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## Voluntary Undertaking

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Between

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

And

**Mr. David Dwyer, P.Eng.  
Registrant # 12394**

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**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. David Dwyer, P.Eng. (the “Registrant”) is a registered Professional member of APEGA entitled to engage in the practice of engineering.
3. On June 16, 2023, Mr. John Corriveau, P.Eng., (the “Complainant”), Deputy Registrar & Chief Regulatory Officer, APEGA provided Mr. Garth Jespersen, Director, Investigations, APEGA with a letter of complaint about the Registrant.
4. It came to the Complainant’s attention that the Registrant had been recently suspended by Engineers & Geoscientists British Columbia (EGBC) on May 18, 2023, by virtue of an Oral Ruling of the EGBC Extraordinary Action Panel of the Discipline Committee. The ruling stated:
  - a. The Panel was satisfied that the legal test was met and that the evidence established a *prima facie* case, that there is a risk to the public, and urgency to the matter if the Registrant were to continue practicing.
  - b. The Panel weighed the options and determined that no measure less than a suspension was required.
  - c. Immediate suspension was invoked, and the Registrant was not permitted to engage in the reserved practice of professional engineering in the province of British Columbia.
5. The EGBC Decision & Reasons for the suspension were subsequently published by EGBC on May 29, 2023.

<https://www.egbc.ca/getmedia/62741f46-49eb-46e6-a174-b71c67c22baa/2023-05-29-Decision-on-Extraordinary-Action-Dwyer-for-publishing.pdf.aspx>

The Decision & Reasons outlined the Panel's rationale for the Interim Suspension which included allegations related to four EGBC investigation files concerning the Registrant.

- a. EGBC files T21-006 (July 24, 2020), T22-041 (November 16, 2021), and T23-013 (August 18, 2022) were about the Registrant's design of onsite wastewater systems for several properties. The complaints alleged that the designs were technically deficient, that record keeping was inadequate, and that the Registrant acted aggressively towards the Registered On-Site Water Practitioner. Expert opinions were obtained on each file which concluded that the Registrant did not demonstrate competence in the field of on-site sewerage system design.
  - b. Regarding file T22-046 (December 2, 2021), EGBC received a complaint from a senior staff officer of the City of Nelson alleging that the Registrant did not possess professional liability insurance as required by the City's bylaws for engineers who submit letters of assurance. Further, it is alleged the Registrant submitted false documents to show he had insurance when he did not, and lastly that the Registrant provided two individuals with his signature and seal.
6. As per the EGBC Order outlined in the Decision & Reasons, the Registrant's suspension would remain in effect until:
- a. A Consent Order is made between the Investigation Committee or the Discipline Committee and the Registrant, pursuant to section 73(2) of the BC Professional Governance Act (PGA); or
  - b. A discipline hearing is held, and a final determination is made in this matter pursuant to section 75(5)(a) or 75(6) of the PGA; or
  - c. The Discipline Committee determines pursuant to section 67(4) of the PGA that a suspension is no longer necessary to protect the public.

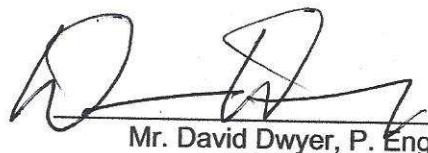
### **Voluntary Undertaking**

As a result of the above, I, Mr. David Dwyer, P.Eng., make the following Voluntary Undertaking with APEGA:

7. I acknowledge the truth and accuracy of the recitals set out above.
8. I acknowledge I will not engage in the reserved practice of engineering in Alberta specifically as it relates to wastewater sewerage systems.
9. The Voluntary Undertaking will remain in place indefinitely until such time that EGBC's investigations and disciplinary proceedings have been fully resolved and EGBC has determined the suspension is no longer needed to protect the public. At the conclusion of the EGBC proceedings, the APEGA Investigative Committee will determine what, if any, additional steps are required to protect the public in Alberta.
10. Should EGBC determine the Interim Suspension is no longer necessary, the Registrant may apply to APEGA's Investigative Committee to terminate or vary the conditions of this Voluntary Undertaking.



11. 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.
12. 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 this Voluntary Undertaking.
13. I acknowledge that a copy of this Voluntary Undertaking will be provided to the APEGA Registrar.
14. If APEGA has grounds to believe that I have breached this Voluntary Undertaking, I agree that APEGA may notify any body or person who may be affected or potentially affected by the breach of this Voluntary Undertaking.
15. I acknowledge that a breach of this Voluntary Undertaking will result in a separate Complaint of unprofessional conduct by APEGA.
16. 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 8 above.
17. 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.

  
Mr. David Dwyer, P. Eng.

July 25, 2023  
Date

On behalf of The Association of Professional Engineers  
and Geoscientists of Alberta

**Garth Jespersion**  
Signed with ConsignO Cloud (2023/07/31)  
Verify with verifio.com or Adobe Reader. 

Per:

Mr. Garth Jespersion, Director, Investigations