

---

# COURT OF INQUIRY

---

## IN THE MATTER OF THE ENGINEERS ACT 1979 and IN THE MATTER OF E Y S Ho PEng

### JUDGMENT

The Council of The Association of Professional Engineers of British Columbia, under authority of the Engineers Act, 1979, held an Inquiry on March 7, 1984, respecting a charge of unprofessional conduct on the part of E Y S Ho, PEng.

The charge against Mr Ho was:

"The charge against you is that you have been guilty of unprofessional conduct in that you have been convicted in Canada of an indictable offence contrary to Section 27 of the *Engineers Act*, RSBC 1979, Ch 109, Section 27."

Mr Ho admitted that he had been convicted in Canada of an indictable offence. Mr Ho, through his counsel, produced evidence of Mr Ho's character. After due consideration of all the evidence presented and submissions, Council ordered that Mr Ho's name be erased from the register of The Association of Professional Engineers. The Council further ordered that Mr Ho's costs be borne by him and the Association's costs be borne by the Association.

Mr H A D Oliver QC was legal counsel for Mr Ho. The Association legal counsel was Mr Robert Hunter.

### FACTS IN THE CASE

The agreed statement of facts is:

"1. That E Y S Ho PEng is a person registered as a member of The Association of Professional Engineers of the Province of British Columbia (hereinafter referred to as the "Association") pursuant to the *Engineers Act* and has been so registered at all relevant times.

2. The *Engineers Act*, RSBC 1979, Chapter 109 as amended and the Code of Ethics of the Association apply to the within Inquiry by the Council of the Association.

---

### FILE CABINETS NEEDED

The Science and Technology Division of the Vancouver Public Library would be grateful for the donation of two legal-sized file cabinets suitable for hanging files. The International Standards Organization Standards donated to the Library have arrived in hanging files that do not fit into our cabinets. We would like to maintain the files in their present organization. Donors please contact Pat Haffenden, Vancouver Public Library 665-3585. ○

---

special waste program is well underway. Appropriate legislation is in place, a special waste transfer manifest system has been created, and special waste management facilities are being developed. We are confident that British Columbia will be able to avoid the deleterious human and environmental impact seen in scores of poorly managed programs elsewhere. ○

3. That E Y S Ho, PEng was convicted in Canada of an indictable offence, namely, Section 111 of the Criminal Code of Canada on February 27, 1981 before His Honour Judge L M McDonald at the City of New Westminster, in the Province of British Columbia."

The criminal indictment on which Mr Ho was convicted was:

Count 2: That he, the said Eanson Ho, being an official between the 1st day of April, AD 1979, and the 18th day of March AD 1980, at or near the Municipality of Maple Ridge and at or near the District of Burnaby, in the County of Westminster, Province of British Columbia, in connection with the duties of his office, did commit a breach of trust by asking for and receiving funds from Angelo Testa, contrary to Section 111 of the Criminal Code of Canada and against the peace of our Lady the Queen, Her Crown and Dignity.

Mr Ho was found not guilty on counts 1, 3 and 4.

### REASONS FOR JUDGMENT

Section 27 of the Engineers Act RSBC 1979, Chapter 109 reads as follows:

#### *Forfeiture of Registration*

27. (1) Notwithstanding anything in this Act but subject to subsections (2) and (3), no person who has been convicted in Canada of an indictable offence is entitled to be registered, and the council may erase from the register the name of any member of the association who has been convicted in Canada of an indictable offence.

(2) The council may, if it sees fit, permit a person who has been so convicted to become or remain a member of the association, or may restore to the register the name of any person whose name has been erased under this section.

(3) The registration of a person shall not be refused and the name of a person shall not be erased on account of a conviction for an offence which ought not, in the opinion of the council, either from the nature of the offence or from the circumstances under which it was committed, to disqualify a person from practising under this Act."

After due consideration, including hearing character witnesses on behalf of Mr Ho, Council decided that the indictable offence of which Mr Ho was convicted was of a very serious nature.

The offence pertained directly to the practice of professional engineering and public trust conferred on professional engineers.

As a result of its deliberations, Council found that there were no extenuating circumstances that would have permitted continued registration in conformance with subsections (2) and (3) of Section 27.

THE COUNCIL OF THE ASSOCIATION OF PROFESSIONAL ENGINEERS OF BRITISH COLUMBIA

G T J Hughes PEng  
President

Vancouver BC  
March 1984

### COMMENTS BY COUNCIL

Section 27 of the Act provides for erasure from the register of the name of a member convicted of *any* indictable offence.

Members should be aware that this section of the Act does not apply only to offences involving malpractice but applies equally to a variety of other offences.

Engineers in public office may be particularly exposed to problems in this regard and should be wary of any dealings that could constitute conflict of interest.

Although Section 27 permits Council to consider the nature of the offence or the circumstances of its commission, Council must consider the Association's obligation to protect the public to be of primary importance. ○