

# Gazette

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THE DEPARTMENT OF THE REGISTRAR, PEO

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Discipline Committee of the Association of Professional Engineers of Ontario

In the matter of a hearing under the Professional Engineers Act, R.S.O., 1990  
Chapter. p.28

And in the matter of a Discipline Committee Order against

## **Nunzio J. Pinelli and Pinelli Engineering Services Port Colborne Ltd.**

Made under Section 28 of the Professional Engineers Act

### **Decision and Reasons**

**T**he panel of the Discipline Committee of the association reconvened by teleconference on November 13, 2000, to consider extending the terms of an Order against Nunzio J. Pinelli and Pinelli Engineering Services Port Colborne Ltd., (hereinafter referred to as "Pinelli" and "Pinelli Engineering," respectively). The panel included all of its original members, except for the late Nick Volf, P.Eng., and Boris Boyko, P.Eng., who has moved from Ontario.

The panel reconvened at the request of Pinelli, who, on May 30, 2000, wrote the association requesting a second extension to the conditions imposed by the panel in its February 3, 1998 Order. The first conditional extension was granted by the panel in its September 21, 1999 Order.

Pinelli explained in his letter to the association that he had been unable to fulfill the conditions of the Orders because of financial, fam-

ily and training course access reasons.

On September 15, the panel, through its independent legal counsel, Nancy Spies, wrote to Pinelli and the association seeking written consent to have the same procedure and panel (with the exception of the late Nick Volfe, P.Eng.) that rendered the original and extending decision to hear Pinelli's second extension. The panel requested that the consent be reviewed by September 22, 2000. Roger Barker, P.Eng., PEO's CEO and Registrar, wrote the panel to indicate the association's consent.

The panel did not receive any communication from Pinelli by the deadline. On September 27, 2000, the panel, through its independent legal counsel, wrote Pinelli again and requested consent to follow the same procedure as the first extension. The letter indicated that if written consent was not received by noon, on Monday, October 2, 2000, the Dis-

cipline Panel would have no choice but to consider the request for extension to have been abandoned.

Having not received the

request consent, the panel found that the request for extension had been abandoned.

Notwithstanding the finding of abandonment, the panel

reviewed Pinelli's May 30, 2000 letter, the July 26, 2000 Decision Status prepared by the association that listed five unfulfilled conditions, the February 3, 1998 Order and the September 21, 1999 extension Order. Based on this review, the panel would not have been prepared to grant a further extension.

Further, the panel noted that item 4, of the September 21, 1999 amending Order required "that in the event that the [conditions of extension] are not completed by June 20, 2000, Mr. Pinelli's licence and Pinelli Engineering's Certificate of

Authorization shall be revoked."

**The panel ordered that:**

1. **The request for extension has been abandoned.**
2. **The Decision and Reasons be published with names in Gazette, the association's official publication.**

Dated at Toronto this 13th day of November, 2000.

David Brezer, P. Eng. (Chair)

For an on behalf of the committee:

Cameron Mirza, P. Eng.

John Wilkes, P. Eng.

### Note from Department of Legal and Professional Affairs

The previous Decisions and Reasons of the Discipline Committee for the case involving Nunzio J. Pinelli and Pinelli Engineering Services Port Colborne Ltd., dated February 3, 1998 and September 21, 1999, were published in the July/August 1998 and November/December 1999 issues of *Gazette*. See Nunzio J. Pinelli, P. Eng., Decision and Reasons, July/August 1998 issue, pp. 1-12 and November/December 1999 issue, p. 2.

Brampton, Ontario, on October 30, 2000, His Worship W. Ross considered the following charge against Connors brought under the Professional Engineers Act:

- ◆ That on or about the month of May 1998 at Brampton, Ontario, he did commit an

offence using the title "professional engineer" or an abbreviation thereof, being the term "P. Eng.," as an occupational or business designation, not being a person who was the holder of any form of licence from the Association of Professional

Engineers of Ontario, in representations to a prospective client, contrary to the *Professional Engineers Act, R.S.O. 1990, Ch. P.28, Section 40(2)(a)*.

The association was represented by Dana M. Peebles of McCarthy Tétrault. The accused was also represented by legal counsel. The court heard that Connors, in business dealings with a local designer, referred to himself as an "engineer" and had handed over two business cards on which the designation "P. Eng." appeared. As a result, the designer was led to the belief that Connors was

licensed as a professional engineer.

Following pretrial discussions between PEO's legal counsel and the lawyer for Connors, Connors' lawyer entered a plea of guilty to the charge. The Justice of the Peace Ross accepted the plea and, after considering the submissions regarding sentence from legal counsel, Connors was fined \$20,000, plus a victim's fine surcharge of \$5,000.

As a result of Connors pleading guilty to the above charge, charges were withdrawn in the other two other jurisdictions.

## Professional Practice Committee to revise safety review guideline

PEO's Professional Practice Committee has formed a subgroup for the purpose of revising the *Guideline for Professional Engineers Providing Reports as Required by Regulation 450/97 Amending Sections 7 & 8 of Regulations for Industrial Establishments, Regulation 851 of the Ontario Occupational Health and Safety Act*. The guideline needs to be revised because of the new Section 7 of the Regulations for Industrial Establishments, which came into effect on September 22, 2000, as Regulation 528/00.

