



Minutes

The seventy-eighth meeting of the Enforcement Committee held on
Tuesday, May 17, 2016 at 1:30 p.m., PEO Offices

Present: Peter Broad, P.Eng. (Chair)
Roger Barker, P.Eng. (Vice-Chair)
Don Marston, P.Eng. (from Item 3)
Gary Houghton, P.Eng.
William Jackson, P.Eng.
Joe Adams, P.Eng. (via teleconference, from Item 4)
Edward Poon, P.Eng. (from Item 4)
Stephen Georgas, LLB., P.Eng.
Solomon Ko, 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)
Ashley Gismondi (Enforcement and Outreach Officer)
Maria Iannone (Administrative Assistant)
Nick Hambleton (Associate Counsel)

Regrets: Ajai Varma, 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. Staff Introductions

Mr. Knox introduced Associate Counsel, Nick Hambleton and new Enforcement and Outreach Officer, Ashley Gismondi to the Committee.

3. Approval of Agenda

Motion #1: That the Enforcement Committee agenda dated May 17, 2016 be approved.

Moved by Stephen Georgas, P.Eng., seconded by Bill Jackson, P.Eng.

CARRIED

4. Approval of Minutes of March 15, 2016

Motion #2: That the Minutes dated March 15, 2016 be approved.

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

CARRIED



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5. Business Arising from Minutes

Mr. Knox indicated an action item from the Council Liaison update, regarding a motion to rescind a previous motion concerning the Engineer of Record. Mr. Knox noted that the Briefing Note and Minute from the 504th Council Meeting were provided in the agenda package for information.

6. Council Liaison Update

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

Dispositions of Motions from the past two Council Meetings and the AGM contained no particular items that would impact the Enforcement Committee.

Mr. Broad asked for clarification on the motion to request an exception under section 9.(3) of the *Ontario Labour Mobility Act (LMA)*.

Mr. Kuczera commented that the motion was deferred to ensure there was no cause for concern that any of the other associations in Canada made accommodations for licensure that would be lesser than Ontario requirements, and that LMA might be used to bypass requirements.

Further information will be provided to Council in November to allow time to gather useful data for further a motion at that time on how to proceed.

7. Staff Update

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

No prosecutions since our last meeting.

Staff completed an initial assessment on the wall collapse during construction of the Eglinton LRT project. This arose from an Enforcement inquiry regarding demolition work and we are presently waiting for results from the Ministry of Labour investigation.

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

Mr. Jackson noted that the item has been completed and forwarded to PSC for comment.

Mr. Knox commented that Policy Development staff has requested additional information to make the case for continued work.

Mrs. Latham commented that we have the recommendation but what is missing is the background information to quantify the problem with counterfeit seals.

Mr. Jackson commented that the intent is to set a framework for a national standard that would apply for electronic documents across multiple professions.

Mr. Knox proposed that staff develop a series of questions for the background work needed to move PSC on side and proceed with bringing this issue to the national Discipline and Enforcement Officials meeting in June. Staff can also query the Standards Council of Canada on whether this is an emerging issue for them and bring this back to the next meeting of the Enforcement Committee.



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Action #1: Staff to prepare questions to generate background information for the Professional Standards Committee (and Policy Development staff).

Action #2: Ms. Latham to bring the matter of authenticated digital seals to the national Discipline and Enforcement Officials meeting in June, for escalation to and consideration by the national CEO Group.

Action #3: Staff to contact the Standards Council of Canada to see if authenticated digital seals are an emerging issue for them.

9. Work plan – Policy Issue A: Enforcement Reporting

Mr. Ko noted that an engineer's duty to report was not addressed in the draft reporting guide.

Mr. Haddock explained that the duty to report relates to the Code of Ethics, and failure to report a violation does not constitute professional misconduct. An engineer can't be disciplined or punished for failure to report.

Mr. Ko asked for clarification on cofa@peo.on.ca as a contact for enforcement matters.

Mr. Haddock explained that this was the email address monitored by Imelda Suarez, who handles applications and renewals for Certificates of Authorization (C of A). Mr. Haddock explained that records may lag the actual status and may not reflect pending applications for a C of A. Current status of a C of A can be verified by Ms. Suarez.

Mrs. Latham commented that the goal is to make the reporting process easier for the public.

Mr. Knox commented that the reporting guide is to be a working document for the general public to improve reporting of violations. Mr. Knox further noted a need to prepare a brief report to address the issues stated in the work plan for this policy issue.

Mr. Ko requested clarification on the content of the subcommittee's report.

Action #4: Mr. Haddock to collaborate with the subcommittee to prepare a report as a framing document to address issues identified in the work plan.

Action #5: Staff to develop a final draft on the Enforcement Reporting Guide for the September Enforcement Committee meeting.

10. Work plan – Policy Issue B: Legislated Powers

Mr. Barker commented that the subcommittee report was forwarded to the Committee and that no additional comments were received. The final report is amended to include the updated synopsis from Engineers Canada.

Motion #3: The Enforcement Committee accept the subcommittee's final report and forward it to Council for information.

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

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Mr. Adams suggested bringing last paragraph of report forward as a third recommendation. It was agreed that the last paragraph would be identified as recommendation 3 and remain in its current position.

Amended Motion #3: With changes as noted above.

Moved by Roger Barker, P.Eng., seconded by Stephen Georgas, P.Eng.

CARRIED

Mr. Barker asked if a motion was required to stand down the subcommittee. Consensus was that a motion is not required.

Action #6: Staff to update the final report with changes for submission to Council.

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

Mr. Jackson commented that the subcommittee did not have a progress report at this time.

Mr. Georgas asked for clarification on how big is the problem. Mr. Haddock commented that PEO has approximately 750 open cases for business names at any given time.

Mr. Haddock to collaborate with the subcommittee on proposed actions prior to next meeting.

Action #7: Mr. Haddock to set up a teleconference meeting in early June; Ms. Iannone to send out a Doodle Poll to the subcommittee to determine availability for the meeting.

12. Other Business

Mr. Broad commented on the role of the committee and its effectiveness, as raised by a PEO past president. He suggested that there be discussion about the committee's powers at the September meeting. Mr Broad also asked if there should be an invitation for GLP to give feedback on how enforcement is viewed by government. Mr. Broad also asked if there should be a representative from OSPE on the Committee.

Mr. Poon asked for clarification on how to enforce against companies that stray past the provisions of the industrial exception. Mr. Haddock provided some background on the subject.

The discussion evolved into a general discussion of items to consider for the Committee's 2017 Work Plan.

Action #8: Mr. Broad, Mr. Barker and Mr. Jackson are to meet to collaborate on next year's work plan items.

13. Attendance

Ajai Varma absent with leave.



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14. Next Meeting dates

July 19th, September 22nd, November 15th

15. Adjournment

Motion #4: To adjourn at 3:50 pm.

Moved by Roger Barker, P.Eng.

CARRIED

P. Broad, P.Eng. - Chair

M. Iannone - Secretary

19 July 2016

Date