

**ENGINEERS GEOSCIENTISTS MANITOBA**

IN THE MATTER OF: *The Engineering and Geoscientific Professions Act, C.C.S.M., c. E120*

AND IN THE MATTER OF: F. Daniel Wolfrom, P. Eng., a Professional Engineer in the  
Province of Manitoba

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**REASONS FOR DECISION**

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## ENGINEERS GEOSCIENTISTS MANITOBA

### Panel of the Discipline Committee:

C. Hewitt, P. Eng., C. Eng. (UK) (Chair)  
K. Mathers, P. Geo., FGC, PMP  
J. Peters, MAA (Lay Member)

IN THE MATTER OF:         *The Engineering and Geoscientific Professions Act, C.C.S.M., c.*  
  E120

AND IN THE MATTER OF:  F. Daniel Wolfrom, P. Eng., a Professional Engineer in the  
  Province of Manitoba

### Legal Counsel for the Investigation Committee:

Brent C. Ross

### Legal Counsel for the Member:

R. Walichnowski

### Legal Counsel for This Panel of the Discipline Committee:

Kathleen McCandless

Hearing Date: April 19, 2023

## **REASONS FOR DECISION**

### **The Charges:**

1.         This panel heard three separate complaints, and four charges issued in respect of the complaints, as follows (the "**Charges**"):

- a.     690 Tache Avenue (charge issued December 7, 2021) (the "**Tache Charge**");

- b. 25 Van Hull Way (charge issued February 23, 2021 (failure to respond) and January 13, 2022 (substantive charge)) (the "**Van Hull Charges**"); and
- c. 130 Creek Bend Road (charge issued December 15, 2020) (the "**Creek Bend Charge**").

2. The 690 Tache Charge alleges that Mr. Wolfrom committed professional misconduct or unskilled practice of professional engineering, contrary to s. 46(1)(a), (c), (d) and (e) of *The Engineering and Geoscientific Professions Act*, C.C.S.M. c. E120 (the "**Act**") and Canons 1.3, 2.1, 2.2 and 3 of the EGM *Code of Ethics* (adopted December 14, 2000) (the "**2000 Code**").

3. The first of 25 Van Hull Way Charges alleges that Mr. Wolfrom displayed conduct constituting professional misconduct contrary to s. 46(1)(b) and (d) of the Act and contrary to Canon 5 of the EGM *Code of Ethics* (2018) (the "**2018 Code**"). The second of the Van Hull Charges alleges that Mr. Wolfrom committed professional misconduct and/or unskilled practice contrary to s. 46(1)(a), (c), (d) and (e) of the Act and Canons 1.3, 2.1, 2.2 and 3 of the 2000 Code.

4. Lastly, the 130 Creek Bend Charge alleges that Mr. Wolfrom committed professional misconduct or unskilled practice contrary to s. 46(1)(a), (c), (d) and (e) of the Act and contrary to Canons 2.2 and 2.6 of the 2000 Code.

5. A joint submission on each of the Charges was heard by this panel on April 19, 2023, at which time counsel for the IC and for Mr. Wolfrom tendered an Agreed Statement of Facts ("**Agreed Statement**"), which provides as follows:

- a. Mr. Wolfrom was, at all material times, a registered member of EGM and had been practicing as a professional engineer in Manitoba since 1976. At all material times, Mr. Wolfrom was the principal of Wolfrom Engineering Ltd.
- b. **690 Tache**: On December 20, 2013, Mr. Wolfrom sealed and submitted seven structural drawings marked as "Issued For Construction" to the City of Winnipeg (the "**City**") as part of

a new construction building permit application for a construction project at 690 Tache Avenue (the “**690 Tache Drawings**”).

- c. The City's plan examiner reviewed the 690 Tache Drawings, and on February 6, 2014, notified Mr. Wolfrom of several corrections required to the structural elements of the 690 Tache Drawings. Mr. Wolfrom submitted revised structural drawings to the City of Winnipeg on February 12, March 26, and April 9, 2014 (the “**Revised 690 Tache Drawings**”).
- d. On June 27, 2014, EGM received a complaint from Stan Dueck of the City regarding Mr. Wolfrom and the 690 Tache Drawings and Revised 690 Tache Drawings (the “**Tache Complaint**”). A subcommittee of the IC was formed to investigate the complaint (the “**Tache Subcommittee**”). On November 23, 2014, Mr. Wolfrom provided his response to the Tache Complaint.
- e. On April 24, 2020, David Woodall, MSc., P.Eng., FCSCE of Woodall Structural Engineering Ltd. issued a report following his review of the Tache Complaint, the 690 Tache Drawings and the Revised 690 Tache Drawings.
- f. The April 24 report prepared by Mr. Woodall was provided to Mr. Wolfrom through his counsel. On August 19, 2020, Mr. Wolfrom provided a response to the report. On October 14, 2020, Mr. Woodall issued a further report in reply to Mr. Wolfrom’s response.
- g. On October 30, 2020, counsel for the IC emailed Mr. Wolfrom’s counsel, posing a number of questions to Mr. Wolfrom on behalf of the IC. On January 11, 2021, Mr. Wolfrom’s counsel emailed the responses to IC counsel. On August 6, 2021, Mr. Woodall issued a further report based on the answers provided to the IC by Mr. Wolfrom. Following this, the Tache Subcommittee issued a memorandum for consideration by the IC on November 1, 2021, setting out its findings. The IC considered the conclusions set out in the memorandum of the Tache Subcommittee and formulated the Tache Charge. On December 9, 2021, the Tache

charge was referred to the Discipline Committee (DC) of EGM and a panel was struck to adjudicate the matter.

- h. On February 10, 2022, a Notice of Hearing was served upon counsel for Mr. Wolfrom, indicating that an initial hearing before the DC had been scheduled for March 18, 2022. On March 15, 2022, through his counsel, Mr. Wolfrom filed a motion with the DC panel hearing the Tache Charge, in which he requested the panel recuse itself on the basis of a reasonable apprehension of bias. On April 26, 2022, the panel heard the motion filed on behalf of Mr. Wolfrom and on June 15, 2022, issued reasons for decision dismissing the motion.
- i. **25 Van Hull Way**: On November 28, 2013, Mr. Wolfrom sealed and submitted eight structural drawings labelled “Issued for Construction” (the “**25 Van Hull Drawings**”) to the City in connection with an application for a new building permit for a property to be constructed at 25 Van Hull Way in Winnipeg. A structural plan examiner for the City reviewed the 25 Van Hull Drawings and rejected their lateral stability design as it did not comply with applicable wind load requirements stipulated by the Manitoba Building Code. On March 28, and May 28, 2014, Mr. Wolfrom submitted revised drawings to the City (the “**Revised 25 Van Hull Drawings**”). On May 29, 2014, the City approved the Revised 25 Van Hull Drawings.
- j. EGM received a complaint from Stan Dueck of the City on June 27, 2014, regarding Mr. Wolfrom and the 25 Van Hull Drawings. Thereafter, a subcommittee of the IC was formed to investigate the Van Hull complaint. On November 24, 2014, Mr. Wolfrom provided his response to the Van Hull complaint. On December 4, 2014, EGM provided Mr. Wolfrom’s response to Mr. Dueck.
- k. On September 9, 2016, on behalf of the IC, Michael Gregoire of EGM emailed Mr. Wolfrom to request that he provide his complete design file for 25 Van Hull Way along with the calculations he used to determine the required wind resistance, and details of the structural

elements designed to withstand lateral wind loads. Mr. Wolfrom denies receiving this email from Mr. Gregoire.

- l. On March 2, 2018, Mr. Gregoire followed up with Mr. Wolfrom and reiterated the IC's request. On March 7, 2018, Mr. Wolfrom responded to Mr. Gregoire but did not provide the information requested.
- m. Further communication ensued between Mr. Gregoire and Mr. Wolfrom. Counsel for Mr. Wolfrom eventually replied to Mr. Gregoire and indicated that a response would be sent no later than March 20, 2018. On April 4, 2018, counsel for Mr. Wolfrom wrote to Mr. Gregoire and asked that the investigation be dismissed for delay. On May 3, 2019, Mr. Gregoire responded to counsel and indicated that the investigation would not be dismissed, and reiterated the IC's request for information.
- n. On July 17, November 19, and December 11, 2019, and February 4, 2020, Mr. Gregoire and former counsel to the IC sent follow up emails to Mr. Wolfrom's counsel, requesting Mr. Wolfrom's response. On February 5, 2020, Mr. Wolfrom's counsel replied, indicating that Mr. Wolfrom was working toward a response to the IC.
- o. New counsel for the IC followed up with Mr. Wolfrom's counsel on March 31, 2020 and June 16, 2020. On August 21, 2020, Mr. Wolfrom's counsel indicated that Mr. Wolfrom expected to have his materials ready shortly. IC counsel followed up via email on October 9, 2020.
- p. By December 22, 2020, EGM had not yet received the requested information from Mr. Wolfrom and wrote to his counsel, indicating that Mr. Wolfrom would be charged if he did not provide a response by January 11, 2021. On January 11, 2021, Mr. Wolfrom's counsel provided his calculations for the project at 25 Van Hull Way to counsel for the IC.

- q. On January 20, 2021, IC counsel emailed Mr. Wolfrom's counsel and advised that the response was insufficient because Mr. Wolfrom had not provided his complete design file; rather, he had provided calculations dated January 7, 2021.
- r. As of February 23, 2021, the IC still had not received the requested information from Mr. Wolfrom or an explanation as to why it could not be provided. The IC formulated the first of the Van Hull Charges against Mr. Wolfrom on February 23, 2021, in relation to his failure to provide the requested information, pursuant to section 33(1) of the Act. On March 25, 2021, this charge was referred to the DC and a panel was struck. On June 9, 2021, a notice of hearing was served upon counsel for Mr. Wolfrom indicating an initial hearing of the matter was scheduled to take place on July 13, 2021. On July 13, 2021, an initial hearing into the first Van Hull Charge took place and a plea of not guilty was entered on behalf of Mr. Wolfrom.
- s. In connection with its investigation into the Van Hull Complaint, the IC retained the services of Mr. Woodall to perform an independent review and assessment of the concerns raised by the Van Hull Complaint. On August 4, 2021, Mr. Woodall issued a written report in respect of the Van Hull Complaint. A copy of Mr. Woodall's report was provided to Mr. Wolfrom, who then responded on September 14, 2021. On October 13, 2021, Mr. Woodall provided the IC with a reply to Mr. Wolfrom's response.
- t. Thereafter, the subcommittee of the IC considered the information obtained during its investigation and on December 1, 2021, issued a memorandum for consideration by the IC, setting out its findings. The IC considered the conclusions set out in the memorandum and on January 13, 2022, formulated a charge against Mr. Wolfrom.
- u. On January 20, 2022, the second of the Van Hull Charges was referred to the DC and on February 15, 2022, a notice of hearing was served upon counsel for Mr. Wolfrom, indicating an initial hearing of the matter was scheduled to take place on March 18, 2022. At the initial

hearing, Mr. Wolfrom entered a plea of not guilty and the matter was then adjourned to allow for a substantive hearing to be scheduled.

- v. **130 Creek Bend Road**: 130 Creek Bend Road is a five-storey condominium complex in Winnipeg, consisting of apartment-style condominiums with a below grade parking area. Pre-Con Builders was the general contractor for this construction. Pre-Con hired Mr. Wolfrom in 2014 to serve as the structural engineer of record for the design and site review during construction.
- w. On or about October 31, 2014, Mr. Wolfrom issued a sealed certification letter to the City in relation to 130 Creek Bend Road (the "**October Certification Letter**"). The purpose of the letter was to support an application for interim occupancy of those parts of 130 Creek Bend Road specified in the letter; namely, the suites and corridors on the main and second floors, the front entrance lobby and the parkade and parkade stairwells.
- x. The October Certification Letter contained a "List of Exceptions and Points of Non-Compliance", as follows:
- Main and second floor balconies of east gridline "M" not complete. Access to balconies to be locked off with deadbolts or plywood until exterior work has been completed;
  - Main entrance railings not complete, temporary railings to be installed;
  - Main floor stair entrances to suites not installed, temporary railing to be installed at all locations. Access to suites only through main floor entrance;
  - Main floor railing along gridline "A" not complete, temporary railing to be installed;
  - Third to fifth floor Suites, Balconies, Corridors and Stairs. Access to be locked off until work has been completed; and



