

**DISCIPLINARY NOTICE
ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF
BRITISH COLUMBIA**

**Removal of Consent Order Requirement for Peer Reviews
Joseph Sarkor, P. Eng., Kelowna, BC**

Following an acceptable final report from Mr. Sarkor's peer reviewer pursuant to paragraph (c) of the Consent Order dated October 1, 2012 (the "Consent Order"), the Discipline Committee Review Panel confirmed that Mr. Sarkor is no longer required to have peer reviews and is relieved of this requirement on his license to practice engineering effective December 2, 2014.

Paragraph (b) of the Consent Order remains in effect, that is, Mr. Sarkor is not permitted to conduct documented independent reviews.

IN THE MATTER OF THE *ENGINEERS AND GEOSCIENTISTS ACT*
R.S.B.C., 1996, c. 116, as amended

- and -

IN THE MATTER OF JOSEPH M. SARKOR, P.Eng.

CONSENT ORDER

Dated for reference October 1, 2012.

WHEREAS Joseph M. Sarkor, P.Eng. ("Mr. Sarkor"), was served with a Notice of Inquiry dated June 6, 2012 that contained the following allegation:

AND TAKE NOTICE that the allegation against you is that contrary to the **Act**, you have demonstrated unprofessional conduct in your concept review of structural drawings for 2 concrete tilt-up panel/open web steel joist/metal deck roof system buildings on [REDACTED] Kelowna, British Columbia sealed and signed by, Richard O. Visscher of ROV Consulting Inc. ("Structural Drawings"), and in your signing and sealing a Checklist for Professional Structural Concept Review, on or about January 25, 2011, for the Structural Drawings, because of one or more of the following:

1. you used American codes and not the applicable Canadian codes to conduct your checks;
2. you did not check the engineer of record's (EOR) seismic loading assumptions;
3. you checked the roof diaphragm based on the EOR's loading, did not include any over-strength and calculated the deck shears incorrectly; and
4. you failed to note the many deficiencies in the design of the tilt-up panels and indicated "check conc. panels: by inspection, walls appear to be OK".

AND WHEREAS the Association of Professional Engineers and Geoscientists of British Columbia ("Association"), a member of the discipline committee and Mr. Sarkor participated in an alternative complaint resolution process pursuant to the Act section

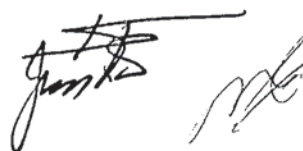


32.2 and wish to resolve this matter by a consent order pursuant to the Act section 32.2 (2) and 32.1(2)(b).

AND WHEREAS Mr. Sarkor admits the allegation in the Notice of Inquiry.

THEREFORE by consent, this Order is hereby made, pursuant to the *Engineers and Geoscientists Act (Act)*, specifically s. 32.1.

- (a) Mr. Sarkor is hereby reprimanded;
- (b) Mr. Sarkor will not conduct any documented independent reviews;
- (c) Mr. Sarkor will have a condition imposed on his membership in the Association that he shall have his structural services peer reviewed by a professional engineer approved in writing and in advance by the Registrar of the Association in accordance with the Association's Quality Management bylaw and guidelines and Council policy on peer reviews. The requirement for peer reviews shall continue for at least a period of twelve months from the date of the original approval of the peer reviewer. The cost of the peer reviewer shall be borne by Mr. Sarkor. The peer reviewer will report on the reviews every three months in writing to the Registrar and will report in writing to the Registrar at the conclusion of the twelve month period providing an opinion on whether Mr. Sarkor requires continuing peer reviews and for how long. The cost of all reports will be borne by Mr. Sarkor;
- (d) If Mr. Sarkor ceases to have a peer reviewer, Mr. Sarkor must practice under the supervision of another professional engineer approved in writing and in advance by the Registrar of the Association for the balance of the twelve month period from the date of the original approval of the peer reviewer. The supervising engineer will report in writing to the Registrar of the Association at the conclusion of the twelve month period providing an opinion on whether Mr. Sarkor requires continued supervision and for how long. The cost for any such report(s) will be borne by Mr. Sarkor;
- (e) Mr. Sarkor shall provide his peer reviewer with a list of all his current projects and will provide regular updates to the project list (projects);
- (f) the peer reviewer will select for review 20% of the projects where the project is governed by Part 9 of the BC Building Code and would not otherwise require a documented independent review under the Association's Quality Management bylaw and guidelines (this amount may be reduced after 6 months to 10% at the peer reviewer's discretion and with the approval of the Registrar)
- (g) all projects governed by Part 3 of the BC Building Code and the Association's Quality Management bylaw and guidelines will be peer reviewed ;



- (h) in conducting peer reviews, the peer reviewers will follow the Association's Documented Independent Review of Structural Designs Guideline and, where applicable, the Association's Guideline on Part 9 Structures, as well as any other applicable guidelines, policies, codes and standards;
- (i) If Mr. Sarkor does not arrange for peer reviewer(s) or supervising engineer(s) as required in conditions (c) and (d) above, respectively, in the required time, then his membership in the Association shall be suspended until all unmet conditions have been satisfied;
- (j) Mr. Sarkor will pay one half of the mediation fees, including taxes, within 30 days of the reference date above;
- (k) Mr. Sarkor shall contribute to the Association's legal costs \$5,000 within 60 days of the reference date above;
- (l) Mr. Sarkor will pay a fine to the Association of \$5,000, payable to the Association within 60 days of the reference date above;
- (m) If the fine is not paid within 60 days Mr. Sarkor's membership will be suspended until such time as the fine is paid and during such suspension the condition in paragraph (c) will be suspended, and any engineering services Mr. Sarkor provides, if any, through another member of the Association will have to be supervised by a supervisor approved in accordance with paragraph (d);
- (n) If the alternative complaint resolution costs are not paid within 30 days and/or if the Association's legal costs are not paid within the 60 days, the Discipline Committee may order that, without a further inquiry, pursuant to the Act section 35 (5), Mr. Sarkor's membership will be suspended until such time as the costs are paid and during such suspension the condition in paragraph (c) will be suspended, and any engineering services Mr. Sarkor provides, if any, through another member of the Association will have to be supervised by a supervisor approved in accordance with paragraph (d); and
- (o) Mr. Sarkor's obligation for peer reviews or supervised practice will continue until the twelve month report of the peer reviewer or supervising engineer has been reviewed and considered by the Discipline Committee.


This Consent Order has the same force and effect as an Order made under section 33(2) of the *Act* and may be dealt with under section 34 of the *Act* if conditions in the


A handwritten signature in black ink, appearing to be 'John', with a horizontal line above it and a flourish below it.

Consent Order are not met.

This Consent Order is approved and accepted by Mr. Sarkor and a member of the Discipline Committee this 1st day of October, 2012.


Witness MICHAEL SARKOR


Joseph M. Sarkor, P.Eng.


Neil Cumming, P.Eng.
Member, Discipline Committee