



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: June 6, 2022

Discipline Case Number: 22-007

**IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT
AND
IN THE MATTER OF THE CONDUCT OF DEVENDRA BHANDARI, 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 Devendra Bhandari, P.Eng.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has completed an investigation into the conduct of Devendra Bhandari, P.Eng. (the “Registrant”) with respect to a complaint initiated by [Name withheld] (the “Complainant”) who submitted a letter of complaint dated October 29, 2020 (the “Complaint”).

A. THE COMPLAINT

The Complainant was a potential home buyer who viewed the residential property at [address withheld] (the “Home”) in September of 2020. The Complainant hired a home inspector who identified ceiling deflection and sagging in two areas in close proximity to an area where a wall had been removed previously. The Registrant was hired to assess the situation and produce a report. The resulting one sentence letter stated, “After having inspection I certify that the removal of partition wall in the main floor close to rear entrance of existing house [address withheld] is structurally safe and secure.” This letter was neither supported nor accompanied by any drawings, notes or photographs and did not address safety concerns put forth by another expert subsequently hired for the same purpose. Furthermore, the Complainant alleged the Registrant was evasive and did not provide satisfactory answers to questions posed by the Complainant.

The Complainant alleged that the Registrant engaged in unprofessional conduct and/or unskilled practice and the Investigative Panel conducted an investigation into the following:



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1. The Registrant demonstrated unprofessional conduct and/or unskilled practice by creating a public safety issue through the endorsement of a structural letter which did not identify the removal of a load-bearing wall during previous renovations thereby resulting in a structurally compromised ceiling.
2. The Registrant demonstrated unprofessional conduct in response to the Complainant's concerns regarding the structural issues observed by the Complainant and several others at [address withheld] and that an adequate site visit was not conducted.

B. AGREED STATEMENT OF FACTS

As a result of the investigation, it is agreed by and between the Investigative Committee and Devendra Bhandari, P.Eng. that:

(a) Background:

1. At all relevant times Devendra Bhandari was an APEGA Professional Member and was thus bound by the Engineering and Geoscience Professions Act and the APEGA Code of Ethics.
2. The Registrant has been a member of APEGA since 2012 and has had no prior findings of unprofessional conduct or unskilled practice.
3. The Registrant received a bachelor's degree in civil engineering in 1989 from Tribhuvan University in Kathmandu, Nepal where he worked as an engineer for thirteen years for the Government.
4. The Registrant immigrated to Canada in 2004, attended the University of Alberta and obtained a master's degree in environmental engineering in 2007.
5. The Registrant initially worked for the Nunavut government for one year and for another year following that for the Northwest Territories government as a senior capital planning officer after which time he relocated to Edmonton, Alberta.
6. The Registrant enrolled in a ten-month program of study through the Edmonton Mennonite Society which covered wood and steel-frame construction and involved coursework through the Northern Alberta Institute of Technology.
7. Since 2014, the Registrant has been working independently on residential houses and has been involved in environmental site assessment work in Calgary. Approximately ninety-five percent of the work he performs is in the field of civil engineering.



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8. He registered Yasmita Engineering Ltd., with the City of Calgary and is the sole employee.
9. Yasmita Engineering Ltd., is not a permit holder with APEGA.
10. The Registrant indicated that much of his current work involves preparing drawings for people doing residential renovation work and submitting them to the City of Calgary for permits.
11. The Registrant has worked in the past with contractor [Name Withheld] and in this particular instance was working with [Contractor] at the Home.

(i) Facts Relating to Allegation #1:

That the Registrant demonstrated unprofessional conduct and/or unskilled practice by creating a public safety issue through the endorsement of a structural letter which did not identify the removal of a load-bearing wall during previous renovations thereby resulting in a structurally compromised ceiling.

12. On September 25, 2020, the Registrant was contacted by [Contractor] to produce an engineering report relating to structural integrity of the Home after the removal of two walls during previous renovations at the Home.
13. The Registrant attended the Home on that date but did not see the existing deflection or sagging in the ceiling proximal to the removed load-bearing wall.
14. The area above the ceiling, where the deflection and sagging occurred, was not easily accessible and was not viewed directly by the Registrant on that date.
15. The Registrant did not take any photographs or make any drawings or notes on September 25, 2020.
16. The Registrant had made a site visit to the Home previously on the evening of July 30, 2020, at the request of the contractor [Name Withheld]. Even though the loadbearing walls had been removed prior to July 30, 2020, the Registrant was requested by [Contractor] to make a site visit on this date so that floor plans could be produced for both floors at the Home. On this occasion, the Registrant did produce a sketch, created some drawings, took photographs of the exterior of the Home and took a video of a walk-through of what was initially identified to APEGA investigators as being the main floor but was later determined to depict the basement. These photographs, drawings,



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sketches and video were all submitted to APEGA Investigations even though they were created approximately two months prior to the production of the September 26, 2020, letter by the Registrant.

17. The Registrant produced an authenticated letter on Yasmita Engineering letterhead dated September 26, 2020, which stated “After having inspection I certify that the removal of partition wall in the main floor close to rear entrance of existing house [address withheld] is structurally safe and secure.”
18. The above-noted letter was provided to the Complainant.
19. The Complainant became concerned with the lack of detail in the letter and sought additional opinions in support of his observations of the Home. An additional inspection was performed at the Home and an engineering report was produced by [Other Engineering Firm] on October 2, 2020, which concluded:

The sag in the ceiling at the time of our inspection seems to indicate that support for the bottom chord of the trusses, which support the ceiling load, has been removed during a prior renovation and not replaced. The sagging area could be pushed up by hand, which seems to indicate that the bottom chord is lapped and not properly supported. This creates an unsafe condition in this area of the house, and the area must be blocked off to prevent occupancy until the ceiling can be temporarily or permanently supported. Without this support in place, there is potential that the ceiling may collapse in this area, causing damage to individuals or property in the space below.

20. The Registrant freely and voluntarily admits that he failed to identify the removal of the load bearing walls created a safety concern in the Home:
 - a) He should not get involved in work which has already been completed.
 - b) He was relying on the information of the contractor.
 - c) He has been an engineer for thirty years, but he sometimes makes mistakes because he is a human being.
 - d) He promised not to repeat those mistakes and that he learns from them.



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(ii) Facts Relating to Allegation #2:

That the Registrant demonstrated unprofessional conduct in response to the Complainant's concerns regarding the structural issues observed by the Complainant and several others at [address withheld] and that an adequate site visit was not conducted.

21. The Complainant recorded a telephone conversation with the Registrant after the Complainant received the Registrant's letter dated September 26, 2020.
22. The Complainant was concerned about the safety of the sagging ceiling and the lack of detail in the letter; he inquired with the Registrant on what the Registrant based his opinion that the House was structurally safe and secure despite the removal of the walls.
23. During this telephone conversation, the Registrant informed the Complainant that the Complainant would need to demonstrate proof of the structural issues he saw at the Home.
24. During this telephone conversation, when asked by the Complainant if the Registrant was able to provide another letter containing details regarding which specific walls had been removed, the Registrant replied that he could produce additional drawings but that the Complainant or the home seller should be prepared to compensate the Registrant for this additional work.
25. The Complainant retained another professional engineering firm who concluded that the removal of the load bearing walls during previous renovations created a structural integrity/safety concern (as outlined in Par. 19 above).
26. The Registrant felt the issue was resolved because the Home sellers took the Home off the market and had additional work done in the Home by way of installation of a support post in the area of the sagging ceiling.
27. The Registrant feely and voluntarily admits that he failed to adequately address the Complainant's safety concerns.

C. CONDUCT

28. The Member acknowledges that the conduct described above constitutes unprofessional conduct and/or unskilled practice as per Sections 44(1)(e) of the EGPA which states:



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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

(e) *displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.*

whether or not that conduct is disgraceful or dishonorable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

29. The Member also acknowledges that the conduct described above breaches section 44(1)(b) of the EGP Act of Alberta and sections 1, 3 and 5 of the Rules of Conduct (Code of Ethics) which state:

1. *Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.*
3. *Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.*
5. *Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.*

D. RECOMMENDED ORDERS

On the recommendation of the Investigative Committee, and by agreement of the Member with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:

1. Devendra Bhandari (the "Registrant") shall be reprimanded for his conduct and this order shall serve as the reprimand.
2. The Registrant, at his own expense, shall enroll in the following two courses and will provide the Director, Enforcement, within six month of the date this order is approved by the Discipline Committee Case Manager, proof of successful completion (passing grade):



