

COMPLAINTS COMMITTEE: VOLUNTARY UNDERTAKING UNDER SUBSECTION 24(2)(C) OF THE *PROFESSIONAL ENGINEERS ACT*

In the matter of complaints regarding the actions and conduct of CARL W. LANKINEN, P.ENG., and EDWARD M. TALSMA, P.ENG., members of the Association of Professional Engineers of Ontario, and R.J. BURNSIDE & ASSOCIATES LTD., a holder of a certificate of authorization.

BACKGROUND

1. The complaints relate to the work done by Carl W. Lankinen, P.Eng., Edward M. Talsma, P.Eng., and R.J. Burnside & Associates Ltd. for the structural design of a fabric covered pre-engineered structure 120 feet in width and 240 feet in length, located on an agricultural property in British Columbia.
2. In or about January 2007, the owners of the property contracted with a third party for the supply and construction of the structure and R.J. Burnside & Associates Limited (RJB) was retained to perform a structural review of the drawings, to make structural recommendations, to apply a professional engineer's seal to final drawings and to provide letters of assurance to the building department.
3. The structure was erected in late 2007 and a number of problems occurred, including cracks in the concrete foundation piers. The repair recommendations provided by RJB proved to be insufficient after they were implemented, and the structure was dismantled and removed.
4. Although the majority of the drawings for the project were signed and sealed by Edward M. Talsma, P.Eng. (Talsma), Carl W. Lankinen, P.Eng. (Lankinen), was the engineer involved in the review of the structure design and the construction deficiencies, and in the preparation of the remedial recommendations for the cracked foundation piers.

THE COMPLAINTS

5. The complaints raised issues concerning building code compliance, adequacy of design and drawings, the recommended remedial solutions, and the timeliness of communications concerning construction or design concerns.
6. The Complaints Committee (committee) received candid and contrite responses to the complaints from the three respondents named, which included the fact that Talsma was no longer with RJB. RJB noted that in response to the complaint in 2007, they undertook an extensive internal review of their business practices. Beginning in 2008, RJB began actions to improve their business, which included communications training for management-level employees, implementation of formal quality control policies,

which included independent peer review of drawings, reports and calculations, improvements to their electronic filing systems, introduction of standardized calculation tools and templates, and establishment of a standard details library.

THE CONSIDERATION OF THE COMPLAINTS COMMITTEE

7. The committee considered the complaints on November 29, 2016 and August 2, 2017.
8. The committee considered the responses received from the respondents, and carefully considered the issues raised in this matter. The committee considered whether a referral to the Discipline Committee was warranted in all the circumstances, and whether it was in the interest of the public and the profession to proceed with the matter. The committee decided that if its concerns were addressed through certain proactive remedial efforts on the part of the respondents, as well as publication of a summary of this matter, that the public interest issues raised by the complaint would be addressed.

VOLUNTARY UNDERTAKING

9. RJB and Carl Lankinen, P.Eng., voluntarily undertook to provide PEO with policies, documents, and other information evidencing the successful implementation of the actions already taken by RJB outlined in item 6, above. In addition, RJB and Lankinen voluntarily undertook to further implement a company policy requiring that every project that RJB had a design role in, would have a written agreement outlining the scope of work and any design assumptions.
10. Carl W. Lankinen, P.Eng., and Edward M. Talsma, P.Eng., voluntarily undertook to write and pass the Professional Practice Examination within a year.
11. RJB, Lankinen, and Talsma voluntarily agreed that this summary would be published in PEO's Gazette.
12. The voluntary undertakings described above were accepted by the committee as a dispositive measure, and pursuant to its powers under section 24(2)(c) of the act, the committee decided that these matters would not be referred to the Discipline Committee.