

**THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF
THE PROVINCE OF MANITOBA**

IN THE MATTER OF:

Jessica A. Manness, P.Eng., a Professional
Engineer registered 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

**THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND
GEOSCIENTISTS OF THE PROVINCE OF MANITOBA**

IN THE MATTER OF: Jessica A. Manness, P.Eng., a Professional Engineer registered in the Province of Manitoba

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

CHARGE

TAKE NOTICE that the Investigation Committee of the Engineers Geoscientists Manitoba (“EGM”) formulates the following charge pursuant to section 35(1)(b) of the Act:

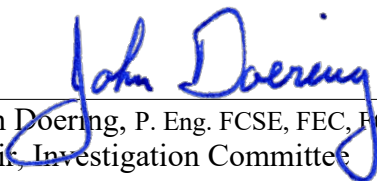
JESSICA A. MANNESS, while registered as a professional engineer in the Province of Manitoba, displayed conduct which constitutes professional misconduct or unskilled practice of professional engineering, contrary to s. 46(1)(a)(c)(d) and (e) of the Act and Canon 2 of the EGM *Code of Ethics* (adopted October 18, 2018).

PARTICULARS

1. On or about January 28, 2019, February 7, 2019, February 12, 2019 and February 19, 2019 (collectively the “**Unapproved Plans**”), Ms. Manness sealed and submitted several versions of a shoring plan (the “**Shoring Plan**”) to the City of Winnipeg in support of a building permit for the excavation of a condominium development at 123 Scott Street in Winnipeg, Manitoba.
2. On or about February 27, 2019, Ms. Manness sealed and submitted a further version of the Shoring Plan to the City of Winnipeg, which design was approved for permit.
3. The Unapproved Plans were deficient and inadequate, and would have posed a serious risk of failure and risk to the public had the Unapproved Plans been approved in that one, or all, of the Unapproved Plans:
 - a. lacked adequate information and detail, including soil parameter detail and procedural information relating to the installation of structural components;
 - b. assumed generic instead of site-specific soil properties;
 - c. displayed uneconomical, impracticable and/or non-feasible design elements;
 - d. contained calculation errors;
 - e. utilized Working Stress Design instead of Limit States Design as required by Canadian standards; and

- f. contained unlikely, incorrect and/or unsupported assumptions, with potential for serious consequences.
4. By submitting the series of Unapproved Plans to the City of Winnipeg, Ms. Manness demonstrated professional misconduct and unskilled practice of professional engineering, contrary to s. 46(1)(a)(c)(d) and (e) of the Act, Canon 2 of the *Code of Ethics* (adopted October 18, 2018) (the “Code”) and the public interest by:
- a. displaying a lack of knowledge, skill, judgment and understanding of design principles in both structural and geotechnical engineering and of shoring installation techniques, contrary to s. 46(1)(a)(c) and (e) of the Act;
 - b. undertaking an engineering assignment which fell outside of her area of professional competence, contrary to s. 46(1)(a)(c)(d) and (e) of the Act and Canon 2 of the Code;
 - c. placing undue reliance on the City of Winnipeg upon submission of the Unapproved Plans in order to ensure that her designs were adequate and to identify deficiencies in the design work, contrary to s. 46(1)(a)(c) and (e); and
 - d. failing to practice in a careful and diligent manner and in compliance with applicable legislation, contrary to s. 46(1)(a)(c)(d) and (e) of the Act and Canon 2 of the Code;

DATED at Winnipeg, Manitoba, this 3rd day of May 2021.



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