

**ENGINEERS GEOSCIENTISTS MANITOBA**

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

AND IN THE MATTER OF: John Arthur, P. Eng., a Professional Engineer in the Province of  
Manitoba

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**NOTICE OF DECISION**

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ENGINEERS GEOSCIENTISTS MANITOBA

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## ENGINEERS GEOSCIENTISTS MANITOBA

### Panel of the Discipline Committee:

Leonnie Kavanagh, PhD, P.Eng. SM, FEC, Chair  
Karen Mathers, P.Geo. FGC, Member  
Jerald Peters, MAA, Lay Member

IN THE MATTER OF: John Arthur, 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*

### Legal Counsel for the Member John Arthur P. Eng.:

Tom G. Frohlinger  
Julia Kwasnica

### Legal Counsel for the Investigation Committee:

Brent C. Ross  
Jennifer A. Sokal

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

Stuart J. Blake, K.C.

Hearing Dates: September 24, 2024 and June 24, 2025

## THE CHARGE

The charge, dated May 9, 2024 (the "Charge"), alleges that Mr. John Arthur committed professional misconduct and unskilled practice of engineering, contrary to *The Engineering and Geoscientific Professions Act*, C.C.S.M. c. E120 (the "Act") and Code of Ethics (November 2018).

### JOINT SUBMISSION

A joint submission by the Counsel for the Investigation Committee and Counsel for the Member was heard by this panel on June 24, 2025.

#### Submission of Counsel for the Investigation Committee:

Counsel for the Investigation Committee tendered and summarized an Agreed Statement of Facts ("Agreed Statement"), a Book of Authorities of the Investigation Committee, a Draft Order of the Disciplinary Committee, and an Undertaking signed by Mr. Arthur.

All of these were filed as exhibits.

**WHEREAS** the Investigation Committee of the Association of Professional Engineers and Geoscientists (the "**Association**") formulated a charge of professional misconduct and unskilled practice of engineering against John Arthur, P. Eng. ("**Mr. Arthur**") on May 9, 2024 respecting Mr. Arthur's interactions with his customers and prospective customers while restricted from practicing structural engineering (the "**Charge**");

**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 June 12, 2024, whereupon the Chair of the Discipline Committee selected a panel (the "**Panel**") for the hearing of the Charge pursuant to s. 39(1) of *The Engineering and Geoscientific Professions Act*, C.C.S.M. c. E120 (the "**Act**").

**AND WHEREAS** a notice of hearing returnable before a Panel on Tuesday, September 24, 2024, along with a copy of the Charge, was duly served on Mr. Arthur through legal counsel on July 17, 2024;

**AND WHEREAS** the hearing of this matter was duly commenced on September 24, 2024 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**, on June 10, 2025 and with the consent of Mr. Arthur, the Acting Chair of the IC issued an Amalgamated Charge, which replaced and superseded the Charge;

**AND WHEREAS** Mr. Arthur now admits that he committed the following acts of professional misconduct as particularized in the Amalgamated Charge and that such acts

constitute violations of sections 46(1)(a), 46(1)(b), 46(1)(c) and 46(1)(d) of the Act and/or Canons 2 and 5 EGM's *Code of Ethics* (effective November 2018):

- I. On dates between July 2021 and April 2022, Mr. Arthur (either directly and/or operating as 6137262 Manitoba Ltd. and operating as John Arthur Consulting):
  - a. misled his clients or prospective clients, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] as to Mr. Arthur's ability to practice structural engineering by failing to properly advise or clarify that he was, at that time, restricted from practicing structural engineering (the "Restriction"); and
  - b. engaged in the practice of structural engineering, contrary to the Restriction, by performing site reviews and inspections, advising on structural engineering issues and making structural engineering recommendations; and
2. In or about late 2021, during the course of providing professional engineering services respecting a commercial building at [REDACTED] in Winnipeg, Manitoba, Mr. Arthur failed to deliver a design and structural certification for the project, despite being paid by his client for same, and in doing so failed to conduct himself with integrity and to act in the best interests of his client.

Counsel for the Investigation Committee summarized the joint disposition as to penalty, and referred the Panel to the case of Re: F. Daniel Wolfrom, P.Eng, (2022) for comparison. Counsel for the Investigation Committee submitted that the proposed penalty in Mr. Arthur's case was appropriate and proportionate to prior similar cases, and should be considered by the Panel.

**AND WHEREAS** on June 24, 2025, this Panel heard submissions from counsel for the Investigation Committee relating to the appropriate penalty to be issued to Mr. Arthur, pursuant to ss. 47 and 48 of the Act, as follows:

- a. Mr. Arthur's certificate of registration will be cancelled as at September 1, 2025 and Mr. Arthur shall retire as a member of the Association. Mr. Arthur shall not be entitled to apply for reinstatement;

- b. Mr. Arthur shall return his manual seal to the office of the Association at 870 Pembina Highway, Winnipeg, Manitoba on or before September 1, 2025;
- c. the Certification of Authorization of 6137262 Manitoba Ltd. operating as John Arthur Consulting will be cancelled as at September 1, 2025;
- d. Between the date of this Order and September 1, 2025, Mr. Arthur shall be prohibited from accepting any new work or projects involving the practice of professional engineering, as that term is defined in the Act;
- e. Mr. Arthur will make the following payments to the Association no later than September 1, 2025, to be remitted to the following complainants:
  - i. [REDACTED]: \$1,820;
  - ii. [REDACTED]: \$350;
  - iii. [REDACTED]: \$1,670;
  - iv. [REDACTED]: \$500; and
  - v. [REDACTED]: \$1,000; and
- f. Mr. Arthur will make a contribution to the Association's costs in the sum of \$10,000, payable in two \$5,000 installments made no later than October 1 and November 1, 2025, respectively.

