

APEGA Discipline Committee Order

Date: April 25, 2014 Case No.: 14-001-S0

IN THE MATTER OF THE ENGINEERING AND GEOSCIENCE PROFESSIONS ACT AND IN THE MATTER OF THE CONDUCT OF MR. GURPREET GILL, P.ENG., AND CONSULTECH ENGINEERING LTD.

Editor's Note: *The PEG* publishes all APEGA Discipline Committee decisions that include findings against Members. Names and other identifying information are included unless the decision recommends otherwise. Decisions are published almost verbatim; they are reproductions of regulatory records and therefore subject to only minor editing.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Mr. Gurpreet Gill, P.Eng. ("Mr. Gill") and Consultech Engineering Ltd. ("Consultech") with respect to alleged errors contained in several inspection reports and acceptance letters issued by Mr. Gill for the Town of Beaumont, Alberta, as well as allegations of intellectual property theft and copyright infringement surrounding the details of a tall wall design belonging to IB Engineering Ltd.

AGREED STATEMENT OF FACTS

As a result of the investigation, it is agreed by and between the Investigative Committee and Mr. Gill that:

BACKGROUND

1. At all relevant times Mr. Gill was a professional member of APEGA and bound by the *Engineering and Geoscience Professions Act* (the "EGPA") and the APEGA Code of Ethics.
2. At all material times Consultech held a valid Permit to Practice and was bound by the EGPA and the APEGA Code of Ethics.
3. Mr. Gill holds a NAIT diploma in Civil Engineering Technology (1999), a B.Eng. in Civil Engineering from Lakehead University (2001), and an M.Eng. in

Geotechnical Engineering from the University of Alberta (2010). He is employed by Opus Stewart Weir Ltd. (formerly Stewart Weir & Co.) as a Geotechnical Engineering Manager, as the President of Consultech and the Civil Manager for GP Engineering. Mr. Gill serves as Responsible Member for all three firms.

Tall Wall at 6215-60 Street in Beaumont, Alberta

4. On or about December 20, 2011, Consultech was retained to provide a compliance letter in relation to a residential home under construction at 6215-60 Street in Beaumont, Alberta (the "Home"). The request was for an inspection and compliance letter for the as-built tall wall in the Home.
5. The tall wall was an exterior wall and constructed in a stacked-wall configuration.
6. On or about December 20, 2011, Mr. Gill issued a professionally-authenticated compliance letter, on behalf of Consultech, indicating that the construction of the tall wall was acceptable and adequate to support the imposed loads.
7. On January 6, 2012, another professional engineer visited the Home and inspected the tall wall framing. This engineer determined that the tall wall framing was inadequate. The stacked-wall configuration allowed for a hinge point in the middle of the wall where the only resistance to potential wind-loading was the strength of the nails at the hings.
8. The other engineer, in consultation with the builder, determined that the tall wall could be suitably reinforced by installing sheathing on the inside of the wall, overlapping both sides of the hinge joint, a solution that was implemented.
9. On January 17, 2012, Mr. Adam Bednarski, a Safety Codes Officer for the Town of Beaumont, wrote to APEGA to complain about Mr. Gill's conduct in relation to the compliance letter he issued on behalf of Consultech.
10. When asked, Mr. Gill was unable to provide a satisfactory explanation to the Investigative Panel as to why he considered the wall to be safe. Mr. Gill should not have issued the compliance letter for the as-built tall wall in the Home.

Tall Wall Design for Trail Building Supplies

11. On or about August 29, 2012, Mr. Gill issued a tall wall design to Trail Building Supplies Ltd. for assembly and erection.
12. Mr. Allan Yucoco, P.L.(Eng.) reviewed the design, found that it was approximately 12" too short, and requested Mr. Gill to submit a revised design.
13. Mr. Gill submitted a revised design on August 30, 2012.
14. Mr. Yucoco reviewed the revised design on August 30, 2012, and found that it was still deficient. The design involved a lintel but the lintel lacked sill plates, the drawing lacked connection details for the wall top plate, and the wall did not incorporate a step-down as per the requirements of the home plan.
15. Mr. Gill was requested to, and on August 30, 2012 did provide a sheet of connection details marked with Consultech's name, Consultech's APEGA Permit number and contact information. Mr. Gill indicated that the details were typical connection

details, identical to those used by other engineers and he specified that certain of the details, #2 and #6, were to be used.

16. Mr. Yucoco noted that detail #2 was not applicable to the design in question and its use would be inappropriate. Mr. Yucoco ultimately re-designed the tall-wall so that it could be properly constructed.
17. Mr. Yucoco felt that Mr. Gill's design demonstrated a lack of skill in the design of tall walls and Mr. Yucoco wrote to APEGA to lodge a complaint about Mr. Gill and Consultech.
18. Mr. Gill's tall wall design was deficient in several respects: it was initially too short, it lacked sill plates, it lacked connection details for the top plate, and it omitted a step-down as per the Home plans.

