

Toronto Man Jailed 30 Days for Repeated Violations of *Professional Engineers Act*

Mohammad Hafeez, of Toronto, was jailed June 10, 2005 for 30 days and ordered to pay costs to Professional Engineers Ontario (PEO) of \$19,863.81, after he was found in contempt of a previous Order of the Ontario Superior Court of Justice for violating the *Professional Engineers Act*. The previous

Order was made by the Honourable Justice Trafford on November 7, 1995.

Mr. Hafeez is not, and has never been, licensed as a professional engineer in the Province of Ontario.

The Honourable Madam Justice Sachs handed down the sentence in the Ontario Superior Court of Justice at 361

University Avenue, in Toronto. Madame Justice Sachs reviewed affidavit evidence on behalf of the application by PEO's lawyers, McCarthy Tétrault, and heard evidence from Mr. Hafeez in person. She also heard submissions from Mark Polley, of the law firm of McCarthy Tétrault, on behalf of PEO and A.S. Leighl on behalf of Mr. Hafeez.

The application was brought after an investigation by PEO revealed that in the spring of 2000, Mr. Hafeez had described himself as a "structural engineer" and an "engineer" to clients and another person while working on a construction project in the City of Toronto. Under the terms of the 1995 Order, Mr. Hafeez was ordered to:

- ◆ refrain from using the title "professional engineer" or an abbreviation or variation thereof as an occupational or business designation;
- ◆ refrain from using a term, title or description that will lead to the belief that he may engage in the business of professional engineering; and
- ◆ surrender to PEO any business cards, site signs, seals or title blocks in his possession containing the words "professional engineer," "engineer," "engineering," or any abbreviation thereof.

The Court also heard that Mr. Hafeez had previously been convicted on four separate occasions of misrepresenting himself as "an engineer" while working on various projects in the Greater Toronto Area between April 1993 and June 1998. Fines were levied in the combined total of \$85,000.

Summary of Scheduled Discipline Hearings

This schedule is subject to change without public notice. For further information contact PEO at 416-224-1100; toll free 800-339-3716.

Any person wishing to attend a hearing should contact the complaints and discipline coordinator at extension 1072.

All hearings commence at 9:30 a.m.

NOTE: These are allegations only. It is PEO's burden to prove these allegations during the discipline hearing. No adverse inference regarding the status, qualifications or character of the member or Certificate of Authorization holder should be made based on the allegations listed herein.

October 4-5, 2005

David W. Seberras, P.Eng.

It is alleged that Seberras is guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act*. It is alleged that Seberras is guilty of professional misconduct as defined in section 28(2)(b) of the *Professional Engineers Act*. The sections of Regulation 941 made under the Act

relevant to the alleged professional misconduct are:

- (a) *Section 72(2)(a)*: negligence;
- (b) *Section 72(2)(b)*: failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible;
- (c) *Section 72(2)(d)*: failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner;
- (d) *Section 72(2)(h)*: undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience; and
- (e) *Section 72(2)(j)*: conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional.