



APEGA RECOMMENDED ORDER TO THE DISCIPLINE COMMITTEE

*IN THE MATTER OF THE ENGINEERING
AND GEOSCIENCE PROFESSIONS ACT*

AND

IN THE MATTER OF THE CONDUCT OF

Barry Devlin, P.Eng.

And

KOVA Engineering Ltd.

Registrant No.: 271994

Permit No.: 5138

IC File: 25-02

**APEGA RECOMMENDED ORDER
TO THE DISCIPLINE COMMITTEE**

**In the Matter of the *Engineering and Geoscience
Professions Act***

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In the Matter of the Conduct of

Barry Devlin, P.Eng.

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KOVA Engineering Ltd.

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has investigated the conduct of Barry Devlin, P.Eng. (the registrant) and KOVA Engineering Ltd. (the permit holder) with respect to a complaint initiated by [REDACTED] (the complainant).

A. The Complaint

The complainant alleged that the registrant and permit holder engaged in unprofessional conduct and / or unskilled practice as defined at section 44(1) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (*EGP Act*) with respect to their roles in authenticating drawings for a replacement marine gangway for an Edmonton commercial riverboat.

The investigation focused on the following allegations:

1. Whether the registrant authenticated a gangway design drawing containing technical errors and without having any involvement in the design process or attending the site until invited to witness the deficiencies on the new gangway that had already been installed.
2. Whether the permit holder failed to perform a thorough review, directly supervise and control the engineering done by other parties to verify their reliability, validity, and technical accuracy of the design.

B. Agreed Statement of Facts

(i) Background:

1. The registrant has been a member of APEGA since 2016.
2. The permit holder has been registered with APEGA since 1989.
3. The registrant holds a B.Eng. in mechanical engineering from the British Columbia Institute of Technology (2013).
4. The registrant and permit holder have cooperated with the investigation.

(ii) Facts Relating to Allegation #1:

Whether the registrant authenticated a gangway design drawing containing technical errors and without having any involvement in the design process or attending the site until invited to witness the deficiencies on the new gangway that had already been installed.

5. In 2020, river ice caused significant damage to a commercial riverboat and gangway located in Edmonton, Alberta. Blue Water Systems Ltd. (BWS) located in Delta, British Columbia, was retained by the complainant to design and install the new gangway. BWS is not an APEGA permit holder.
6. The original gangway design drawings, prepared by [REDACTED] and authenticated by [REDACTED] were issued to the complainant in April 2021. [REDACTED] are not registered with APEGA, however are registered with Engineers and Geoscientists British Columbia (EGBC).
7. The complainant required an Alberta registered engineer to authenticate the original design drawings prepared by [REDACTED]. As such, BWS retained the registrant and permit holder, who are members of both EGBC and APEGA.
8. In April 2023, BWS provided the registrant and permit holder with a second set of gangway drawings, which contained more detail than the original gangway design and authenticated by [REDACTED]. [REDACTED] is a registered professional engineer with EGBC.
9. The registrant relied on the second design drawings for his review and authenticated these drawings on May 15, 2023. As a Responsible Member with the Permit Holder, the registrant also validated the drawings. Unbeknownst to the registrant at the time was that the new gangway had already been installed by BWS in July 2022.

10. In July 2023, the complainant observed cracks in the new gangway and other deficiencies, including an inadequate counterbalance lift system, unsteady handrails, and a transition plate on the gangway that required a retrofit.
11. At the complainant's request, the registrant conducted a site visit in July 2023. The registrant agreed with the complainant's concerns. The registrant noted that there were several deficiencies and deviations from the second design drawings he had reviewed and authenticated.
12. The registrant informed BWS of his observations and recommended that a post-installation inspection should be conducted on the ramp so that all of the deficiencies and deviations could be formally recorded and rectified. BWS stated they would contact the complainant.
13. The registrant was contacted by the complainant on several occasions as BWS was not responding to continued requests about remedying the gangway issues. The registrant attempted to contact BWS without success.
14. The registrant informed the complainant that he could not perform a site inspection unless he was retained by the complainant or BWS.
15. In February 2024, the registrant attended the office of BWS in Vancouver, BC, to discuss his concerns with the gangway. BWS informed the registrant that BWS and the complainant had been working on the gangway project for approximately a year prior to the registrant's involvement and that the relationship became contentious.
16. In May 2024, BWS retained the registrant to conduct an inspection of the gangway.
17. The registrant documented the following deficiencies and design deviations in a field report that he issued to BWS:
 - a. The connector ramp:
 - i. Improper spacers under L6x4x1/2 feet (4x) corners.
 - ii. Bent footplate.
 - b. The steel transition plate:
 - i. 1/4" plate instead of 1/2" plate.
 - ii. Missing ribs on underside.
 - iii. Railing missing bolts.
 - iv. Multiple cracks on handrail welds.
 - v. Railings misaligned.
 - vi. Hinge pin retaining clips missing.
 - c. The gangway:
 - i. Powered ramp tilt cylinder instead of passive damper.

- ii. (4x) cracks on boat side end plates.
 - iii. (1x) gouge - Judged suitable.
 - iv. Travel limit chains improperly loading.
 - v. Loose bolt on piston mount.
18. APEGA's Professional Practice Standard, *Relying on the Work of Others and Outsourcing* (May 2021), outlines the following responsibilities and requirements of APEGA licensed professionals when relying on the professional services prepared by others:
- "Section 3.1: APEGA licensed professionals may take professional responsibility by authenticating professional work products (PWPs) created by others if the work was prepared under their direct supervision and control or if they perform a thorough review;"
 - "Section 3.1.2: To comply with the intent of the thorough review in the *EGP Act* and the *General Regulation*, a licensed professional must use due diligence to confirm:
 - the reliability, accuracy, and validity of the work;
 - adherence to applicable regulatory requirements, standards, and codes;
 - adherence to specified quality control and assurance processes.
19. The registrant admits that they did not perform due diligence by confirming the reliability, accuracy, and validity of the second design drawings prior to authentication.
20. The registrant admits that the conduct described above constitutes unprofessional conduct.

(iii) Facts Relating to Allegation #2:

Whether the permit holder failed to perform a thorough review, directly supervise and control the engineering done by other parties to verify their reliability, validity, and technical accuracy of the design.

21. In the APEGA Professional Practice Standard *Relying on the Work of Others and Outsourcing*, Sec. 3.2 (Relying on Other Work Products) describes where licensed professionals or permit holders must use their professional judgment to ensure the PWPs modified or produced are fit for use for their intended purpose.

22. The permit holder admits that the second design drawings lacked details that should have been clarified as part of their design review, including clearly stating what was included for the permit holder's portion of the review.
23. The permit holder did not conduct due diligence with respect to ensuring that all information included on the design drawings met the appropriate design Codes and was suitable for the intended purpose.
24. The permit holder's Professional Practice Management Plan contained out-of-date references to APEGA Practice Standards and Guidelines.
25. The permit holder admits that the conduct described above constitutes unprofessional conduct.

C. Conduct by the Registrant and Permit Holder

26. The registrant and permit holder freely and voluntarily admit that at all relevant times the registrant and permit holder were registered with APEGA and were thus bound by the *Engineering and Geoscience Professions Act* and the *APEGA Code of Ethics*.
27. The registrant and permit holder acknowledge that the conduct described in the facts noted above amounts to unprofessional conduct as defined in section 44(1) of the *EGP Act*:

Section 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 a lack of skill or judgment in the practice of the profession or,*
- (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.

28. The registrant and permit holder acknowledge that their conduct described above is conduct that contravenes a code of ethics of the profession and 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 professions.
29. The registrant and permit holder acknowledge that their conduct was also contrary to Rule of Conduct 4 of the *APEGA Code of Ethics*, which states:
4. *Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.*

30. **Recommended Orders – Registrant**

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

- a. The registrant shall be reprimanded for their conduct and this order shall serve as the reprimand.
- b. The registrant shall pay a fine in the amount of \$500.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of the date this order is approved by the Discipline Committee Case Manager.

If there are extenuating circumstances, the registrant may apply in writing to the Discipline Manager for an extension prior to this six (6) month fine payment deadline. The approval for extending a deadline is at the discretion of the Discipline Manager. If such an application is made, the registrant shall provide the Discipline Manager the reason for the request, a proposal to vary the deadline, and any other documentation requested by the Discipline Manager.

- c. The registrant shall provide the Discipline Manager, within twelve (12) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation of completion of the following *myAPEGA* learning modules:

- Authenticating Professional Work Products;
- Relying on the Work of Others and Outsourcing.

And written confirmation that the registrant has reviewed the following APEGA publications and that the registrant will comply with the requirements therein:

- Professional Practice Standard, Authenticating Professional Work Products, November 2024;

- Professional Practice Standard, Relying on the Work of Others and Outsourcing, May 2021.

If there are extenuating circumstances, the registrant may apply in writing to the Discipline Manager for an extension prior to this twelve (12) month deadline. The approval for extending the deadline is at the discretion of the Discipline Manager. If such an application is made, the registrant shall provide the Discipline Manager the reason for the request, a proposal to vary the deadline, and any other documentation requested by the Discipline Manager.

- d. If the registrant fails to provide the Discipline Manager with proof that they have completed the requirements noted above within the timelines specified, or any extended timeline granted, the registrant shall be suspended from the practice of engineering for a minimum of thirty (30) days. The registrant is required to meet their regulatory obligations during their suspension period with respect to payment of professional dues and/or levies, compliance with the mandatory CPD program, and completing the mandatory portion of the Annual Declaration. If the non-monetary requirements in this Order are not completed within six (6) months of the suspension date, the registrant shall be cancelled. In the event of cancellation, the registrant will be bound by APEGA's reinstatement policy.
- e. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the registrant.

Recommended Orders – Permit Holder

31. On the recommendation of the Investigative Committee, and by agreement of the permit holder, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:
 - a. The permit holder shall be reprimanded for their conduct and this order shall serve as the reprimand.
 - b. The permit holder shall pay a fine in the amount of \$1,000.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of the date this order is approved by the Discipline Committee Case Manager.
 - c. The permit holder shall provide the Discipline Manager, within twelve (12) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation that they have written confirmation of completion of the following *myAPEGA* learning modules:
 - Authenticating Professional Work Products;

- Relying on the Work of Others and Outsourcing.

And written confirmation that the permit holder has reviewed the following APEGA publications and that the Permit Holder will comply with the requirements therein:

- Professional Practice Standard, Authenticating Professional Work Products, November 2024;
 - Professional Practice Standard, Relying on the Work of Others and Outsourcing, May 2021.
- d. The permit holder shall provide the Discipline Manager, within six (6) months of the date this order is approved by the Discipline Committee Case Manager, a Professional Practice Management Plan (PPMP) that complies with the current APEGA Practice Standard (November 2022).
- e. If there are extenuating circumstances, the permit holder may apply in writing to the Discipline Manager for an extension prior to the deadlines noted above. The approval for extending the deadline is at the discretion of the Discipline Manager. If such an application is made, the permit holder shall provide the Discipline Manager the reason for the request, a proposal to vary the deadline, and any other documentation requested by the Discipline Manager.
- f. If the permit holder fails to provide the Discipline Manager with proof that they have completed the requirements noted above within the timelines specified, or any extended timeline granted, the permit holder shall be suspended from the practice of engineering for a minimum of thirty (30) days.
- g. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Permit Holder.

I, Barry Devlin, P.Eng. acknowledge that before signing this Recommended Discipline Order, I consulted with legal counsel regarding my rights or that I am aware of my right to consult legal counsel and that I hereby expressly waive my right to do so. I confirm that I agree to the facts as set out in this Recommended Order and the admissions set out in Section B and C, and that I agree with the Orders in Section D that are jointly proposed.

Further to the above, I acknowledge that a copy of this Order and my identity shall be provided to the APEGA Practice Review Board.

Further to the above, I acknowledge that I have reviewed APEGA's "Good Standing Policy." I understand that I will not be considered a member "in good standing" until I have fully complied with the Orders set out above and I understand that good standing status may affect my membership rights or benefits (including the ability to become a Responsible Member, or the ability to volunteer with APEGA in any capacity).

IN WITNESS WHEREOF the undersigned agrees with the Agreed Statement of Facts, Acknowledgment of Unprofessional Conduct and the Orders jointly proposed.

Barry Devlin, P.Eng.

Signed with ConsignO Cloud (2025/08/18)
Verify with verifio.com or Adobe Reader.



Barry Devlin, P.Eng.

I, Matt Hanes, P.Eng. confirm that I have the authority to bind KOVA Engineering Ltd.

I, Matt Hanes, P.Eng. acknowledge that before signing this Recommended Discipline Order, I consulted with legal counsel regarding KOVA Engineering's rights or that I am aware of my right to consult legal counsel and that I hereby expressly waive my right to do so. I confirm that I agree to the facts as set out in this Recommended Order and the admissions set out in Section B and C, and that I agree with the Orders in Section D that are jointly proposed.

Further to the above, I acknowledge that a copy of this Order and KOVA Engineering's identity shall be provided to the APEGA Practice Review Board.

IN WITNESS WHEREOF I confirm KOVA Engineering Ltd. agrees with the Agreed Statement of Facts, Acknowledgment of Unprofessional Conduct and the Orders jointly proposed.

Matt Hanes, P.Eng.

Signed with ConsignO Cloud (2025/08/19)
Verify with verifio.com or Adobe Reader.



**Matt Hanes, P.Eng. ,
(on behalf of KOVA Engineering Ltd.)**

Kevin Willis, P.Eng., P.E.

Signed with ConsignO Cloud (2025/08/19)
Verify with verifio.com or Adobe Reader.



**Kevin Willis, P.Eng., P.E. (Panel Chair)
APEGA Investigative Committee**

APEGA Discipline Committee

Douglas Cox

Signed with ConsignO Cloud (2025/11/07)
Verify with verifio.com or Adobe Reader.

By: _____



November 7, 2025