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- o National Professional Practice Examination (NPPE). Please visit the APEGA website for a list of upcoming registration deadlines and exam dates. The cost of this exam is \$250 (plus GST). (<https://www.apega.ca/apply/membership/exams/national-professional-practice-exam-nppe>)
 - o CSTN 163 – Residential Construction Fundamentals. This online course, offered by SAIT’s Centre for Continuing Education and Professional Studies, has several upcoming start dates. It has 64 hours of instruction at a cost of \$699 plus applicable fees and taxes. Although there is a prerequisite for this course, sufficient proof of industry-based experience may be used as a substitute for the prerequisite. Contact the registrar at 1.888.284.7051 for details relating to the prerequisites. (coned.sait.ca/CSTN163)
3. If the noted courses listed in paragraph 2 are no longer available on approval of this order, at the discretion of the Director, Enforcement, another course may be substituted.
 4. Failure to meet the deadlines noted in paragraph 2 above will result in the Registrant being suspended from the practice of engineering for six months or until the requirements are met. Further, failure to meet the deadline within one year of the date this order is approved shall result in the cancellation of the Registrant’s APEGA membership.
 5. The Registrant has agreed to a Voluntary Undertaking (attached to this RDO as Appendix A) that for a minimum of one year from the date this order is approved by the Discipline Committee Case Manager, and until condition d) below has been met, the Registrant may engage in the practice of structural engineering only pursuant to the following conditions:
 - (a) The Registrant may engage in the practice of structural engineering only under the supervision of a qualified and eligible Professional Engineer who practices structural engineering; who agrees to assume the role of supervisor; and who has been approved in advance, in writing, suggested by the Investigative Committee but confirmed by the Director, Enforcement (Approved Supervisor)
 - (b) The Registrant shall not use his stamp to authenticate any Professional Work Products (PWP) subject to the restriction in a). The Registrant’s PWP may only be stamped and signed by the Approved Supervisor upon the Approved Supervisor thoroughly reviewing and accepting professional responsibility for the PWP.



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- (c) Should the Approved Supervisor become unwilling or unable to act, the Registrant shall advise the Director, Enforcement immediately and refrain from engaging in the practice of structural engineering until a new Approved Supervisor has been appointed.
- (d) Upon completion of a minimum of one year from the date this order is approved by the Discipline Committee Case Manager, the Registrant shall supply a letter from the Approved Supervisor to the Director, Enforcement confirming that the Registrant is competent to practice structural engineering going forward.
6. The Registrant acknowledges and understands that his status as noted on APEGA's Register (maintained on APEGA's website) will identify that his practice is restricted and that his scope of practice in structural engineering is under supervision.
7. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

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

Signed,

MR. DEVENDRA BHANDARI, P.Eng.

MR. ALLAN YUCOCO, PL (Eng.)
Panel Chair, APEGA Investigative Committee

MR. KEN LIU, P.Eng.
Case Manager, APEGA Discipline Committee

Date: June 6, 2022

Revised version: June 30, 2022



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Appendix A

Voluntary Undertaking

Between
The Association of Professional Engineers and
Geoscientists of Alberta (“APEGA”)

And

Mr. Devendra Bhandari, P.Eng. Registrant # 125506

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. Devendra Bhandari, P.Eng. (the “Registrant”) is a registered Professional member of APEGA entitled to engage in the practice of engineering.
3. On October 29, 2020, APEGA received a complaint from [Name Withheld] (the “Complainant”), concerning the conduct and/or skill of the Registrant.
4. In the original complaint, the Complainant alleged that the Registrant engaged in unprofessional conduct and/or unskilled practice by creating a public safety issue through his endorsement of a structural letter which failed to identify the removal of a load-bearing wall during previous renovations thereby resulting in a structurally compromised ceiling. Furthermore, it was alleged that the Registrant acted unprofessionally by failing to adequately address the Complainant’s concerns regarding structural issues observed by the Complainant and several others at [address withheld] (the “Home”) in that he did not conduct an adequate site visit.
5. On or about November 13, 2020, the Registrant was notified by APEGA Director, Investigations, that a complaint had been made against him pursuant to section 43(1) of the *Engineering and Geoscience Professions Act* (“EGPA”).



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6. On September 24, 2020, on behalf of the Complainant who was interested in possibly purchasing the Home, inspector [Name Withheld] attended the Home, performed an inspection, and produced a report which indicated walls had been removed. Also included in the report were labelled photographs which demonstrated that there was a deflection in the ceiling above a back stairwell and a “loose sagging ceiling” in the area where walls had been removed. The report further recommended that the Complainant obtain an engineering report and associated drawings.
7. On September 25, 2020, the Registrant was asked by contractor [Name Withheld] to produce a letter concerning the removal of a wall close to the rear entrance of the Home. The Registrant attended the Home but did not see any deflection or sagging in either area of the ceiling. Although the Registrant had previously attended the Home on July 30, 2020, no additional notes, drawings or photographs were made on his return September 25, 2020, visit. On September 26, 2020, a letter was produced stating “After having inspection I certify that the removal of partition wall in the main floor close to rear entrance of existing house [address withheld] is structurally safe and secure.”
8. On or about September 28, 2020, the Complainant contacted the Registrant by way of recorded telephone conversation to discuss the letter the Registrant had produced.
9. On or about October 1, 2020, a second inspection was done on the Home and a engineering report was produced the following day by [Name Withheld] of [Other Engineering Firm] which stated:

