

---

## **VOLUNTARY UNDERTAKING and AGREEMENT**

**Between**

**The Association of Professional Engineers and Geoscientists of Alberta**

**and**

**Veto Varma #93820**

---

### **WHEREAS:**

- A. The Association of Professional Engineers and Geoscientists of Alberta (APEGA) is a body incorporated pursuant to the *Engineering and Geoscience Professions Act*, R.S.A. 2000, c. E-11.1 (the *EGPA*).
- B. Veto Varma, P.Eng. (the Registrant) has been registered with APEGA, in good standing, since February 1, 2008.
- C. On November 26, 2024, John Corriveau, P.Eng. (the Complainant), former Deputy Registrar & Chief Regulatory Officer, APEGA, provided Garth Jespersen, Director, Investigations, APEGA with a letter of complaint.
- D. On November 28, 2024, the Registrant was notified by APEGA that a complaint had been made against him pursuant to section 43(1) of the *EGPA*.
- E. It came to the attention of the Complainant that the Registrant was the subject of a disciplinary Decision and Order, dated July 11, 2024, through the Association of Professional Engineers and Geoscientists Saskatchewan (APEGS).

The Complainant's concerns centered around whether the Registrant engaged in unprofessional conduct/unskilled practice by virtue of the disciplinary decision by APEGS, and whether those actions/admissions by the Registrant posed any risk to the public in Alberta, namely that:

- 1. The APEGS Decision and Order dated July 11, 2024, documented an admission to professional misconduct and/or professional incompetence (unprofessional conduct/unskilled practice) against the Registrant, that occurred from work performed while operating as Jaya Engineering and were related to 'Deficiencies in Steel Beams', 'Deficiencies in Helical Pile Design, and an 'Issue of Compliance Letters'.
- 2. The set of circumstances for the Registrant began in 2011, in which the Registrant was retained by Windermere Properties Ltd (Windermere) to be the structural engineer on a 'Project'. The Project involved designs and construction for a Condominium. The project took place between 2011 and 2014. In February of 2014, MNP became the 'Receiver' of Windermere. Following an independent engineering review, MNP became aware of

structural defects at the Project which required significant remediation, which occurred in 2015. The RUI was terminated from the project in August 2015. The APEGS investigation, hearings and decisions were based on the concerns/charges noted below.

3. As set out in the APEGS Decision and Order, the Registrant, through an agreed statement of facts, voluntarily entered guilty pleas to the following charges.

- a. Deficiencies in Steel Beams:

- i. Demonstrated professional incompetence, by displaying a lack of skill or judgement, and disregard for the welfare of the public, contrary to section 29 of the Act in issuing structural drawings for steel beams supporting the main floor at the Project that were undersized based on the loads prescribed by the National Building Code of Canada.
- ii. Demonstrated professional misconduct by acting in a manner which is harmful to the best interests of the public, tends to harm the standard of the profession, and/or which is a breach of the Act or Bylaws, contrary to section 30 of the Act in issuing structural drawings for steel beams supporting the main floor at the Project that were undersized based on the loads prescribed by the National Building Code of Canada.
- iii. Did not hold paramount the safety, health and welfare of the public, contrary to subsection 20(2)(a) of the Regulatory Bylaws in issuing structural drawings for steel beams supporting the main floor at the Project that were undersized based on the loads prescribed by the National Building Code of Canada.
- iv. Did not practice in a careful and diligent manner contrary to subsection 20(2)(b) of the Regulatory Bylaws in issuing structural drawings for steel beams supporting the main floor at the Project that were undersized based on the loads prescribed by the National Building Code of Canada.

- b. Deficiencies in Helical Pile Design:

- i. Demonstrated professional incompetence, by displaying a lack of skill or judgement, and disregard for the welfare of the public, contrary to section 29 of the Act in issuing a foundation design with a note that the helical pile design at the Project was to be determined by someone else, and subsequently failing to ensure the helical pile design was finalized and designed to support the loads prescribed by the National Building Code of Canada.

- ii. Demonstrated professional misconduct by acting in a manner which is harmful to the best interests of the public, tends to harm the standard of the profession, and/or which is a breach of the Act or Bylaws, contrary to section 30 of the Act in issuing a foundation design with a note that the helical pile design at the Project was to be determined by someone else, and subsequently failing to ensure the helical pile design was finalized and designed to support the loads prescribed by the National Building Code of Canada.
  - iii. Did not hold paramount the safety, health and welfare of the public, contrary to subsection 20(2)(a) of the Regulatory Bylaws in issuing a foundation design with a note that the helical pile design at the Project was to be determined by someone else, and subsequently failing to ensure the helical pile design was finalized and designed to support the loads prescribed by the National Building Code of Canada.
  - iv. Did not practice in a careful and diligent manner contrary to subsection 20(2)(b) of the Regulatory Bylaws in issuing a foundation design with a note that the helical pile design at the Project was to be determined by someone else, and subsequently failing to ensure the helical pile design was finalized and designed to support the loads prescribed by the National Building Code of Canada.
- c. Issue of Compliance Letters:
  - i. Demonstrated professional incompetence, by displaying a lack of skill or judgement, and disregard for the welfare of the public, contrary to section 29 of the Act by providing sealed compliance letters from between February 2012 until January 2014 certifying that the structural and foundation work completed to date substantially complied with the plans and specifications, and with the National Building Code of Canada standards.
  - ii. Demonstrated professional misconduct by acting in a manner which is harmful to the best interests of the public, tends to harm the standard of the profession, and/or which is a breach of the Act or Bylaws, contrary to section 30 of the Act by providing sealed compliance letters from between February 2012 until January 2014 certifying that the structural and foundation work completed to date substantially complied with the plans and specifications, and with the National Building Code of Canada standards.
  - iii. Did not hold paramount the safety, health and welfare of the public, contrary to subsection 20(2)(a) of the Regulatory Bylaws by providing sealed compliance letters from between February 2012 until January 2014 certifying that the structural

