

ENGINEERS GEOSCIENTISTS MANITOBA

IN THE MATTER OF:

Phillip Dorn, P. Eng., a Professional Engineer in
the Province of Manitoba

AND IN THE MATTER OF:

*The Engineering and Geoscientific Professions
Act, C.C.S.M. c. E120*

ORDER OF THE DISCIPLINE COMMITTEE

ENGINEERS GEOSCIENTISTS MANITOBA
870 PEMBINA HIGHWAY
WINNIPEG, MANITOBA
R3M 2M7

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WHEREAS the Investigation Committee of the Association of Professional Engineers and Geoscientists (the “**Association**”) formulated a charge of professional misconduct against Phillip Dorn, P. Eng. (“**Mr. Dorn**”) on June 30, 2022 in relation to the independent structural analysis of a building foundation at 20 Burks Way, Springfield, Manitoba (the “**Building**”) performed by Mr. Dorn and the two reports prepared and sealed by Mr. Dorn respecting the independent structural analysis of the Building, dated April 1, 2016 and October 11, 2016 (the “**Charge**”), a copy of which is attached hereto as Schedule “A”;

AND WHEREAS the Charge was referred to the Discipline Committee of the Association pursuant to s. 35(1)(b) of *The Engineering and Geoscientific Professions Act, C.C.S.M. c. E120* (the “**Act**”) on July 5, 2022, whereupon the Chair of the Discipline Committee selected a panel for the hearing of the Charge pursuant to s. 39(1) of the Act (the “**Panel**”);

AND WHEREAS a notice of hearing returnable before a Panel on Friday, October 7, 2022 by way of videoconferencing, along with a copy of the Charge, was duly served on Mr. Dorn through legal counsel on September 1, 2022;

AND WHEREAS the hearing of this matter was duly commenced on October 7, 2022 in accordance with the Act and By-Laws of the Association and then adjourned to permit the scheduling of the substantive hearing of this matter;

AND WHEREAS Mr. Dorn now admits, and this Panel so finds, that he committed the following acts as particularized in the Charge (as modified below) and further acknowledges that such acts constitute professional misconduct, specifically a violation of s. 46(1)(e) of the Act:

THAT, in the course of providing engineering services respecting the independent structural analysis of a building foundation at 20 Burks Way, Springfield, Manitoba, Mr. Dorn displayed a lack of judgment in violation of s. 46(1)(e) of *The Engineering and Geoscientific Professions Act*;

THAT in the course of sealing and submitting reports dated April 1, 2016 and October 11, 2016 respecting his independent structural analysis of a building foundation at 20 Burks Way, Springfield, Manitoba, Mr. Dorn:

- a. demonstrated a lack of judgment in the practice of engineering during the course of an independent structural analysis of a foundation, by not contemplating that Working Stress Design methodology was used in the design of piles in 2012 for the building foundation at 20 Burks Way, Springfield, Manitoba; and
- b. demonstrated a lack of understanding by utilizing Table 9.3 of CSA A23.3 - 04 for deflection limits for a composite slab-on-grade supporting non-structural elements likely to be damaged by large deflections;

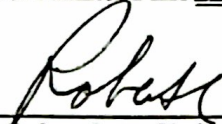
AND WHEREAS on June 6, 2024, this Panel heard submissions from counsel for the Investigation Committee and counsel for Mr. Dorn relating to the appropriate penalty to be issued to Mr. Dorn;

NOW THEREFORE, THIS PANEL ORDERS THAT pursuant to ss. 47 and 48 of the Act:

1. Mr. Dorn be and is hereby reprimanded;
2. Mr. Dorn shall make a contribution of \$5,000.00 towards the Association's costs for the investigation of this matter, to be paid within 30 days from the date of this order; and
3. The disposition of this matter and any information relating to any finding or order made by this Panel shall be published by the Association in accordance with the Act and the Association's policy on publication.

[SIGNATURE PAGE FOLLOWS]

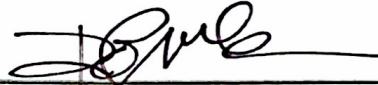
DATED at the City of Winnipeg in the Province of Manitoba this 22nd of August, 2024.



Robert Janz, Chair, Discipline Committee Panel



Chris Hewitt, Member, Discipline Committee Panel



Rob O'Toole, Member, Discipline Committee Panel

SCHEDULE

"A"

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CHARGE

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

CHARGE

The Investigation Committee of the Association of Professional Engineers and Geoscientists of the Province of Manitoba formulates the following charge.

Phillip Dorn, while registered as a professional engineer in the Province of Manitoba, displayed conduct which constitutes professional misconduct or unskilled practice in that:

In the course of providing engineering services respecting the structural review and assessment of a building at 20 Burks Way, Springfield, Manitoba, Mr. Dorn displayed a lack of knowledge of or lack of skill or judgment in violation of ss. 46(1)(e) of *The Engineering and Geoscientific Professions Act*.

Particulars

On or about April 1, 2016 and October 11, 2016, Mr. Dorn sealed and submitted reports respecting his structural review and assessment of a building at 20 Burks Way, Springfield, Manitoba (the "Building"). In doing so Mr. Dorn:

1. demonstrated a lack of knowledge, skill and/or judgment in the practice of professional engineering, by incorrectly utilizing and including factored loads in his assessment of the Building's pile capacities, which had been designed utilizing working stress design criteria;
2. demonstrated a lack of knowledge, skill and/or judgment in the practice of professional engineering, by incorrectly utilizing and including theoretical loads that had not, in fact, been realized in his assessment of movement that had occurred at the Building; and
3. demonstrated a lack of knowledge, skill and/or judgment in the practice of professional engineering, by incorrectly utilizing and including permissible deflection values stated in Table 9.3 of *Canadian Standards Association A23.3-04*, which do not apply to concrete slabs-on-grade designs, in his assessment of movement to the slab-on-grade flooring at the Building.

DATED at Winnipeg, Manitoba, this 30th day of June, 2022.

John Doering

Signed with ConsignO Cloud (2022/06/30)

Verify with [verify.com](https://www.verify.com) or Adeco Reader
John Doering, P. Eng. FCSE, FEC, FCAE
Chair, Investigation Committee