The new regulation stipulates that a professional engineer is required to sign and seal reviews pertaining to specific hazardous equipment or equipment used in hazardous processes. The reviews are required for new equipment or processes, existing equipment that has been modified, and racks or stacking structures.

To be chaired by David Stinson, P. Eng., the subgroup will review and revise the current guideline to reflect the new pre-start health and safety

review (formerly called predevelopment review) procedures outlined in the regulation and in the interpretative guideline prepared by the Ministry of Labour. The committee is seeking members from both consulting engineering and industrial backgrounds, who are experienced in conducting predevelopment reviews of

equipment. Interested members should contact Tom Chessell, manager of volunteer services, at (416) 224-1100, ext. 404, or email: [tchessell@peo.on.ca](mailto:tchessell@peo.on.ca)

While the new guideline is being developed, the Professional Practice Committee recommends that engineers undertaking pre-start health and

safety reviews continue to refer to PEO's existing guideline. This document is available on PEO's website. To obtain a copy, visit [www.peo.on.ca](http://www.peo.on.ca), and click on the "Engineering Practice" button and then select "Professional Guidelines." Members can order printed copies by using the Publications Order Form on p. 4.

### Association of Professional Engineers of Ontario

versus

### William Connors

### Enforcement Trial

In 1998, several federal government agencies and consulting engineering companies contacted PEO to inquire as to whether William Connors, who was using the term "P. Eng." on business cards distributed on behalf of Mannix Construc-

tion Corporation, G.M. Gest Corporation and Data-Tel Cabling Systems (North American) Corporation, in an attempt to obtain business from these agencies and consulting engineers, was licensed as a professional engineer.

PEO determined that Con-

ners had never been licensed as a professional engineer in Ontario and initiated prosecutions of Connors, under the *Professional Engineers Act, R.S.O. 1990, Ch. P. 28*, in three Ontario jurisdictions.

In an appearance at the Provincial Offences Court,

## Council approves designation and redesignation of Consulting Engineers

At the 397th meeting of Council held November 17, 2000, the following members were designated or redesignated as consulting engineers pursuant to Ontario Regulation 941 of the Professional Engineers Act. Also listed are firms to which Council has granted permission to use the title "Consulting Engineers."

### Newly designated Consulting Engineers

**Joseph Bennett, P.Eng.**  
Inspec-Sol Inc.  
Kingston, ON

**Gary Houghton, P.Eng.**  
Dillon Consulting Limited  
London, ON

**Ronald Keba, P.Eng.**  
Self-employed  
Simcoe, ON

**Thomas Krajci, P.Eng.**  
Piotrowski Consultants Ltd.  
North Bay, ON

**Grant Milligan, P.Eng.**  
Quinn Dressel Associates  
Toronto, ON

**John Perks, P.Eng.**  
Planning & Engineering Initiatives  
Kitchener, ON

**Robert Poisson, P.Eng.**  
Azurix North America Engineering Corp.  
Burlington, ON

**John Starkey, P.Eng.**  
Self-employed  
Oakville, ON

**Loreto Tersigni, P.Eng.**  
F.J. Ternoway & Associates Limited  
Mississauga, ON

### Redesignated Consulting Engineers

Bharat (Brad) Aggarwal, P.Eng.

Gerald Allen, P.Eng.

Colin Alston, P.Eng.

Richard Anderson, P.Eng.

Barry Martin, P.Eng.

Klas Bockasten, P.Eng.

Bruno Bortolotti, P.Eng.

Murray Brown, P.Eng.

Thomas Clarkson, P.Eng.

Marco Coccia, P.Eng.

Thomas Davison, P.Eng.

Martin De Vries, P.Eng.

Robert Dunlop, P.Eng.

Designation of a consulting engineer is for a period of five years; at the end of that time, the member must be redesignated. Anyone wishing information on the consulting engineers program may contact Angela Gallant, Department of Professional Affairs, at (416) 224-1100 ext. 491, or (800) 339-3716; email: [agallant@peo.on.ca](mailto:agallant@peo.on.ca)

Thomas Eyre, P.Eng.

Brian Feherty, P.Eng.

William Fines, P.Eng.

Paul Geary, P.Eng.

Medhat Ghobrial, P.Eng.

J. Glynn F. Henry, P.Eng.

Roderick Holme, P.Eng.

Hank Huitema, P.Eng.

William Kelley, P.Eng.

Ampihaipalan Krishnar, P.Eng.

Stephen Lawson, P.Eng.

Ivan Lieszkowszky, P.Eng.

Joe Lucas, P.Eng.

Tony Mak, P.Eng.

Robert Mancini, P.Eng.

Ronald Mitchell, P.Eng.

Peter Mitches, P.Eng.

Alan Ogilvie, P.Eng.

James Peterson, P.Eng.

James David Pounder, P.Eng.

Bruce Raymond, P.Eng.

Karl Reichert, P.Eng.

Ronald Robinson, P.Eng.

Graham Rubeli, P.Eng.

David Schaeffer, P.Eng.

Geoffrey Scott, P.Eng.

James Smith, P.Eng.

William Therriault, P.Eng.

Paul Turner, P.Eng.

Robert Ure, P.Eng.

Johan Van Der Woerd, P.Eng.

William Van Gool, P.Eng.

Daniel Young, P.Eng.

### Consultants granted permission to use the title "Consulting Engineers"

**OBK Technology Ltd.**  
Brampton, ON

**Power & Controls Engineering Ltd.**  
Kanata, ON

