

ENGINEERS GEOSCIENTISTS MANITOBA

IN THE MATTER OF: **Leslie E. Frovich, 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 INVESTIGATION COMMITTEE
(under section 35(1)(f) of *The Engineering and Geoscientific Professions Act,*
C.C.S.M. c. E120)

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

ENGINEERS GEOSCIENTISTS MANITOBA

IN THE MATTER OF: **Leslie E. Frovich, 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 (the “Act”)*

ORDER OF THE INVESTIGATION COMMITTEE

WHEREAS Leslie E. Frovich, P. Eng. (“**Mr. Frovich**”), of the City of Winnipeg, Province of Manitoba, is registered as a professional engineer in the Province of Manitoba;

AND WHEREAS on or about March 21, 2022, Engineers Geoscientists Manitoba (“**EGM**”) received a complaint against Mr. Frovich;

AND WHEREAS the complaint against Mr. Frovich was reviewed and investigated by the investigation committee, following which the investigation committee concluded that Mr. Frovich had committed professional misconduct and unskilled practice of professional engineering and subsequently issued the charge against Mr. Frovich attached hereto at **Appendix ‘A’** (the “**Charge**”);

AND WHEREAS Mr. Frovich consents to registration of a conviction in relation to the Charge and the imposition of the penalty referred to below;

AND WHEREAS pursuant to section 35(1)(f) of the Act, the investigation committee may, after review or investigation of a complaint, with the written consent of the investigated person, formulate a charge, register a conviction and impose any penalty that the discipline committee could have imposed;

NOW THEREFORE BE IT RESOLVED AND ORDERED ON THE WRITTEN CONSENT OF MR. FROVICH THAT:

1. Mr. Frovich, on his written consent as set out below, be and is hereby convicted on the Charge;
2. Mr. Frovich be and is hereby reprimanded;
3. Mr. Frovich's license and entitlement to practice professional engineering in the Province of Manitoba be suspended for a period of sixty (60) days commencing April 12, 2022 and expiring June 12, 2022;
4. Mr. Frovich shall forthwith pay costs to EGM in the amount of \$5,000.00; and
5. Mr. Frovich's name and the circumstances relating to the finding of professional misconduct and unskilled practice, and the penalty imposed in relation thereto, shall be published in accordance with EGM's policy on publication.

DATED at the City of Winnipeg, Province of Manitoba, this 12 day of August, 2022.

Jay Doering, P. Eng., FCSE, FEC, FCAE
Chair, Investigation Committee

WRITTEN CONSENT OF LESLIE E. FROVICH PURSUANT TO SECTION 35(1)(F) OF *THE ENGINEERING AND GEOSCIENTIFIC PROFESSIONS ACT*, C.C.S.M. C. E120

Leslie E. Frovich, P. Eng.
Member

Appendix 'A'

See attached.

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IN THE MATTER OF:

**Leslie E. Frovich, 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***

CHARGE

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

ENGINEERS GEOSCIENTISTS MANITOBA

IN THE MATTER OF:

Leslie E. Frovich, 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 (the “Act”)

TO: L.E. Frovich, P. Eng.
120 St. Anne’s Road
Winnipeg, MB R2M 2Z2

TAKE NOTICE that the investigation committee of Engineers Geoscientists Manitoba (“EGM”) formulates the following charge:

LESLIE E. FROVICH, P. ENG., while registered as a professional engineer in the Province of Manitoba, displayed conduct which constitutes professional misconduct and unskilled practice of professional engineering, contrary to sections 46(1)(a)(c)(d) and (e) of the Act, the particulars of which are as follows:

PARTICULARS

1. Commencing in or about the spring of 2016, construction was undertaken and completed at a residence located at 62 Harvard Avenue, Winnipeg, Manitoba (the “**Residence**”), whereby the existing interior and exterior was substantially renovated and an addition (the “**Addition**”) was added at the rear of the property (the entirety of the construction work hereinafter the “**Project**”).
2. A building permit for the Addition was issued by the City of Winnipeg (the “**City**”). No building permit for the renovation work to the existing Residence was issued.
3. Mr. Frovich was retained to provide engineering services in relation to aspects of the Project.