- Parkade sump pit covers. Pits temporarily covered and areas to be blocked off and all required signage posted.
- y. On November 3, 2014, Brian Bergen of the City emailed Mr. Wolfrom and indicated:
- The October Certification Letter mistakenly referred to 110 Creek Bend Road instead of 130 Creek Bend Road;
  - The interim conditions in the October Certification Letter needed to be in place before Mr. Wolfrom certified for interim occupancy;
  - The City could not accept “to be installed” instruction with respect to the interim conditions; and
  - Mr. Wolfrom would need to review and certify any temporary installations upon installation.
- z. On or about November 4, 2014, Mr. Wolfrom issued a sealed revised certification letter to the City in connection with 130 Creek Bend Road (the "**November 4, 2014 Certification Letter**"). The purpose of the letter was to support the application for interim occupancy for those parts of 130 Creek Bend Road specified in the letter; namely, the suites and corridors on the main and second floors, the front entrance lobby and the parkade and the parkade stairwells.
- aa. The November 4, 2014 Certification Letter contained a “List of Exceptions and Points of Non-Compliance” stated as follows:
- Main and second floor balconies east of gridline “M” not complete. Access to balconies locked off with deadbolts or plywood until exterior work has been completed;
  - Main entrance railings not complete, temporary railings installed;

- Main floor stair entrances to suites not installed, temporary railing installed at all locations. Access to suites only through main floor entrance;
- Main floor railing along gridline “A” not complete, temporary railing installed;
- Third to fifth floor Suites, Balconies, Corridors and Stairs. Access locked off until work has been completed; and
- Parkade sump pit covers. Pits temporarily covered and areas blocked off and all required signage posted.

bb. Following receipt of the November 4, 2014 Certification Letter, an inspector with the City inspected the state of the six items noted in Mr. Wolfrom’s list of exceptions and observed that:

- Access to the main and second floor balconies had not been locked off with deadbolts or plywood;
- Construction fencing, not temporary railing, had been installed at the main entrance railings;
- Construction fencing, not temporary railing, had been installed at the main floor store entrances to suites;
- Temporary railing had not been installed on the main floor along gridline “A”; and
- Access to the third to fifth floor suites had not been locked off.

cc. On November 4, 2014, Rick Klassen of the City submitted a complaint to EGM in relation to the October Certification letter and the November 4, 2014 Certification letter (the “**130 Creek Bend Complaint**”). Thereafter, the IC opened an investigation and appointed a subcommittee to investigate this complaint.

- dd. On or about November 5, 2014, Mr. Wolfrom issued a further revised certification letter to the City in connection with 130 Creek Bend Road. This certification letter was identical to the November 4, 2014 Certification Letter, except that: it was stated to support interim occupancy for only the suites and corridors on the main floor and the front entrance lobby; and, the “List of Exceptions and Points of Non-Compliance” points (v) and (vi) were amended to state the following:
- (v) Second to fifth floor Suites, Balconies, Corridors and Stairs. Access locked off until work has been completed; and
  - (vi) Parkade not complete, stair and exterior access locked off until work is complete.
- ee. On December 11, 2014, EGM wrote to Mr. Wolfrom and asked for his response to the 130 Creek Bend Complaint. Mr. Wolfrom submitted a response on January 20, 2015. On June 19, 2015, Mr. Klassen submitted a reply to Mr. Wolfrom’s response to EGM. Thereafter, the IC subcommittee considered all of the information obtained during its investigation and on November 21, 2016, issued a memorandum for consideration by the IC.
- ff. The IC received and considered the conclusions set out in the subcommittee’s memorandum and on December 15, 2020, formulated the 130 Creek Bend Charge. On December 22, 2020, the 130 Creek Bend Charge was referred to the DC and a panel was struck to adjudicate the matter.
- gg. On February 5, 2021, a Notice of Hearing was served upon counsel for Mr. Wolfrom indicating an initial hearing of the matter had been scheduled to take place on March 23, 2021. At the initial hearing of this charge, a plea of not guilty was entered on behalf of Mr. Wolfrom. The matter was then adjourned to allow for a substantive hearing to be scheduled.