**Submission of Counsel for Mr. Arthur:**

Counsel for Mr. Arthur thanked the Counsel for the Investigation Committee for their submission. Counsel for the Member submitted that the Member made a mistake, has plead guilty, and accepted the charge. Counsel for Mr. Arthur asked the Panel to consider the Investigation Committee proposed penalty.

**DECISION**

In arriving at its decision, the Panel considered whether accepting the joint submission on penalty would constitute a breakdown of justice that brings administration of justice into disrepute, or was out of line with the expectations of a reasonable person, or would otherwise be contrary to the public interest.

The Panel considered Mr. Arthur's disciplinary history, and how fitting the proposed penalty was given the number of complaints (from five clients) against him. This would generally imply a lack of understanding of the professional obligations of a registered engineer as outline in the "Act" and "Code of Ethics". However, the Panel considered Mr. Arthur's admission of guilt and acceptance of the charges, as a mitigating factor.

The Panel finds that the joint submission is appropriate and does not bring the administration of justice into disrepute, nor is it otherwise contrary to the public interest. The Panel believes acceptance of the joint submission is in line with the expectations of reasonable persons aware of the circumstances of the case; that they would not view it as a breakdown of the proper functioning of the professional regulation system. The Panel appreciates that through the development of the Joint Submission, additional costs are also saved.

On this basis, the Panel accepts the joint submission as presented to it and finds Mr. Arthur committed professional misconduct and unskilled practice of professional engineering, contrary to the "Act" and Code of Ethics (November 2018) as outlined in the Charge:

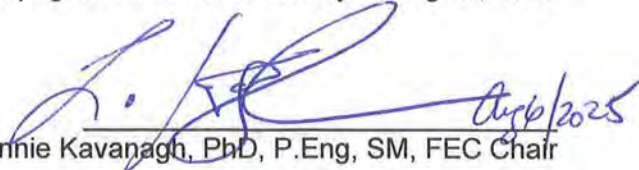
1. On dates between July 2021 and April 2022, Mr. Arthur (either directly and/or operating as 6137262 Manitoba Ltd. and operating as John Arthur Consulting):
  - a. misled his clients or prospective clients, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] as to Mr. Arthur's ability to practice structural engineering by failing to properly advise or clarify that he was, at that time, restricted from practicing structural engineering (the "Restriction"); and
  - b. engaged in the practice of structural engineering, contrary to the Restriction, by performing site reviews and inspections, advising on structural engineering issues and making structural engineering recommendations; and
2. In or about late 2021, during the course of providing professional engineering services respecting a commercial building at [REDACTED] in Winnipeg, Manitoba, Mr. Arthur failed to deliver a design and structural certification for the project, despite being paid by his client for same, and in doing so failed to conduct himself with integrity and to act in the best interests of his client.

The Panel therefore orders, pursuant to ss. 47 and 48, and 50 of the Act, that:

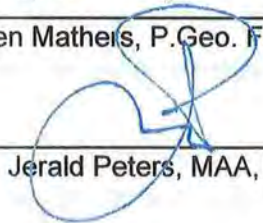
- a. Mr. Arthur's certificate of registration be cancelled as at September 1, 2025 and Mr. Arthur retire as a member of the Association. Mr. Arthur shall not be entitled to apply for reinstatement;
- b. Mr. Arthur return his manual seal to the office of the Association at 870 Pembina Highway, Winnipeg, Manitoba on or before September 1, 2025;
- c. the Certification of Authorization of 6137262 Manitoba Ltd. operating as John Arthur Consulting be cancelled as at September 1, 2025;
- d. Between the date of this Order and September 1, 2025, Mr. Arthur be prohibited from accepting any new work or projects involving the practice of professional engineering, as that term is defined in the Act;
- e. Mr. Arthur make the following payments to the Association no later than September 1, 2025, to be remitted to the following complainants:
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  - ii. [REDACTED]: \$350;
  - iii. [REDACTED]: \$1,670;
  - iv. [REDACTED]: \$500; and
  - v. [REDACTED]: \$1,000; and
- b. Mr. Arthur will make a contribution to the Association's costs in the sum of \$10,000, payable in two \$5,000 installments made no later than October 1 and November 1, 2025, respectively.

The Panel also requires that the information relating to the disposition of this matter be published in accordance with EGM's policy on publication.

Dated in Winnipeg, Manitoba this 5th day of August, 2025

  
Leonnie Kavanagh, PhD, P.Eng, SM, FEC Chair

  
Digitally signed by Karen Mathers  
Date: 2025.08.05 11:21:40 -06'00'  
Karen Mathers, P.Geo. FGC, Member

  
Jerald Peters, MAA, Lay Member