4. Mr. Frovich sealed design drawings for the Addition on June 27, 2016.
5. Mr. Frovich also sealed the following three sketches relating to interior renovations to be undertaken at the Residence (collectively the “**Sketches**”):
 - (a) on or about July 22, 2016, a sketch indicating new lintel designs to be included in the upper floor for new and/or larger openings. Amongst other matters, this sketch did not clearly specify locations for the new or expanded openings;
 - (b) on or about July 22, 2016, a sketch indicating modifications to the main floor including the replacement of a main floor bearing wall with a new LVL beam and posts below, and new LVL lintels at exterior windows. Amongst other matters, this sketch did not did not indicate the size of the posts to be inserted or their alignment over the beam below; and
 - (c) on or about November 30, 2016, a sketch relating to the installation of steel angles to reinforce the basement foundation walls. This sketch did not include certain installation detail for the steel angles including bolt placement and embedment of the steel angles at the foundation wall.
6. Generally, the Sketches were of reduced quality and legibility.
7. The interior renovations to the Residence included, amongst others, changing the ceiling from the original horizontal plane design to a cathedral ceiling, entailing the removal of roof rafter ties throughout the upper floor. No engineering drawings were prepared in relation to this work.
8. Mr. Frovich conducted at least one site review of the residence in or about October, 2016. He did not retain any notes from the site visit nor did he record, generally, the number of site visit(s) or date(s) on which they occurred.
9. Mr. Frovich did not, during the site review or at any time, confirm that a building permit had been issued for the renovation work performed on the existing Residence.

10. During his site review(s), Mr. Frovich failed to identify, recognize or report that significant renovations had been undertaken to the interior of the Residence without a permit, including the modifications to the second floor ceiling and roof.
11. On or about November 21, 2016, Mr. Frovich issued and sealed a Building Renovation and Addition verification letter (the “**Verification Letter**”) regarding the Project which indicated:

"This letter will verify that Frovich and Associates conducted site visits during the demolition, alterations and additions to the above noted residence.

The existing structure and new construction were reinforced and upgraded to meet current Manitoba Building Code standards. Our inspections revealed the completed construction to conform with the drawings prepared for the building addition and the requirements of Part 9 of the Manitoba Building Code."

12. In or about 2021, significant design errors and deficiencies were observed at the Residence relating to the Project, manifested by wall cracking and movement. The most significant of the errors and deficiencies involved modifications to the roof structure and development of the cathedral ceiling, which left the Residence walls laterally unbraced, and the sagging of the main floor where posts in the basement did not provide adequate support for the main floor beam.
13. The Residence was deemed structurally unsafe for occupancy at the time.
14. In the circumstances, during the course of his work and services provided in relation to the Project, Mr. Frovich violated sections 46(1)(a)(c) (d) and (e) of the Act, and acted contrary to the public interest by:
 - (a) submitting and sealing the Sketches, which were insufficiently detailed and of poor quality;
 - (b) failing to properly document his site review(s) and inspection(s);
 - (c) failing to exercise due diligence during the site review(s) and inspection(s) performed;

- (d) performing engineering reviews of construction and submitting the sealed Verification Letter for work that included structural renovations to the existing Residence without a building permit and failing to verify that a permit had been issued for the renovations before or while conducting site review(s) and inspection(s); and
- (e) submitting the sealed Verification Letter which misled stakeholders relying on his professional expertise. The Verification Letter overstated the scope of Mr. Frovich's engineering reviews during construction and completion, and misrepresented the amount of responsibility he accepted for the renovations to the existing structure.

DATED at the City of Winnipeg in the Province of Manitoba this 12 day of August 2022.

John Doering, P. Eng. FCSE, FEC, FCAE
Chair, Investigation Committee