Misappropriation of Intellectual Property

19. Mr. Yucoco examined the connection detail drawings that Mr. Gill had provided for the tall wall design for Trail Building Supplied Ltd. on August 30, 2012. Mr. Yucoco noted that the drawings were very similar to engineering drawings previously prepared by Mr. Bogdan Iancu, P.Eng. Mr. Yucoco contacted Mr. Iancu about this and Mr. Iancu examined the connection detail drawings.
20. Mr. Iancu determined that the connection detail drawings Mr. Gill had submitted on August 30, 2012 were identical to his own drawings that he regularly used.
21. Mr. Iancu then wrote to APEGA to lodge a complaint about Mr. Gill's use of his connection detail drawings without permission.
22. During the investigation, Mr. Gill provided APEGA with a copy of a connection detail drawing and indicated that he had obtained the drawing he provided on August 30, 2012 from Zytech Building Systems Ltd. and that he had used the drawings with permission.
23. The connection detail drawing Mr. Gill provided to APEGA in response to

Mr. Iancu's complaint was different than the connection detail drawing Mr. Iancu provided with his complaint.

24. Mr. Gill had used Mr. Iancu's connection detail drawings on August 30, 2012 without permission.

General

25. Mr. Gill asserted to the Investigation Panel that all of his tall wall designs were done in accordance with the Alberta Housing Industry Technical Committee document, "Guidelines for the Construction of Residential Tall Walls, Revised April 2008." (the "Guidelines")
26. Mr. Gill was interviewed during the Investigation Panel's investigation. Mr. Gill was unable to satisfactorily answer questions from the Investigation Panel about the design of tall walls using the Guidelines.
27. In June 2013 at the Investigative Committee's request, Mr. Gill undertook a "Tall Wall Design and Detailing Exam" administered by a structural engineer. Mr. Gill was unable to achieve a passing grade of 75% on the exam.

CONDUCT

28. In accepting the as-built construction of an existing tall wall when he was unable to provide a satisfactory explanation for why the wall was safe for the potential wind-loading, Mr. Gill demonstrated a lack of skill in the practice of the profession of engineering.
29. In producing a design for a tall wall that was inadequate in that it was too short, lacked sill plates, omitted a step-down required by the home plans and omitted connection details as required by the Alberta Building Code, Mr. Gill demonstrated a lack of skill in the practice of the profession of engineering.
30. Additionally, in failing to supply connection details in his tall wall design as required by the Alberta Building Code, Mr. Gill violated Rule of Conduct #4 of the APEGA Code of Ethics.

31. In accepting assignments to assess the as-built construction of tall walls and to design tall walls without adequate knowledge and skill, Mr. Gill violated Rule of Conduct #3 of the APEGA Code of Ethics.
32. In representing the work of another professional engineer, specifically the tall wall connection details produced by Mr. Bogdan Iancu, P.Eng. as his own, Mr. Gill violated Rule of Conduct #3 of the APEGA Code of Ethics.
33. Mr. Gill also failed to hold paramount the safety and welfare of the public in that the ultimate occupants of the developments in question would be unaware of any problems with the wall construction until a problem potentially arose. Mr. Gill thus failed to hold paramount the safety and welfare of the public as required by Rule of Conduct #1 of the APEGA Code of Ethics.
34. The aforementioned conduct tends to harm the honour, dignity and reputation of the professions and their ability to serve the public interest and thus Mr. Gill's conduct violates Rule of Conduct #5 of the APEGA Code of Ethics.

ORDERS

On the recommendations of the Investigative Committee, and by agreement of Mr. Gurpreet Gill, P. Eng. with that recommendation, following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders:

- a. That Mr. Gill shall receive a letter of reprimand;
- b. That Mr. Gill shall write a letter of apology to Mr. Bogdan Iancu, P.Eng., for applying Consultech's name and APEGA Permit number to connection details produced by Mr. Iancu.
- c. That Mr. Gill shall not practice in structural engineering without supervision until he has completed the examination, course, and period of supervision described in items (d) and (e), below. Without limiting the generality of the foregoing, Mr. Gill shall not engage in inspecting, analyzing, verifying, certifying, approving or

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designing structural elements described in sections 4.1, 4.3 and 4.4 of Part 4 of the Alberta Building Code, including but not limited to tall walls, trusses, beams, joists, teleposts and other structural elements used in residential or commercial construction.

- d.** Mr. Gill shall remain subject to the restrictions described in item c, above until such time as he has:
- i. successfully completed the APEGA Professional Practice Examination;
 - ii. successfully completed a University-level engineering course in structural analysis and design, with said course to be taken in-person (not by correspondence or on-line), and has provided proof of successful completion to APEGA; and
 - iii. satisfactorily completed the period of supervision described in item (e), below.

- e.** From the date of this Order, and for a period of one (1) year following Mr. Gill's successful completion of the course described in item (d)(ii) above, Mr. Gill shall only practice structural engineering as described in item (c) above, under the supervision of a structural engineer. That supervisor shall provide quarterly reports to APEGA respecting all projects Mr. Gill has worked on, at Mr. Gill's expense. Mr. Gill may submit the name or names of supervisors he wishes to work with, and the Investigative Committee will consider the suitability of those candidates. The final selection of a supervisor will be made by the Investigative Committee. Should the quarterly reports submitted by the supervisor demonstrate a lack of skill in the practice of structural engineering on the part of Mr. Gill, the period of supervised practice will be extended to two (2) years.

- f.** Mr. Gill shall provide APEGA with a list of the locations of all tall wall designs that he has stamped prior to this Order; and
- g.** That the details of this case be published in the *PEG* magazine, with names.
- h.** For greater certainty, nothing in these orders suspends or restricts Mr. Gill's ability to practice geotechnical engineering in accordance with his qualifications and competencies, nor suspends his ability to practice structural engineering on the terms set out above.

Approved this 25th day of April, 2014

BRUCE ALEXANDER, P.ENG.

Case Manager

APEGA Discipline Committee