hh. On September 7, 2022, Tom Pepper, C.F.E.I., P.Eng., issued a report following his review of, among other things, the October Certification Letter and the certification letters issued in November 2014.

**Admissions:**

6. In the Agreed Statement, Mr. Wolfrom admitted that he is guilty of professional misconduct and unskilled practice of engineering, as a consequence of committing the following acts, as particularized in the charges:

**690 Tache Charge:**

7. That in connection with the preparation and issuance of structural drawings in connection with a permit application for a building being constructed at 690 Tache Avenue, he:

- a. Submitted to the City of Winnipeg the 690 Tache Drawings, which were deficient, in that they specified pre-cast piles of 12” diameter on Grid Line A, near gridline 6, when such specification was insufficient and under-designed for the applicable loads;
- b. Submitted to the City of Winnipeg the Revised 690 Tache Drawings which were also deficient and that many of the second floor concrete transfer beams specified did not comply with CSA A23.3 Clause 10-5;
- c. Denied the existence of any deficiencies when they were brought to his attention, and failed to understand and appreciate the validity or significance of the deficiencies;
- d. Breached various sections of the Act and the EGM Code of Ethics by;
  - i. Failing to prepare the 690 Tache Drawings and Revised 690 Tache Drawings to the standard expected of a competent professional engineer;

- ii. Failing to prepare the 690 Tache Drawings and Revised 690 Tache Drawings in accordance with all applicable statutes, regulations, standards, codes, by-laws and/or rules applicable to the work;
- iii. Failing to possess the training, ability or experience necessary to fulfill the requirements of the engineering work undertaken;
- iv. Failing to guard against conditions that were dangerous or threatening to the health, life, limb or property in the engineering work for which he was professionally responsible;
- v. Failing to employ all reasonably attainable skill and knowledge to satisfy the engineering needs of the work undertaken; and
- vi. Failing to understand and appreciate the validity and significance of the deficiencies present in the Original 690 Tache Drawings and Revised 690 Tache Drawings.

**25 Van Hull Way Charge – Failure to Respond:**

- 8. That in connection with the IC's investigation of the Van Hull Complaint, he:
  - a. Failed or refused to provide records or information in his possession or under his control requested by the IC pursuant to section 33(1) of the Act, including:
    - i. The complete design file developed in support of the preparation of the drawings issued November 28, 2013; and
    - ii. The calculations used to determine the required wind resistance, and all structural elements that were designed to withstand the lateral wind loads.

**25 Van Hull Way Charge – Substantive:**

- 9. That in connection with the preparation and issuance of the 25 Van Hull Drawings, he:

- a. Sealed and submitted deficient structural drawings which failed to specify an adequate system for the property to resist against wind loads, which constituted significant life, safety and serviceability issues;
- b. Denied the existence of any deficiencies when they were brought to his attention, and failed to understand and appreciate the validity or significance of the deficiencies;
- c. Breached various sections of the Act and the EGM Code of Ethics by:
  - i. Failing to prepare the 25 Van Hull Drawings to the standard expected of a competent professional engineer;
  - ii. Failing to prepare the 25 Van Hull Drawings in accordance with all applicable statutes, regulations, standards, codes, by-laws and/or rules applicable to the work;
  - iii. Failing to possess the training, ability or experience necessary to fulfill the requirements of the engineering work undertaken;
  - iv. Failing to guard against conditions that were dangerous or threatening to health, life, limb or property in the engineering work for which he was professionally responsible;
  - v. Failing to employ all reasonably attainable skill and knowledge to satisfy the engineering needs of the work undertaken; and
  - vi. Failing to understand and appreciate the validity and significance of the deficiencies present in the structural drawings.

