

Minutes

**The seventy-seventh meeting of the Enforcement Committee held on
Tuesday, March 15, 2016 at 1:30 p.m., PEO Offices**

Present: Peter Broad, P.Eng. (Chair)
Roger Barker, P.Eng. (Vice-Chair)
Don Marston, P.Eng.
Gary Houghton, P.Eng.
Solomon Ko, P.Eng.
William Jackson, P.Eng. (via teleconference)
Ajai Varma, P.Eng.
Joe Adams, P.Eng.

Council Liaison: Ewald Kuczera, P.Eng.

Staff: Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)
Cliff Knox, P.Eng. (Manager, Enforcement)
Steven Haddock (Enforcement and Advisory Officer)
Maria Iannone (Administrative Assistant)

Regrets: Edward Poon, P.Eng.
Stephen Georgas LL.B., P.Eng.

1. Welcome and Call To Order

The Chair, Mr. Broad, called the meeting to order at 1:40 p.m. with a quorum of 8 and welcomed everyone.

2. Service Pin Award

The 20 Year Service Pin presentation for William Jackson was postponed until the next meeting he is able to attend in person.

3. Approval of Agenda

Motion #1: That the Enforcement Committee agenda dated March 15, 2016 be approved.

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

CARRIED

4. Approval of Minutes of January 19, 2016

Ms. Latham to bring forward the topic of proposed Electronic Seals as an agenda item for the next meeting of the National to Discipline and Enforcement Officials.

Correction to Item 9: "commented" to be changed to "commended".

Item 12: Noted that reference to TSSA Standard was incorrect; should be to UL Standard.



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Motion #2: That the Enforcement Committee minutes dated January 19, 2016 be approved as amended.

Moved by Roger Barker, P.Eng., seconded by Soloman Ko, P.Eng.

CARRIED

5. Council Liaison Update

Mr. Kuczera gave an update and commented on the following:

Two Directors (Dave Brown, P.Eng. and Rakesh Shreewastav, P.Eng.) were appointed by Council to sit on the Engineers Canada board.

Council was provided an update on the implementation of Aptify. There is a possibility of future expansion beyond licensing, registration and regulatory matters to provide other information for all members and applicants to the engineering profession.

Previous motions were rescinded pertaining to establishing an Engineer of Record as a formal requirement in Regulations 941 and 260. This was due to a lack of evidence or a clear problem statement that would support implementation. There's a process to refer matters to the Legislation Committee which reviews proposed changes to the PE Act, or its Regulations and By-laws.

Action #1: Ewald to provide minutes from relevant Council meetings for information.

6. Staff Update

Mr. Knox gave an update on relevant Enforcement matters, including a recent judgement against a Mr. Rubino for using a counterfeit seal and the title "professional engineer" on a document that was submitted to the Ottawa building department.

Mr. Knox noted that there have been 3 wins so far in 2016. Ms. Latham commented that these cases have been several years in the making. Mr. Haddock clarified to the Committee on how the court jurisdiction is determined for specific types of prosecution.

Mr. Knox provided an overview of PEO's Strategic Plan, and activities relevant to Enforcement. In addition to the Committee's contribution to the Enforcement Reporting Guide, the Committee may be asked for input on key performance indicators and planning for enhanced enforcement for the manufacturing sector and future outreach activities.

7. Work plan – Policy Issue A: Enforcement Reporting

No further information from the subcommittee at this time.

Mr. Barker commented that expansion is needed of what sections 39 and 40 of the PE Act actually cover and what they mean.

Action #2: Committee members to provide further comments to staff within the next 2 weeks.

Action #3: Steven to prepare a revised draft of the guide for the next meeting.



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8. Work plan – Policy Issue B: Legislated Powers

Mr. Barker commented on the final report for Subcommittee B. A draft of the report was provided for Committee members to review and provide comments prior to the May meeting.

Mr. Barker asked if there was an updated version of the table from Engineers Canada that could replace the current table.

9. Work plan – Policy Issue C: Definition of Engineering

Mr. Broad commented that the definition may be too vague to implement, and suggested closing this work plan item.

Motion #3: That Work Plan Policy Issue C be closed.

Moved by Bill Jackson, P.Eng., seconded by Roger Barker, P.Eng.

CARRIED

10. Work plan – Policy Issue E: Impact of Counterfeit Seals

No report from subcommittee at this time.

Mr. Jackson informed the Committee that it's provisionally closed, awaiting feedback from PSC.

Mr. Knox commented the staff support for PSC has flipped it back to the Committee to provide a problem definition for policy development. The information may still be used as background for a Council briefing note, as suggested at the January meeting. Staff would prepare a briefing note on the use of electronic seals and forward to Council for consideration of what if any action to be taken.

Ms. Latham suggested getting Council support on the initiative before taking it to the Discipline and Enforcement Officials group at Engineers Canada.

11. Work plan – Policy Issue F: Enforcement of Business Names

No report from subcommittee at this time.

Mr. Haddock gave a synopsis of the issues raised in a draft memo to the Registrar.

12. Other Business

Draft of the Committee's 2015 Annual Report was provided for information.

13. Attendance

Edward Poon and Stephen Georgas absent with leave.



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14. Next meeting dates:

May 17th, July 19th, September 22th, November 15th.

15. Adjournment

Motion #4: To adjourn at 3:39 pm.

Moved by Don Marston, P. Eng.

CARRIED

P. Broad, P. Eng. - Chair

M. Iannone - Secretary

19 July 2016.

Date