and foundation work completed to date substantially complied with the plans and specifications, and with the National Building Code of Canada standards. D

- iv. did not practice in a careful and diligent manner contrary to subsection 20(2)(b) of the Regulatory Bylaws by providing sealed compliance letters from between February 2012 until January 2014 certifying that the structural and foundation work completed to date substantially complied with the plans and specifications, and with the National Building Code of Canada standards.

F. Through a joint submission/agreement between parties APEGS imposed the following sanctions/order against the Registrant:

- i. To Receive a written reprimand for professional incompetence, professional misconduct, and breaches of the Code of Ethics.
- ii. Successfully complete the APEGS online Law and Professionalism Course and the Professional Practice Examination.
- iii. Practice under a license restriction limiting his unsupervised practice to single residential structures. Any practice involving commercial projects requires supervision by a professional engineer approved by the Registrar of APEGS, at the Registrant's expense. The Registrant may seek removal of this license restriction upon providing proof satisfactory to the Registrar of the equivalent of 12 months of supervised commercial work.
- iv. Pay a fine of \$10,000.
- v. Shall have twelve (12) months from the date of this decision to pay the amount of the fine and complete the online Law and Professionalism Course and the Professional Practice Examination.
- vi. That this Decision shall be published on the APEGS website and in The Professional Edge, with names.

G. The Decision and Order and the Discipline Committee's Determination and Decision on sanctions were published on the APEGS website on August 14, 2024.

H. The complaint was referred to the APEGA Investigative Committee (Committee/IC) in accordance with section 43 of the EGPA, and an Investigation Panel (Panel) was appointed by the IC to conduct an investigation in accordance with section 47 of the EGPA (the Investigation). The IC's primary role in assessing misconduct findings in another jurisdiction is to ensure the protection of the public in Alberta.

I. The Registrant provided APEGA with a written response on January 16, 2025, and participated in an interview on May 1, 2025, stating and explicitly including in his response that:

- i. He agreed to the APEGS Decision and Orders particulars as stated.
- ii. He has not been the subject of any past APEGA Discipline Orders.

- iii. He continued his Alberta membership because of the request of a potential client but the client moved to Ontario, and he has not provided any service for him or any others for the past few years.
  - iv. He does not have any employer in Alberta. He has a company named Jaya Engineering with APEGS. It is a sole proprietorship.
  - v. (RE: Steel Beam and Helical Pile Design) He has not conducted work in any of the mentioned scopes/concerns noted in the APEGS Order. He notes that his practice in Alberta was very limited.
  - vi. His current status with APEGS is practicing under supervision (per the APEGS Decision and Order dated July 11, 2024).
  - vii. He was not planning to continue his registration/professional practice in Alberta and allowed his license to expire, resulting in accepting a formal cancellation, undertaken by APEGA, as of April 8, 2025.
  - viii. He has no plans at present/future to re-register for APEGA.
- J. On the basis set out in this Voluntary Undertaking and Agreement, the Panel is prepared to recommend to the IC that the complaint be resolved as an alternative to the investigation proceeding. Further and specifically, the Panel is prepared to recommend to the IC that no other steps in connection with the complaint be taken.
- K. On the approval of the Panel's recommendation by the IC as set out in this Voluntary Undertaking and Agreement, it will immediately take effect and following the publication of the Voluntary Undertaking and Agreement, accordingly the Investigative file will be closed, and no further steps be taken in connection with the complaint or Investigation except as provided for in this Voluntary Undertaking and Agreement.

**THE REGISTRANT HEREBY VOLUNTARILY UNDERTAKES AND AGREES AS FOLLOWS:**

1. The Registrant acknowledges the truth and accuracy of the recitals set out above.
2. By entering into this Voluntary Undertaking and Agreement, the Registrant does not admit to the truth of the facts alleged in the complaint and does not admit to having engaged in unprofessional conduct or unskilled practice of the profession in Alberta contrary to the *EGPA*.
3. The Registrant will immediately surrender his certificate of registration, license and stamp to APEGA.
4. The Registrant shall not engage in the practice of engineering, as defined in section 1 of the *EGPA* (the Practice of Engineering) in the Province of Alberta.
5. The Registrant shall not apply for reinstatement of licensure as a professional member, licensee, permit holder or restricted practitioner. If the Registrant elects to apply for reinstatement of licensure with APEGA, the Registrant shall be

bound by APEGA's reinstatement process under the current and future legislation.