**130 Creek Bend Road Charge:**

10. That in connection with issuing and sealing interim occupancy certification letters to the City of Winnipeg for 130 Creek Bend Road, he:
  - a. Issued and sealed the October Certification Letter when he knew, or ought to have known, that safety related deficiencies were still outstanding;

- b. Issued and sealed the November 4, 2014 Certification Letter which incorrectly indicated that safety-related deficiencies had been addressed when he knew, or ought to have known, all of the stated deficiencies had not been addressed or had not been adequately addressed, including that:
  - i. Access to balconies on the floors with proposed occupancy was not sufficiently blocked;
  - ii. Adequate temporary entrance railings had not been installed; and
  - iii. Access to floors still under construction was not adequately blocked; and
- c. Failed to conduct or oversee an adequate re-inspection of the outstanding deficiencies identified in the October Certification Letter prior to issuing the November 4, 2014 Certification Letter.

**Proposed Disposition:**

- 11. In the Agreed Statement, the IC and Mr. Wolfrom, through counsel, agreed jointly to a disposition on penalty in relation of the findings of professional misconduct and unskilled practice of engineering. The joint submission on penalty is that:
  - a. Mr. Wolfrom's licence to practice professional engineering shall be cancelled effective April 28, 2023, and Mr. Wolfrom shall not be entitled to apply for reinstatement;
  - b. Mr. Wolfrom shall return his manual seal to the Office of EGM at 870 Pembina Highway, Winnipeg, Manitoba on or before April 28, 2023; and
  - c. Mr. Wolfrom shall pay costs to EGM in the amount of \$20,000.00 within 60 days from the date of the order made by this panel.
- 12. Mr. Wolfrom agrees to the publication of information relating to any finding or Order made by this panel, in accordance with the EGM's policy on publication.

13. The joint submission was heard by this Panel on April 19, 2023. Given the short period of time between the hearing of the joint submission and the proposed date for the cancellation of Mr. Wolfrom's registration, at the hearing, an undertaking signed by Mr. Wolfrom on April 18, 2023 was provided to the Panel and filed as an exhibit. The undertaking provides that:

1. Mr. Wolfrom shall not engage in the practice of professional engineering after April 28, 2023;  
and
2. Mr. Wolfrom shall return his manual seal to the EGM office no later than April 28, 2023.



**Submissions of Counsel for the Investigation Committee:**

14. Counsel for the IC reviewed the Agreed Statement with the Panel, filed a Book of Legal Authorities with the Panel and spoke to the joint disposition as to penalty. Counsel for the IC stated that Mr. Wolfrom's admissions make clear that he committed professional misconduct. He referred to authorities setting out the test for conduct deserving of sanction, including the following from J.T. Casey, in *Regulation of Professions in Canada* (Toronto: Thomson Reuters, 2019), at para. 13:2:

If it is shown that a professional, in the pursuit of his profession, has done something with respect to it which would be reasonably regarded as improper by his professional brethren, of good repute and competency, then it is open to the professional regulator to decide that he has been guilty of 'improper conduct in professional respect.'

15. Counsel for the IC submitted that while this Panel is not bound to accept the joint submission, the law makes clear that the Panel owes a joint submission a high level of deference. He noted that the leading authority for this principle is *Anthony-Cook v. Her Majesty the Queen*, 2016 SCC 43 ("*Anthony-Cook*"), and this decision has been followed by regulators, including EGM. This includes a recent decision from a panel of the DC in another charge against Mr. Wolfrom (EGM Discipline Decision, January 25, 2023). In determining whether a panel should depart from a joint submission on penalty, the question to be asked is:

Does the joint submission on penalty before this discipline panel bring the administration of justice into disrepute or would it otherwise be contrary to the public interest? Is the joint submission so markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a breakdown in the proper functioning of the criminal justice system?

16. With that in mind, counsel for the IC noted that there must be a compelling reason for the Panel to depart from the joint submission on penalty.

