



Minutes

The Ninety-second meeting of the Enforcement Committee held on Tuesday January 22, 2019 at 1:30 p.m., PEO Offices

- Present: Stephen Georgas, LLB., P.Eng. (Chair)
Joe Adams, P.Eng. (Vice-Chair)
Tomiwa Olukiyesi, P.Eng. (Council Liaison)
Edward Poon, P.Eng.
Gordon Ip, P.Eng.
Indra Maharjan, P.Eng.
Juwairia Obaid, P.Eng.(Teleconference)
Peter Broad, P.Eng.
Roger Barker, P.Eng.
Tommy Sin, P.Eng. (Teleconference)
Tyler Ing, P.Eng.
- Staff: Cliff Knox, P.Eng. (Manager, Enforcement)
Steven Haddock (Enforcement and Advisory Officer)
Ashley Gismondi (Enforcement and Outreach Officer)
Maria Iannone (Administrative Assistant)
- Regrets : Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)

1. Welcome and Call to Order

Mr. Georgas, called the meeting to order at 1:35 p.m. with a quorum of ten **(10)** and welcomed everyone.

Mr. Georgas commenced the meeting by thanking Mr. Barker for his service as Chair and welcomed new Committee Members Indra Maharjan, Tommy Sin and Council Liaison Tomiwa Olukiyesi.

2. Approval of Agenda

Motion #1: That the Enforcement Committee Agenda dated November 13, 2018 be approved.

Moved by Joe Adams, P.Eng., seconded by Roger Barker, P.Eng.

CARRIED

3. Report from Chair

Mr. Georgas commented that he attended the Chapter Leaders Conference on November 16th with Ms. Gismondi and Mr. Knox, and that they oversaw a workshop on "Enforcement at the Chapter Level" where participants discussed how Chapters could assist in regulating the practice of engineering.



Mr. Georgas commented that there was a presentation at the conference by Ann English, the Registrar from Engineers and Geoscientists British Columbia (EGBC) on a regulatory review that had been initiated by the BC government. This review was driven by recent events and political pressure and followed a separate review by an external consultant that EGBC had completed as a proactive initiative. Mr. Georgas added that the same consultant has been engaged to complete a similar regulatory review for PEO.

Mr. Maharjan asked if there was a public perception that PEO has a lot of “red tape”. Mr. Georgas commented that the message from the government is that PEO may be asked to streamline its operations.

Mr. Georgas announced that Peter Broad, Bill Jackson and Don Marston are to be invested into the Order of Honor at a ceremony held in conjunction with PEO’s AGM. Mr. Adams and Mr. Ip commented that they will also be invested at that ceremony.

Mr. Georgas commented that his final item was an email from Bill Jackson about the trend towards commoditizing of certain engineering activities and he asked whether the committee should look at this. Mr. Poon commented that we need to educate the public on the engineering behind the commoditized information. Mr. Knox commented that he can forward the email to committee members for discussion at the next meeting.

Action #1: Mr. Knox is to forward the email from Bill Jackson to committee members.

4. Consent Agenda

Mr. Adams asked about the Council motion regarding the Strategic Plan and how it affected the committee. Mr. Knox commented that the submitted strategy proposals and corresponding implementation costs are received but there is no approval at this time to proceed with any of the proposals.

Mr. Knox commented that there was a Council meeting on December 18th, but no Disposition of Motions had been issued yet.

Mr. Adams noted that he did not attend the November meeting and asked that the minutes be corrected.

Mr. Georgas asked for a motion on the Consent Agenda.

Motion #2: That the contents of the consent agenda be approved/received as submitted.

- 1. The Enforcement Committee Minutes dated November 13, 2018 are approved as amended.**
- 2. The attached information item received:**
 - a. 521st Council Disposition of Motions**

Moved by Gordon Ip, P.Eng., seconded by Peter Broad, P.Eng.

CARRIED

5. Staff Update

Mr. Knox commented that the external consultant will be on site during the first week of February to meet with PEO staff and selected committees and to gather information for the regulatory review. The review will evaluate PEO’s core regulatory processes against a set of standards for best practices:

- Seven standards for Licensing and Admissions;
- Eleven standards for Complaints, Discipline and Enforcement;
- Four standards for Professional Standards.



Mr. Barker asked if the standards were chosen by PEO or are the standards brought by the consultant. Mr. Knox noted that the standards were brought by the consultant who will comment on what PEO is currently doing and whether it is effective or can be improved upon.

Mr. Knox further commented that the consultant will not be looking at governance, but there is a briefing note for the upcoming Council meeting to request extending the regulatory review to include governance.

Ms. Obaid commented that she understood that the work of the Governance Working Group had been suspended by Council. Mr. Knox responded that was also his understanding, but that it is not reflected in the Disposition of Motions.

Mr. Broad asked about the comment made in the recent issue of Engineering Dimensions that PEO lacks the resources to enforce licensure and exclusive rights to practice. Mr. Knox commented that this comment was made as part of the President's Message and had not been vetted by staff.

Mr. Knox commented on recent prosecution wins:

1. Amr Robah and Revival Design and Management Group were convicted of breaching the Act and fined for use of professional engineers' seals. Mr. Robah was fined \$7,500 personally and Revival was fined \$20,000 as a corporation by the Ontario Courts.
2. Mohammed Abuzour and Geotech Engineering were fined for offering professional engineering services with no engineers on staff. They were convicted on three offences; Mr. Abuzour was fined \$3,500 and Geotech was fined \$15,000.

Mr. Maharjan asked whether enforcement notices are posted to social media and whether there was an opportunity to include information on how to be compliant. Mr. Ing suggested that we might include additional information such as highlighting how the offence was detected, who reported it, and to solicit reporting from PEO members.

Mr. Knox commented that enforcement staff have provided feedback on re-design of the PEO website. The website will have a new look and the intent is to make it more user-focused.

Mr. Knox commented on the new Bachelor of Engineering degree program at Sheridan College. The program will have its first intake of students this fall. Ms. Gismondi has been in touch with the college to ensure marketing materials are appropriate and so they are aware of licensing criteria. Mr. Knox noted that this is a proactive approach to engage with colleges and universities as they introduce new programs or emerging technologies.

6. Work Plan – Policy Issue 2017-A: Guidance for Outreach

Ms. Gismondi reported on the workshop held at the Chapter Leaders Conference and referred to the feedback from the workshop that was included in the agenda package for this meeting. She also discussed the new Enforcement Reporting Guide at the conference and learned that several attendees were unaware of the guide.

Ms. Gismondi commented that the feedback was reviewed by the subcommittee and used to propose some options for outreach to chapters that were included in the subcommittee report:

1. Including Enforcement in a PEAK module; possibly a case study with questions;
2. Maintain a standard enforcement presentation for online or in-person delivery;
3. Post enforcement activities on the PEO website.



Ms. Gismondi noted that in addition to posting material on the PEO website, we could add postings to social media. Mr. Maharjan asked whether PEO can have separate social media accounts for specific topics. Mr. Haddock replied that the preference is to have public information vetted through PEO's Communications department rather than have accounts managed by specific departments. Mr. Knox commented that there is value in streaming discussions and it would need to involve subject matter experts from respective departments to provide suitable content.

Mr. Broad commented that we need to find a way to reach people who will respond by reporting enforcement leads.

Ms. Obaid suggested that materials could be provided to new licensees at their certificate presentation ceremony. This could include the Reporting Guide and a one pager on an engineer's obligation to report unlicensed practice.

Ms. Olukiyesi suggested to provide a link that would come up in a Google search on enforcement or reporting of use of title or unlicensed practice.

Mr. Adams asked the committee to rank the proposed options and got consensus that the priority is Option 2, then Option 3. Option 1 would be pursued if feasible and resources are available. The initial work will be to develop a fixed presentation that could be delivered at a Chapter Level either in person or via webinar, and to prepare a one pager to hand out to new licensees.

7. Work Plan – Policy Issue 2017-B: Enhanced Enforcement for Industry

Mr. Knox commented that there is no update from Annex Business Media on providing subscriber data. Annex may be waiting for an answer to their request to inform our members about their publications. Mr. Knox sent an email to Communications Director David Smith on how to respond to the Annex request and is awaiting a response.

Mr. Georgas suggested that PEO could prepare an article for Annex publications on what it means to be a Professional Engineer. There was general support among committee members for this suggestion. Mr. Broad noted that any such article may need to reference the regulatory provisions in other provinces

Mr. Knox commented that since there is limited activity for this subcommittee, that Mr. Marston and Mr. Varma could be retired from the subcommittee.

Action #2: Mr. Knox to contact Mr. Marston and Mr. Varma about stepping down from the sub-committee.

8. Work Plan – Policy Issue 2017-C: PSHR Performance Standard Proposal

Mr. Knox reported that there has been no further response from the Professional Standards Committee (PSC) to date. There does not appear to be support for moving the guideline to a performance standard. Mr. Knox commented that what is needed to close the item is a clear response from PSC.

Mr. Adams asked if our Council Liaison could raise this issue with Council. Mr. Maharjan suggested that Ms. Olukiyesi could approach the PSC liaison to ask for a response. Ms. Olukiyesi agreed that she can approach the PSC liaison if she is provided the relevant background materials.

Action #3: Mr. Knox is to forward materials to Ms. Olukiyesi to facilitate discussion with the PSC liaison.

Mr. Knox commented that he can continue to monitor PSC activity on this item but otherwise the subcommittee could be stood down at this time.



Motion #3: That Subcommittee 2017-C be stood down, with thanks to the members for their contribution.

Moved by Mr. Broad, P.Eng, seconded by Mr. Adams, P.Eng.

CARRIED

9. Work Plan – Policy Issue 2018-A: Examples of Engineering Practice

Mr. Knox commented that the subcommittee has not yet met. Mr. Adams commented that we need to schedule a meeting to discuss the potential approach to this issue. Mr. Georgas suggested that discussion be deferred to the next Enforcement Committee meeting.

Action #4: Mr. Knox is to arrange a meeting of the subcommittee to further define the scope for its task.

10. Work Plan – Policy Issue 2018-B: Regulatory Gaps to Enforcement

Mr. Haddock reported that the subcommittee identified two initial issues as recorded in the teleconference minutes.

Mr. Haddock commented that the subcommittee is also looking at global provisions in the *Provincial Offences Act* that would help PEO to deal with persons who facilitate offences by others. He is also drafting a memo to discuss problems with unlicensed persons doing Part 4 design on Part 9 buildings as permitted by the *Professional Engineers Act*.

Mr. Georgas asked whether a limited company could be licensed to practice professional engineering without offering consulting to clients. Mr. Knox commented that a limited company could not be licensed, but individual employees might be licensed to be compliant with the Act. Mr. Haddock commented that unless the services are offered outside the organization, it would not require a C of A.

Ms. Olukiyesi commented that the engineering work might be done under the industrial exception. Mr. Knox clarified that the exception applies to work associated with production machinery, but that other engineering work requires a licensed engineer.

Ms. Olukiyesi asked about U.S. engineers working on the Ottawa light rail (LRT) project. Mr. Knox commented that the concern had been looked at and it was determined that these personnel were all employees of companies that hold valid Cs of A with PEO, and the responsible engineers are held accountable for the engineering work.

11. Work Plan – Policy Issue 2018-C: Position on Split Registration

Mr. Knox commented that there is consensus to form a subcommittee to look at the topic of split registration and the impact it would have on enforcement. The task would be to develop a position paper on separate registration for title privileges and rights to practice; S. Georgas, T. Ing, G. Ip and P. Broad have agreed to be on the subcommittee, with Mr. Knox as staff support. There is a need to set up an initial meeting for the subcommittee.

Mr. Broad asked about suspended licenses and whether it was an enforcement matter or a discipline matter for an offence by the suspended licence holder. The staff response was that it is a discipline matter while the member is licensed by PEO, even while he or she is suspended.

Mr. Knox commented that there is a proposed Act change regarding conduct of members after a licence is revoked or cancelled. PEO also has no jurisdiction over the conduct of a member prior to licensure. Mr. Georgas commented that it is an offence to make a false representation to obtain a licence, but it may not go to the issue of whether a licence



could be suspended or revoked. Mr. Haddock commented that there is a two-year limitation period to act on any such misrepresentation and that the Discipline Committee may not have jurisdiction to assign a penalty.

Action #5: Mr. Knox is to arrange an initial subcommittee meeting to further define the scope for its task.

12. Other Business

Mr. Georgas presented a 20-year service award to Mr. Poon.

Mr. Knox commented that several candidates in the current PEO election have suggested revisiting the repeal of the industrial exception. Mr. Knox has the action to speak with Jeanette Chau to ensure that this is not being pursued by the Government Liaison Program.

Mr. Knox commented that a summary report on the committee self-evaluation will be provided at the next meeting. Ms. Olukiyesi asked if we should include teleconference issues in the evaluation. Mr. Knox commented that this should be separate feedback to IT or Facilities.

13. Attendance

Regrets:

Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)

14. Next Meeting

Mr. Knox suggested that the next meeting would be the week of March 18th or the week of April 1st.


Action #6: Maria is to send out a Doodle poll for availability on meeting dates.

1. Adjournment

Motion #4: To adjourn at 4:00 pm.

Moved by Joe Adams, P.Eng.

S. Georgas, P.Eng. - Chair



Date April 9/19

M. Iannone – Secretary



Date April 9/19