6. Should the Registrant apply for reinstatement to engage in the practice of engineering in the Province of Alberta, the Registrant shall be subject to the following restrictions and conditions:
  - a. The Registrant will be restricted to practicing structural engineering only in single residential structures under Part 9 of the National Building Code (Alberta Edition).
  - b. Should the Registrant wish to engage in the practice of structural engineering with respect to commercial projects under Part 4 of the National Building Code (Alberta Edition) the Registrant must be supervised by a qualified structural engineer registered with APEGA who practices in commercial projects.
  - c. The registered structural engineer providing the direct supervision and control shall be known as the Supervisor.
  - d. The Registrant shall not practice structural engineering, as defined in the Engineering and Geoscience Professions Act Section 1(q), independently while under direct supervision and control.
  - e. The Registrant's restricted status shall be reflected in APEGA's Member Directory.
  - f. The requirements of direct supervision and control are defined in 3.1 of the APEGA Practice Standard Relying on the Work of Others and Outsourcing.
  - g. Any Professional Work Products (PWP's) completed by the Registrant must be reviewed and authenticated by the Supervisor as outlined in the APEGA practice standard, Authenticating Professional Work Products.
  - h. Meetings and correspondence where the Registrant provides recommendations, or advice must be directly supervised by the Supervisor.
  - i. The Registrant shall not manage or supervise other professional registrants or Members-In-Training.
  - j. The Registrant shall not be permitted to act as a Responsible Member until the condition of supervised practice has been lifted.
  - k. All costs related to the supervision and required reporting shall be at the expense of the Registrant.
  - l. The registered Professional Engineer as specified in clause (c) must be deemed acceptable to act as the Supervisor by the Discipline Manager.

- m. The Registrant shall submit in writing to the Discipline Manager the names, qualifications, position title, and contact information of up to three registered - Professional Engineers willing to provide the required direct supervision and control as defined in clause (c). The Discipline Manager will decide on the final selection of the Supervisor(s).
  - n. The Supervisor shall enter an undertaking with APEGA to provide the required direct supervision, control, and reporting. This undertaking will comprise of a form provided by APEGA.
  - o. The Supervisor shall provide a report for each quarter respecting all projects undertaken by the Registrant in that quarter, for a period of 12 months, to the Discipline Manager.
    - i. Reports shall include for each project a summary of the project, a description of the Registrant's role and responsibilities on the project, a list of all PWPs related to the project where the Registrant was the primary contributor, and the supervisor's assessment of the Registrant's work on the project.
    - ii. Reports 'shall' be deemed to be a Professional Work Product, requiring authentication.
  - p. At the conclusion of the supervised practice, the Supervisor shall submit a written summary assessment in a format provided by APEGA and attest to the Registrant's competency in structural engineering of commercial projects involving steel beams and helical piles to the Discipline Manager. If, on review of the Supervisor's written assessment, the Practice Review Board deems that the Registrant's competency remains unsatisfactory, the Registrant shall be indefinitely restricted from practicing structural engineering with respect to commercial projects under Part 4 of the National Building Code (Alberta Edition) until they can demonstrate competency to the Practice Review Board's satisfaction. This indefinite restricted status shall be reflected in APEGA's Member Directory.
7. The Registrant shall not represent or hold himself out, either expressly or implicitly, as a member of APEGA to any other engineering professional regulatory body of any other Canadian province or territory, in any capacity.
  8. The Registrant acknowledges that if APEGA receives an inquiry about his complaint history from another regulatory body, APEGA will be at liberty to provide a copy of this Voluntary Undertaking and Agreement to that body.
  9. In the event that APEGA has reasonable grounds to believe that the Registrant has breached this Voluntary Undertaking and Agreement, the Registrant agrees that APEGA may notify any regulatory body or person who may be affected or potentially affected by the breach of this Undertaking and Agreement.
  10. The Registrant acknowledges that a breach of this Voluntary Undertaking may result in a separate complaint of Unprofessional Conduct by APEGA.

11. Should the Registrant apply to engage in the Practice of Engineering in any other jurisdiction, APEGA may release to other regulatory bodies, in its discretion, information contained in or relating to the complaint and/or this Voluntary Undertaking and Agreement.
12. The Registrant agrees that a copy of this Voluntary Undertaking and Agreement will be provided to the Registrar of APEGA.
13. The Registrant acknowledges that a copy of this Voluntary Undertaking and Agreement will be published on the APEGA website.
14. The Registrant acknowledges he has had the opportunity, prior to signing, to seek and receive legal advice with respect to this Voluntary Undertaking and Agreement, and the Registrant enters this agreement and undertaking voluntarily.

---

**Veto Varma, (#93820)**

---

Witness: