of the profession, or*
- (e) displays a lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession*



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19. The Registrant acknowledges that the conduct described above is conduct that is detrimental to the best interests of the public, contravenes a code of ethics as established under the regulations, harms or tends to harm the standing of the profession generally, and displays a lack of skill or judgement in the practice of the profession, contrary to Section 44(1)(a), (b), (c) and (d) of the Act.
20. The Registrant further acknowledges and admits that his conduct was also contrary to Rules of Conduct 1, 2 and 4 of the APEGA Code of Ethics, which states:
 1. *Professional engineers, geologists and geophysicists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.*
 2. *Professional engineers, geologists and geophysicists shall undertake only work that they are competent to perform by virtue of their training and experience.*
 4. *Professional engineers, geologists and geophysicists shall comply with applicable statutes, regulations and bylaws in their professional practices*

E. RECOMMENDED ORDERS

21. On the recommendation of the Investigative Committee, and by agreement of the Registrant with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, pursuant to s. 63 of the Act, the Discipline Committee hereby orders that:
 - a. The Registrant shall be reprimanded for his conduct and this order shall serve as the reprimand.
 - b. As outlined in the Voluntary Undertaking (attached to this Order as Appendix B), the Registrant's scope of practice with APEGA shall be restricted from engaging in the practice of engineering in the area of wastewater sewerage systems.
 - c. This practice restriction will be reflected in the public APEGA Member Directory.
 - d. Should the Registrant wish to engage in the practice of wastewater sewerage systems in the future, the Registrant must comply with the conditions outlined in par. 13 of the Voluntary Undertaking (attached to this Order as Appendix B).
 - e. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.



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IN WITNESS WHEREOF the undersigned agrees with the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct/Unprofessional Practice in its entirety.

Signed,

BRET HUTCHINSON, P.Eng.

KEVIN WILLIAMS, P.Eng.
Panel Chair, APEGA Investigative Committee

MALIHA ZAMAN, P.Eng.
Case Manager, APEGA Discipline Committee

Date: October 6, 2022



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Appendix B

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, [Name withheld], (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 ab out 2017. Admissions:
 - a) The Registrant failed to design the Sewerage System in a manner consistent with the Sewerage System Standard Practice Manual, Version 3.



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- 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,



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- 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. 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.
16. I acknowledge that a copy of this Voluntary Undertaking will be provided to the APEGA Registrar.



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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.

Signed,

BRET HUTCHINSON, P.Eng.

GARTH JESPERSON, P.Eng.
Director, APEGA Investigations

Date: August 8, 2022