



APEGA Registrant Voluntary Undertaking

APEGA members and permit holders are required to practice 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*, APEGA Code of Ethics, and APEGA bylaws. The APEGA Investigative Committee is mandated by Section 43 of the *Engineering and Geoscience Professions Act* to investigate complaints of unprofessional conduct and unskilled practice against APEGA registrants and permit holders. During the course of an investigation, the Investigative Committee may determine the need to protect the public by restricting the practice of the registrant or permit holder with a Voluntary Undertaking until a decision can be reached. Voluntary Undertakings are mutually agreed upon by the Investigative Committee and the subject of the investigation.

For more information, please visit apega.ca/enforcement/protecting-the-public-during-preliminary-investigations.

Date of Voluntary Undertaking: October 21, 2021

APEGA Investigation Case Number: 2020-26 and 2021-11

**IN THE MATTER OF A VOLUNTARY UNDERTAKING BETWEEN THE ASSOCIATION OF
PROFESSIONAL ENGINEERS AND GEOSCIENTISTS
OF ALBERTA**

pursuant to the Engineering and Geoscience Professions Act,
being Chapter E-11 of the Revised Statutes of Alberta 2000, Section 43, and
MR. STEPHEN PETROVICH, P.ENG. (REGISTRANT # 74710)

I. Background

APEGA Investigation Case #2020-26:

3. On or about July 7, 2020, Mr. Stephen M. Petrovich, P.Eng. (Mr. Petrovich) 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").
4. The complaint came after APEGA 's Investigative Committee was investigating another engineer and his involvement with the construction of SIP homes located in southern Alberta.
5. The complaint against Mr. Petrovich was initiated by APEGA's Investigation Panel after they had reviewed information and evidence related to the geotechnical components of the SIP construction projects. Mr. Petrovich had completed the pile designs.
6. The essence of the complaint is that Mr. Petrovich provided screw pile torque requirements which did not list the design pile loads, a contravention of the *Alberta Building Code*.
7. Based on the evidence gathered, and as an effort to protect the public, the Investigation Panel was preparing to propose a voluntary undertaking to Mr. Petrovich to prevent him from engaging in any further geotechnical projects until the conclusion of the investigation.



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Mr. Petrovich notifies APEGA of the Engineers Geoscientists Manitoba investigation:

1. Mr. Petrovich is also a professional engineer who is registered in the Province Manitoba.
2. On March 1, 2021, Mr. Petrovich disclosed to APEGA that he had been investigated by Engineers Geoscientists Manitoba (EGM) regarding a complaint made against him on May 10, 2019.
3. The complaint was about his involvement with the design of a retaining wall project in Winnipeg, MB.
4. At the conclusion of EGM's investigation, Mr. Petrovich was found to have displayed conduct which constituted professional misconduct or unskilled practice per section 46 (1)(d) & (e) of the *Engineering and Geoscientific Professions Act* and Canon 3 of the Code of Ethics (2000-2018)
5. Mr. Petrovich agreed to the charges (Appendix A) and to resolve the matter, entered into a Consent Order.



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II. The Consent Order:

Pursuant to EGM's Consent Order, on March 25, 2021, Mr. Petrovich consented to:

NOW THEREFORE BE IT RESOLVED AND ORDERED ON THE WRITTEN CONSENT OF STEPHEN M. PETROVICH THAT:

1. Mr. Petrovich be and is hereby convicted on the charge attached hereto at Appendix "A";
2. Mr. Petrovich be and is hereby reprimanded.
3. Mr. Petrovich's license and entitlement to practice professional engineering in the Province of Manitoba shall have the following conditions imposed upon it until such time as he satisfies the investigation committee as to his competence to practice geotechnical engineering:
 - a. Mr. Petrovich's license and entitlement to practice professional engineering in the Province of Manitoba shall have the following conditions imposed upon it until such time as he satisfies the investigation committee as to his competence to practice geotechnical engineering.
 - b. Mr. Petrovich shall not seal any geotechnical documents.
 - c. Mr. Petrovich shall not use the Canadian Construction Materials Centre (CCMC) guide to design screw piles without a duly licensed geotechnical engineer first identifying and confirming the soil type and that the installation conditions are consistent with the limitations identified in the CCMC guide; and
 - d. Mr. Petrovich shall not use the Perko KT formulas to design a screw pile based on installation torques without first having a duly licensed geotechnical engineer identify and confirm the soil type and conditions
4. Mr. Petrovich shall satisfy the investigation committee as to his competence to practice geotechnical engineering by undergoing supervised practice by a duly licensed geotechnical engineer approved by the investigation committee for a period of no less than twelve (12) months.
5. Mr. Petrovich shall upon completion of the twelve (12) month period referred to above, submit details of all geotechnical engineering work performed by him under the aforementioned supervised practice to the investigation committee with such details to be in the discretion of the investigation committee and;
6. Mr. Petrovich's name and the circumstances relevant to the finding of professional misconduct and unskilled practice of professional engineering be and the same shall be published in accordance with EGM's policy on publication.



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III. APEGA's Deputy Registrar and Chief Regulatory Officer submits a letter of complaint:

1. After reviewing the discipline proceedings outlined by EGM, APEGA's Deputy Registrar & Chief Regulatory Officer, Mr. Matt Oliver, CD,P.Eng., referred the matter to APEGA investigations on April 13, 2021.
2. Mr. Oliver highlighted that based on the unskilled practice findings by EGM, Mr. Petrovich may pose a potential risk to the safety and welfare of Albertans and considered the findings to be adequate grounds for a complaint to be filed.
3. APEGA investigations opened Case 2021-11 for this matter.

IV. Voluntary Undertaking - Background:

1. Although the investigations are ongoing, and no findings have been made by APEGA, based on the evidence reviewed to date, the Panel has significant concerns regarding Mr. Petrovich's conduct and skill relating to the matters identified in the complaints referred to above.
2. As a result of these concerns and the potential risk to the public, the Panel has considered recommending to the Investigative Committee an interim suspension of Mr. Petrovich's registration pursuant to s. 55 of the EGPA.
3. After consideration, the Panel has determined that in lieu of seeking an interim suspension, a voluntary undertaking could be made available to Mr. Petrovich. The Voluntary Undertaking includes specific conditions that ensure the protection of the public pending conclusion of the discipline process in Part 5 of EGPA.
4. In an email dated September 28, 2021, Mr. Petrovich notified APEGA that he:
 - a. Acknowledged that he does not have the background and training to work as a fully qualified Geotechnical Engineer.
 - b. Will not be pursuing the training to attain those qualifications.
 - c. Will engage others who are qualified in geotechnical engineering to provide the geotechnical services for the structural work that he engages in.

V. Amended Voluntary Undertaking

As a result of the above, I, Mr. Petrovich 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 geotechnical engineering (the 'restricted



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practice'), even under supervision, in the Province of Alberta pending the conclusion of the APEGA investigations (Cases 2020-26 and 2021-11) and pending any discipline proceedings under Part 5 of the EGPA.

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 regulatory 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 I may terminate this Voluntary Undertaking by providing APEGA with 30 days advanced notice of my intent to terminate by providing written notice. In the event that I wish to terminate the Voluntary Undertaking, or if I fail to comply with the terms of this Voluntary Undertaking, the APEGA Investigative Committee may consider imposing an interim suspension of my APEGA registration pursuant to Section 55(1) of the EGPA.
8. I acknowledge that a breach of this Voluntary Undertaking may result in a separate Complaint of unprofessional conduct by APEGA.
9. 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.
10. 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.
11. There are no further restrictions placed on my professional practice in Alberta.

Signed,

MR. STEPHEN PETROVICH, P.Eng.

MR. GARTH JESPERSON
Director, Investigations



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Appendix A:

EGM NOTICE

Under the *Engineering and Geoscientific Professions Act* and the Association's Discipline By-law:

This is notice that on February 17, 2021 Mr. Stephen M. Petrovich, P.Eng. consented to the registration of a conviction and issuance on a charge of professional misconduct or unskilled practice in accordance with section 35(1)(f) of the *Engineering and Geoscientific Professions Act*.

The conviction arises out of Mr. Petrovich's involvement in the process of issuing the design and geotechnical report for a retaining wall system at a private residence in Winnipeg.

Charges:

By issuing design documents sealed between July 8, 2016 and June 22, 2018 for a retaining wall system on helical piles, Mr. Petrovich:

- a. Issued a design for an active slope based on a report from over three years prior, without performing a site review to assess, identify and update the changes to site conditions.
- b. Issued and sealed a design and corresponding report titled "Geotechnical Assessment & Recommendations" for a retaining wall system and upper bank regrading without having conducted or engaged a third party to conduct a geotechnical assessment of the proposed design on the active slope.
- c. Submitted drawings to the City of Winnipeg showing insufficient and incorrect detail to support the proposed work; and
- d. Proposed a design which fell below the minimum recommended factor of safety for a design which could impact the stability of the slope and the residence situated above.

Having received Mr. Petrovich's consent, Engineers Geoscientists Manitoba's Investigation Committee has registered a conviction and imposed sanctions.