
Voluntary Undertaking

Between

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

And

**Mr. Zhao Guan, P.Eng.
Registrant # 258499**

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. Zhao Guan, P.Eng. (the Registrant) is a registered professional member of APEGA entitled to engage in the practice of engineering.
3. On May 29, 2023, Mr. John Corriveau, P.Eng., (the Complainant), Deputy Registrar & Chief Regulatory Officer, APEGA, provided Mr. Garth Jespersion, Director, Investigations, APEGA, with a letter of complaint concerning the Registrant.
4. It came to the Complainant's attention that the Registrant had been recently disciplined by Engineers & Geoscientists British Columbia (EGBC) on April 13, 2023, by virtue of a Consent Order. The Consent Order stated, in part, the following:
 - a. The Registrant failed "to design a retaining wall between (name redacted) and (name redacted) in North Vancouver (the wall) to the reasonable standard expected of a professional engineer by, among other things, signing and affixing his seal to the design drawings for the wall, which, (i) were neither prepared by him nor prepared under his direct supervision; and (ii) failed to consider the wall heights and lateral soil pressures to be taken into account in the wall's design, which should have been known prior to issuing the initial design drawings for the wall dated February 2, 2018;"
 - b. The Registrant failed "to adequately check the initial design drawings for the wall dated February 2, 2018, which were neither prepared by him nor prepared under his direct supervision, before signing and sealing them, and therefore, failing to identify serious errors with the initial design for the wall, including, (i) the

reinforcement for the wall is placed on the wrong side; (ii) there are no dimensions for where the reinforcement should be placed; (iii) an erroneous footing of 5 feet it's noted instead of the correct 8 feet;"

- c. The Registrant failed "to have an independent review of the initial design drawings for the wall, dated February 2 2018, completed prior to the walls construction;"
 - d. The Registrant failed "to ensure proper installation of the wall to the reasonable standard expected of a professional engineer by, among other things, (i) relying on geotechnical field review services completed by someone else not under his direct supervision; (ii) failing to notify the appropriate authorities in order to ensure adequate site safety and minimize hazard to the neighboring property (redacted) when problems with the construction of the wall were identified in late August 2018; and (iii) failing to record the dimensions used in the stability calculations and using a dimension which was in conflict with the drawings;"
 - e. The Registrant failed "to keep adequate records related to the wall including, among other things, (i) records of the concrete samples he requested following the concrete for the wall being poured; (ii) the mathematical calculations for the design of the wall; (iii) his recommendation regarding the reinforcement for the wall; and (iv) I don't documentation showing the process behind changes allegedly made to the wall (as-built) which are reflected in a field review report dated August 20, 2018."
5. As a result of the Registrant's conduct, his EGBC registration was suspended for three months effective April 30, 2023. According to the EGBC Discipline Notice, "following the three-month suspension, all engineering work performed by (the Registrant) will be subject to direct supervision for minimum period of one year. During the period of direct supervision, (the Registrant) must successfully complete an educational course as set out in the Consent Order. Two years after the completion of the direct supervision period, (the Registrant) must undergo a practice review conducted by (EGBC's) Audit and Practice Review Committee."
 6. The EGBC Discipline Notice was subsequently published by EGBC on its website on May 18, 2023.

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As a result of the above, I, Mr. Zhao Guan, 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 that I will have my engineering practice in Alberta restricted and that I shall only practice engineering under the direct supervision and control of a registered professional engineer until I have successfully completed the one-year, EGBC-mandated, period of direct supervision of my engineering practice.

The following acknowledgements apply:

- a. The registered professional engineer providing the direct supervision and control shall be known as the APEGA Supervisor.
- b. I shall not practice engineering as defined Alberta's *Engineering and Geoscience Professions Act*, section 1(q), independently while I am under direct supervision and control.
- d. The requirements of my direct supervision and control are defined in section 3.1 of the APEGA Practice Standard , *Relying on the Work of Others and Outsourcing*.
- e. Any professional work products completed by me in Alberta, or for use in Alberta, must be reviewed and authenticated by the Supervisor as outlined in the APEGA Practice Standard, *Authenticating Professional Work Products*.
- f. Meetings and correspondence where I provide recommendations or advice must be directly supervised by the Supervisor.
- g. I shall not manage or supervise other professional registrants or members-in-training.
- h. All costs related to the supervision and required reporting shall be at my expense.
- i. The registered professional engineer as specified in clause (a) above, must be deemed acceptable to act as the Supervisor by APEGA's Director, Enforcement.
- j. I shall submit in writing to APEGA's Director, Enforcement the names, qualifications, position title, and contact information of the registered professional engineers willing to provide the required direct supervision and control as defined in clause (a) above. APEGA's Director, Enforcement, will be the approver of the Supervisor.
- k. The Supervisor shall enter into an undertaking with APEGA to provide the required direct supervision, control and reporting. This undertaking will comprise of a form provided by APEGA.

- I. The Supervisor shall provide a report each quarter respecting all projects, if any, undertaken by me in Alberta, or for use in Alberta, in that quarter, until the conclusion of the EGBC-mandated period of direct supervision, to APEGA's Director, Enforcement.

Reports shall include for each project a summary of the project, a description of my role and responsibilities on the project, a list of all PWP's related to the project where I was the primary contributor, and the Supervisor's assessment of my work on the project.

Reports shall be deemed to be a professional work product, requiring authentication.

- m. At the conclusion of my EGBC-mandated period of direct supervision of my engineering practice, the APEGA Supervisor shall provide a written summary assessment in a format provided by APEGA, and attest to my engineering competency in writing, to APEGA's Director, Enforcement.

If, on review of the APEGA Supervisor's written assessment, APEGA's Practice Review Board deems that my engineering competency is unsatisfactory, I shall be indefinitely restricted from practicing engineering until I can demonstrate competency to APEGA. This indefinite restricted status shall be reflected in APEGA's Member Directory.

9. The Voluntary Undertaking will remain in place indefinitely until such time that I have provided proof to APEGA's Director, Enforcement, that I have successfully completed the one-year, EGBC-mandated, period of direct supervision of my engineering practice.
10. 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.
11. 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.
12. I acknowledge that a copy of this Voluntary Undertaking will be provided to the APEGA Registrar.
13. 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.
14. I acknowledge that a breach of this Voluntary Undertaking will result in a separate Complaint of unprofessional conduct by APEGA.
15. 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 paragraphs 8 and 9 above.
16. 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. Zhao Guan, P.Eng.
Signed with ConsignO Cloud (2023/10/10)
Verify with verifio.com or Adobe Reader.



Mr. Zhao Guan, P. Eng.

On behalf of APEGA

Paul Vogel
Signed with ConsignO Cloud (2023/10/11)
Verify with verifio.com or Adobe Reader.



Per:

Mr. Paul Vogel, APEGA Investigator