

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

ORDER OF THE DISCIPLINE COMMITTEE

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

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

WHEREAS the Investigation Committee of Engineers Geoscientists Manitoba (the “**Association**”) formulated a charge of professional misconduct and unskilled practice of engineering against F. Daniel Wolfrom, P. Eng. (“**Mr. Wolfrom**”) on October 25, 2021 (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 November 3, 2021, 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 this Panel on Monday, December 20, 2021 by way of videoconference was served on Mr. Wolfrom’s counsel on behalf of Mr. Wolfrom on November 17, 2021;

AND WHEREAS the hearing of the within matter was duly commenced on December 20, 2021, in accordance with the Act and By-Laws, and in the presence of counsel for Mr. Wolfrom and counsel for the Investigation Committee, and was then adjourned to permit the scheduling of a substantive hearing of this matter;

AND WHEREAS Mr. Wolfrom now admits, and this Panel so finds, that he committed the acts as particularized in the Charge, and further acknowledges that such acts constitute a violation of ss. 46(1)(a), (c), (d) and (e) of the Act, and Canons 1.2 and 2.6 of the Association's Code of Ethics (adopted December 14, 2000):

That in connection with the preparation and issuance of a letter dated November 15, 2013, (the "**Report**") addressed to Daniel Serhal Architecture and pertaining to the cause of slab-on-grade settlement at 455 Shorehill Drive, Winnipeg, Manitoba, Mr. Wolfrom:


1. failed to give his opinion conscientiously and only after conducting an adequate study of the matter under review;
2. failed to employ all reasonably attainable skill and knowledge to perform and satisfy the engineering and geoscientific needs of the task in a professional manner; and
3. made statements on engineering matters in a manner which might mislead, including by:
 - i. failing to consider or provide an explanation of other potential causes or contributors to the slab settlement, despite being aware that other potential causes or contributors had been proposed;
 - ii. making assumptions in connection with the preparation and issuance of the Report without first having sufficient evidence or information to reasonably do so;
 - iii. failing to conduct adequate investigations to support the findings, opinions and conclusions in the Report; and
 - iv. providing a definitive conclusion regarding the cause of the slab settlement that eliminated other possible causes or contributors without having sufficient evidence to support that conclusion.

AND WHEREAS on December 15, 2022, the Panel heard a joint submission relating to penalty from counsel for the Investigation Committee and counsel for Mr. Wolfrom;

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

1. Mr. Wolfrom be and is hereby reprimanded;
2. Mr. Wolfrom shall pay a fine of \$1,500.00 to the Association within fourteen (14) days from the date of this Order; and
3. The disposition of this matter shall be published in accordance with the Association's policy on publication.

DATED at the City of Winnipeg in the Province of Manitoba this 25th of January, 2023.



Allan Ball, P. Eng., FEC
Chair, Discipline Committee Panel

Don Spangelo, P. Eng., FEC
Member, Discipline Committee Panel

Jessica Carvell
Member, Discipline Committee Panel

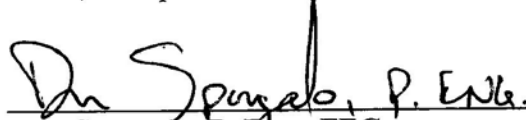
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DATED at the City of Winnipeg in the Province of Manitoba this ____ of January, 2023.

Allan Ball, P. Eng., FEC
Chair, Discipline Committee Panel



Don Spangelo, P. Eng., FEC
Member, Discipline Committee Panel



Jessica Carvell
Member, Discipline Committee Panel

SCHEDULE "A"

ENGINEERS GEOSCIENTISTS MANITOBA

IN THE MATTER OF:

F. Daniel Wolfrom, P. Eng., a Professional
Engineer in the Province of Manitoba

AND IN THE MATTER OF:

*The Engineering and Geoscientific Professions
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CHARGE

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

ENGINEERS GEOSCIENTISTS MANITOBA

IN THE MATTER OF: F. Daniel Wolfrom, 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: F. Daniel Wolfrom, P. Eng.
345 Wardlaw Avenue
Winnipeg, MB R3L 0L5

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

F. DANIEL WOLFROM, P. ENG., while registered as a professional engineer in the Province of Manitoba, displayed conduct which constitutes professional misconduct and/or unskilled practice of professional engineering, contrary to s. 46(1)(a)(c)(d) and (e) of the Act and Canons 1.2 and 2.6 of the EGM *Code of Ethics* (adopted December 14, 2000) (the “Code”), the particulars of which are as follows:

PARTICULARS

1. On or about November 15, 2013, Mr. Wolfrom prepared and issued a letter (the “**Letter**”) to Daniel Serhal Architecture pertaining to the cause of slab-on-grade settlement at 455 Shorehill Drive, Winnipeg, Manitoba (the “**Property**”).
2. The Letter was considered as part of a conciliation review under the New Home Warranty Program.
3. In the Letter, Mr. Wolfrom:

- a. indicated that he had reviewed a report produced by Joe Solomon of Concrete Restoration Services, dated April 29, 2013;
 - b. indicated that he had not personally visited the Property, but accepted that there had been some settlement of the slab-on-grade floor at the Property;
 - c. indicated that periodic site visits had been performed during construction of the Property, and on that basis assumed that the construction of the Property had been performed in accordance with the construction drawings; and
 - d. concluded in the Letter that, “the clay soils in Winnipeg are commonly affected by increases or decreases in moisture content, and this is what had occurred at this address.”
4. In preparing and issuing the Letter in the manner he did, Mr. Wolfrom violated s. 46(1)(a)(c)(d) and (e) of the Act and Canons 1.2 and 2.6 of the Code, and acted contrary to the public interest by:
- a. failing to give his opinion conscientiously and only after conducting an adequate study of the matter under review;
 - b. failing to employ all reasonably attainable skill and knowledge to perform and satisfy the engineering and geoscientific needs of the task in a professional manner; and
 - c. making statements on engineering matters in a manner which might mislead, including by:
 - i. failing to consider or provide an explanation of other potential causes or contributors to the slab settlement, despite being aware that other potential causes or contributors had been proposed;

- ii. making assumptions in connection with the preparation and issuance of the Letter without first having sufficient evidence or information to reasonably do so;
- iii. failing to conduct adequate investigations to support the findings, opinions and conclusions in the Letter; and
- iv. providing a definitive conclusion regarding the cause of the slab settlement that eliminated other possible causes or contributors without having sufficient evidence to support that conclusion.

DATED at the City of Winnipeg in the Province of Manitoba this 25th day of October, 2021.



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