

**IN THE MATTER OF GEOFFREY A EVANS PEng (#15997)
ORDER ON PENALTY AND COSTS**

The judgment in this matter, which found the member liable for the charge, was published on pages 30-33 in the January/February 2002 issue of Innovation.

The Discipline Committee Panel reconvened on January 25, 2002 to hear arguments and evidence regarding penalty and the assessment of costs.

Mr Evans gave testimony on his own behalf and there was submitted, as evidence, letters of recommendation supporting him. Afterwards, arguments were presented by Mr Robert Hunter of Bull Housser & Tupper for the Association and Mr Richard Lindsay PEng of Lindsay Kenney for Mr Evans, following which the others withdrew and the Panel considered its decision.

In determining the appropriate penalty and costs, the Panel was guided by the belief that any penalty imposed on the member should reflect the following principles, all in the context of the gravity of the proven charge:

- the need for protection of the public;
- the need to deter others members of the Association from similar actions;
- the need to deter Mr Evans from repeating the offence; and
- the need for rehabilitation of Mr Evans.

After carefully considering the submissions of the parties, and having regard to the above principles, the Panel has determined that:

- 1. Mr Evans shall be reprimanded for his actions.**
- 2. Mr Evans shall be prohibited from providing any geotechnical engineering services that include seismic risk analysis and earthquake-related geotechnical evaluations until he has**

successfully completed appropriate university courses in geotechnical engineering, approved in advance by the Registrar of the Association.

- 3. The Association shall conduct a Practice Review of Mr Evans' engineering practice within the next 18 months, with the full cost of this review to be borne by Mr Evans.**

The Panel has the authority, under Section 35 (1) of the *Act*, to direct that the member pay the Association's costs, or any part of the costs, for the investigation and inquiry. Mr Hunter informed the Panel of the Association's costs with respect to Mr Evans' inquiry hearing.

The Panel considered at length what proportion of the Association's costs might reasonably be charged to Mr Evans. Personal and financial hardships, which Mr Evans experienced in the course of this investigation and hearing, were well documented. Requiring him to pay a significant proportion of the Association's costs would be unrealistic under the circumstances.

Therefore the Panel imposed upon Mr Evans Association costs of \$1,000. Mr Evans is responsible for his own costs.

The Panel was unanimous in these decisions. In the event that there are any further matters requiring the assistance of the Panel as permitted by the *Act*, the Panel retains its jurisdiction to deal with those matters.

Mr Evans has filed an appeal of the liability decision of the Panel. The Association has consented to a stay of the reprimand, practice review and costs pending the disposition of the appeal by the BC Supreme Court. However, the restriction on Mr Evans' practice is effective as of February 21, 2002, the date of the Panel's decision.