17. As to the specific penalty proposed, counsel for the IC pointed the Panel to two examples of cases where the member has agreed to the cancellation of their licence,<sup>1</sup> and submitted that cancellation of Mr. Wolfrom's licence is appropriate: Mr. Wolfrom has a history of discipline, and this sanction will serve the purposes of deterrence and protection of the public. The proposed contribution to costs of \$20,000.00 is approximately one-third of the IC's costs for legal fees and expert expenses.

**Submissions of Counsel for Mr. Wolfrom:**

18. Counsel for Mr. Wolfrom stated that the proposal is pragmatic and practical. While Mr. Wolfrom did not necessarily agree with the opinions of the IC experts Messrs. Woodall and Pepper, he understands, and accepts, what a guilty plea entails.

**Analysis:**

19. This Panel acknowledges that the question to be posed in determining whether to accept the joint submission on penalty is whether it brings the administration of justice into disrepute or would otherwise be contrary to the public interest. In other words: is the joint submission so markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a breakdown in the proper functioning of the justice system?

20. The Panel finds that the joint submission does not bring the administration of justice into disrepute nor would it otherwise be contrary to the public interest. Nor, for that matter, would acceptance of the joint submission be so markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a breakdown of the proper functioning of the professional regulation system.

21. Accordingly, the Panel accepts the joint submission on penalty presented to it.

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<sup>1</sup> *Re: Pershing J. Balayo, P.Eng.* (Engineers and Geoscientists of British Columbia (APEGBC) Discipline Decision dated April 5, 2017); *Re: Patrick Triggs, P.Eng.* (Engineers and Geoscientists of British Columbia (APEGBC) Discipline Decision (Consent Order) dated April 13, 2017).

**Decision:**

22. This Panel therefore finds that, in connection with the preparation and issuance of structural drawings in connection with a permit application for a building being constructed at 690 Tache Avenue (the "**690 Tache Drawings**"), Mr. Wolfrom:

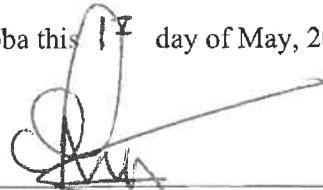
- a. Submitted to the City of Winnipeg the 690 Tache Drawings, which were deficient, in that they specified pre-cast piles of 12" diameter on Grid Line A, near gridline 6, when such specification was insufficient and under-designed for the applicable loads;
- b. Submitted to the City of Winnipeg the Revised 690 Tache Drawings which were also deficient and that many of the second floor concrete transfer beams specified did not comply with CSA A23.3 Clause 10-5;
- c. Denied the existence of any deficiencies when they were brought to his attention, and failed to understand and appreciate the validity or significance of the deficiencies;
- d. Breached various sections of the Act and the EGM Code of Ethics by;
  - i. Failing to prepare the 690 Tache Drawings and Revised 690 Tache Drawings to the standard expected of a competent professional engineer;
  - ii. Failing to prepare the 690 Tache Drawings and Revised 690 Tache Drawings in accordance with all applicable statutes, regulations, standards, codes, by-laws and/or rules applicable to the work;
  - iii. Failing to possess the training, ability or experience necessary to fulfill the requirements of the engineering work undertaken;
  - iv. Failing to guard against conditions that were dangerous or threatening to the health, life, limb or property in the engineering work for which he was professionally responsible;

- v. Failing to employ all reasonably attainable skill and knowledge to satisfy the engineering needs of the work undertaken; and
  - vi. Failing to understand and appreciate the validity and significance of the deficiencies present in the Original 690 Tache Drawings and Revised 690 Tache Drawings.
23. That in connection with the IC's investigation of a complaint made by Stan Dueck of the City of Winnipeg in respect of 25 Van Hull Way, in Winnipeg, Manitoba, Mr. Wolfrom:
- a. Failed or refused to provide records or information in his possession or under his control requested by the IC pursuant to section 33(1) of the Act, including:
    - i. The complete design file developed in support of the preparation of the drawings issued November 28, 2013; and
    - ii. The calculations used to determine the required wind resistance, and all structural elements that were designed to withstand the lateral wind loads.
24. That in connection with the preparation and issuance of eight structural drawings labelled "Issued for Construction" in respect of 25 Van Hull Way (the "**Van Hull Drawings**"), Mr. Wolfrom:
- a. Sealed and submitted deficient structural drawings which failed to specify an adequate system for the property to resist against wind loads, which constituted significant life, safety and serviceability issues;
  - b. Denied the existence of any deficiencies when they were brought to his attention, and failed to understand and appreciate the validity or significance of the deficiencies;
  - c. Breached various sections of the Act and the EGM Code of Ethics by:
    - i. Failing to prepare the 25 Van Hull Drawings to the standard expected of a competent professional engineer;

- ii. Failing to prepare the 25 Van Hull Drawings in accordance with all applicable statutes, regulations, standards, codes, by-laws and/or rules applicable to the work;
  - iii. Failing to possess the training, ability or experience necessary to fulfill the requirements of the engineering work undertaken;
  - iv. Failing to guard against conditions that were dangerous or threatening to health, life, limb or property in the engineering work for which he was professionally responsible;
  - v. Failing to employ all reasonably attainable skill and knowledge to satisfy the engineering needs of the work undertaken; and
  - vi. Failing to understand and appreciate the validity and significance of the deficiencies present in the structural drawings.
25. That in connection with issuing and sealing interim occupancy certification letters to the City of Winnipeg for 130 Creek Bend Road, he:
- a. Issued and sealed a certification letter dated October 31, 2014 to the City of Winnipeg when he knew, or ought to have known, that safety related deficiencies were still outstanding;
  - b. Issued and sealed a certification letter dated November 4, 2014, which incorrectly indicated that safety-related deficiencies had been addressed when he knew, or ought to have known, all of the stated deficiencies had not been addressed or had not been adequately addressed, including that:
    - iv. Access to balconies on the floors with proposed occupancy was not sufficiently blocked;
    - v. Adequate temporary entrance railings had not been installed; and
    - vi. Access to floors still under construction was not adequately blocked; and

- c. Failed to conduct or oversee an adequate re-inspection of the outstanding deficiencies identified in the October 31, 2014 certification letter prior to issuing the November 4, 2014 certification letter.
26. The Panel therefore orders, pursuant to ss. 47 and 48 of the Act, that:
- a. Mr. Wolfrom's licence to practice professional engineering shall be cancelled effective April 28, 2023 and Mr. Wolfrom shall not be entitled to apply for reinstatement;
  - b. Mr. Wolfrom shall return his manual seal to the EGM office at 870 Pembina Highway, Winnipeg, Manitoba, on or before April 28, 2023;
  - c. Mr. Wolfrom shall pay costs to EGM in the amount of \$20,000.00; and
  - d. Information relating to the disposition of this matter shall be published in accordance with EGM's policy on publication.

Dated in Winnipeg, Manitoba this 17 day of May, 2023.



C. Hewitt, P. Eng., C. Eng. (UK), Chair

Mathers, Karen

Digitally signed by Mathers, Karen  
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K. Mathers, P. Geo., FGC, PMP

Jerald Peters, MAA, Lay Member

- c. Failed to conduct or oversee an adequate re-inspection of the outstanding deficiencies identified in the October 31, 2014 certification letter prior to issuing the November 4, 2014 certification letter.
26. The Panel therefore orders, pursuant to ss. 47 and 48 of the Act, that:
- a. Mr. Wolfrom's licence to practice professional engineering shall be cancelled effective April 28, 2023 and Mr. Wolfrom shall not be entitled to apply for reinstatement;
  - b. Mr. Wolfrom shall return his manual seal to the EGM office at 870 Pembina Highway, Winnipeg, Manitoba, on or before April 28, 2023;
  - c. Mr. Wolfrom shall pay costs to EGM in the amount of \$20,000.00; and
  - d. Information relating to the disposition of this matter shall be published in accordance with EGM's policy on publication.

Dated in Winnipeg, Manitoba this            day of May, 2023.

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C. Hewitt, P.Eng., C. Eng. (UK), Chair

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K. Mathers, P. Geo., FGC, PMP

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Jerald Peters, MAA, Lay Member