The sag in the ceiling at the time of our inspection seems to indicate that support for the bottom chord of the trusses, which support the ceiling load, has been removed during a prior renovation and not replaced. The sagging area could be pushed up by hand, which seems to indicate that the bottom chord is lapped and not properly supported. This creates an unsafe condition in this area of the house, and the area must be blocked off to prevent occupancy until the ceiling can be temporarily or permanently supported. Without this support in place, there is potential that the ceiling may collapse in this area, causing damage to individuals or property in the space below.
10. Based on the evidence gathered, the Investigation Panel has concluded that there exists sufficient evidence of unprofessional conduct and/or unskilled practice to warrant referring the allegations to the Discipline Committee for a formal Discipline Hearing in that the Registrant created a public safety issue by endorsing a structural letter which did not identify the removal of a load-bearing wall during previous



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renovations, thereby resulting in a structurally compromised ceiling. Furthermore, the Registrant acted unprofessionally by failing to adequately address the Complainant's concerns regarding the structural issues observed by the Complainant and several others at the Home in that he failed to conduct an adequate site visit. Rather than proceed to a formal discipline hearing, the Registrant has agreed to enter into a Recommended Discipline Order (RDO); this Voluntary Undertaking is a condition of this related RDO.

11. As a result, for a minimum of one year from the date the related RDO is approved by the Discipline Committee's Case Manager, the Registrant may only engage in the practice of structural engineering pursuant to the following supervised practice conditions:
 - (a) The Registrant may engage in the practice of structural engineering only under the supervision of a qualified and eligible Professional Engineer who practices structural engineering; who agrees to assume the role of supervisor; and who has been approved in advance, in writing, suggested by the Investigative Committee but confirmed by the Director, Enforcement (Approved Supervisor)
 - (b) The supervised practice will be at the Registrant's expense
 - (c) The Registrant may engage in the practice of structural engineering only under the supervision of a qualified and eligible Professional Engineer who practices structural engineering; who agrees to assume the role of supervisor; and who has been approved in advance, in writing, suggested by the Investigative Committee but confirmed by the Director, Enforcement (Approved Supervisor).
 - (d) Any Professional Work Products (PWP) that the Registrant has been retained to complete, must be reviewed by the Supervisor prior to the PWP being authenticated by the Registrant.
 - (e) The Supervisor shall review the PWP to ensure that it complies with any building code requirements. Should the PWP be deficient, the Registrant shall be informed of the deficiencies and make the necessary changes until the PWP meets the approval of the Supervisor.
 - (f) Upon the Supervisor's approval, the Supervisor shall provide a brief, authenticated letter, addressed to the Registrant, indicating that their limited scope was to review the PWP and to ensure it met the requirements of the building code. This letter is to be kept by the Registrant and be available at APEGA's request.



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- (g) Should the Approved Supervisor become unwilling or unable to act, the Registrant shall advise the Director, Enforcement immediately and refrain from engaging in the practice of structural engineering until a new Approved Supervisor has been appointed.
- (h) Upon the completion of a minimum of one year from the date this order is approved by the Discipline Committee Case Manager, the Registrant shall supply a letter from the Approved Supervisor to the Director, Enforcement confirming that the Registrant is competent to practice structural engineering going forward.

Voluntary Undertaking

As a result of the above, I, Mr. Devendra Bhandari, make the following Voluntary Undertaking with APEGA:

1. I acknowledge the truth and accuracy of the recitals set out above.
2. I acknowledge I will not engage in the practice of structural engineering (the 'restricted practice') unless it is within the context of supervised practice described in paragraph 11 above.
3. 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.
4. Should I apply to practice engineering in any other jurisdiction, APEGA may release to other regulator bodies, in its discretion, information contained in or relating to the Complaints and/or this Voluntary Undertaking.
5. I acknowledge that a copy of this Voluntary Undertaking will be provided to the APEGA Registrar.
6. 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.
7. I acknowledge that a breach of this Voluntary Undertaking will result in a separate Complaint of unprofessional conduct by APEGA.
8. 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.



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9. 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.
10. There are no further restrictions placed on my professional practice in Alberta.

Signed,

MR. DEVENDRA BHANDARI, P.Eng.

All this agreed to by APEGA this **29** day of **June 2022**.

The Association of Professional Engineers
and Geoscientists of Alberta

Per:

MR. GARTH JESPERSON, Director, Investigations