



Minutes

The Ninety-first meeting of the Enforcement Committee held on Tuesday November 13, 2018 at 1:30 p.m., PEO Offices

Present: Roger Barker, P.Eng. (Chair)
Stephen Georgas, LLB., P.Eng. (Vice-Chair)
Don Marston, P.Eng., JD
Peter Broad, P.Eng.
Tyler Ing, P.Eng.
Gordon Ip, P.Eng.
Ajai Varma, P.Eng.

Tomiwa Olukiyesi, P.Eng. (Council Liaison) [via teleconference, excluding items 8 & 9]

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)
Joe Adams, P.Eng.
Edward Poon, P.Eng.
Juwairia Obaid, P.Eng.

1. Welcome and Call to Order

Mr. Barker, called the meeting to order at 1:35 p.m. with a quorum of eight (8) and welcomed everyone.

Mr. Barker also welcomed Councillor Olukiyesi to the Enforcement Committee as Councillor Liaison.

2. Approval of Agenda

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

Moved by Stephen Georgas, P.Eng., seconded by Tyler Ing, P.Eng.

CARRIED



3. Report from Chair

Mr. Barker commented that he attended the Committee Chairs Workshop on October 26th, along with Mr. Georgas and Mr. Knox. The focus of the workshop was getting the most out of our volunteer teams.

Mr. Barker commented that the workshop included an introduction by President Brown, and he spoke about the Council decision to engage a specialist from the UK to do an external review of PEO's regulatory functions. Mr. Knox commented that the Enforcement Committee has been identified as a group that the auditor might want to speak with, or to potentially attend a meeting of the committee.

Mr. Ip asked about the timeframe for the audit and delivery of the report. Mr. Knox responded that the audit will be done in late January and early February, and that the final report is to be submitted to Council by July.

Mr. Georgas asked about the scope of the review. Mr. Knox commented that the auditor will look at what we are currently doing and how effective it is with respect to regulating the profession.

Mr. Barker commented that Council had deferred some items to the November meeting, and these included the selection of strategies to be implemented under the new strategic plan and the final report of the Public Information Campaign Task Force.

Mr. Barker commented that there were 12 applicants for the posted committee vacancies and that four candidates were selected for interviews. Mr. Knox commented that two new members were selected but they can't be named until they are approved by Council.

4. Consent Agenda

Mr. Barker 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 September 11, 2018 are approved.**
2. **The attached information items are received:**
 - a. **Memo to Communications 20181102**
 - b. **520th Council Disposition of Motions**

Moved by Gordon Ip, P.Eng., seconded by Don Marston, P.Eng.

CARRIED

5. Staff Update

Mr. Knox commented that there were no items to report aside from an update on current prosecutions.

Mr. Haddock commented on three previous matters:

- Charges were dropped in one matter due to the refusal of the architect who reported the offence to cooperate with a summons to appear for a trial in September.
- Repeat offender Cosimo Polidoro withdrew his guilty plea on a title violation after obtaining counsel; a pretrial hearing is scheduled for later this month.
- Mr. Hambleton is working on a section 39 application against an individual who is well-known to PEO for numerous enforcement violations, however he appears to have left Canada.



Mr. Haddock also commented on three new matters that had first appearance on October 18th:

- Amr Robah, operating as YEJ Consulting, is facing multiple counts and is in plea negotiations with PEO.
- PEO had laid charges against Modern Elevator for illegal seal use; the charges were dropped after providing evidence that the seal was not used without authorization.
- Geotech Engineering had been warned about using “engineering” in its corporate name and is facing two counts for unlicensed practice of engineering.

Mr. Ip asked how the matters came to the attention of PEO. Mr. Haddock explained that Mr. Robah had multiple complaints from his former clients, who believed that he was a professional engineer. The complaint against Modern Elevator was made by the engineer who held the seal after being questioned about the project by T.S.S.A. Geotech Engineering was reported by an engineering firm after they submitted proposals for subcontracted engineering work.

Mr. Ip asked if a designation for C of A holders to use in their business name had been considered. Staff responded that this had not been looked at, but that C of A firms are permitted to provide a disclaimer that they are authorized by PEO to provide engineering services to the public.

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

Ms. Gismondi reported that she would be making a presentation at the Chapter Leaders Conference this weekend. She and Mr. Georgas will also be facilitating a breakout session on enforcement at the chapter level. The plan is to use the methodologies document and the Enforcement Reporting Guide to stimulate discussion on ways to disseminate this message at the chapter level. The intent is to get feedback from the attendees and report back to the committee.

Mr. Barker asked whether the feedback would be ways that chapters can contribute to the process or to suggest some actions for either staff or this committee to increase the effectiveness of PEO’s enforcement activities. Ms. Gismondi explained that it would be more about how to get useful information out to the chapters.

Mr. Barker asked whether Mr. Ip or Mr. Ing would be attending the conference. They responded that they were no longer in that role with their respective chapters. Mr. Knox commented that Ms. Obaid would be at the conference and would be facilitating a similar breakout session for PEO’s complaints process. Mr. Knox would be providing the introductory presentation for that session.

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

Mr. Knox commented that he received a response from Annex Business Media indicating that they do not share detailed subscriber information with third parties. He had a follow-up conversation by telephone with the circulation manager, who agreed to provide some aggregate demographic data on subscribers. Mr. Knox is waiting for Annex to send this information.

Mr. Knox further noted that Annex asked for a reciprocal gesture to inform licence holders about Annex publications. Mr. Knox sent an email to PEO Communications to ask what can be done to respond to this request. Mr. Knox viewed it as an opportunity to build a relationship with Annex and develop an outlet to inform their readers about who can practise engineering and who can use the title.

Mr. Varma asked about methods to identify title violations. Mr. Haddock provided examples of what can and cannot be done and the associated costs. He also discussed some of the challenges associated with getting compliance.



Mr. Barker commented that this has opened a door with Annex and is a good opportunity to get more information.

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

Mr. Knox reported that there has been no further response to date from Professional Standards Committee (PSC). It seems that the larger committee has been discussing a potential update to the PSR guideline, but there is no current sub-committee assigned to work on an update.

Mr. Knox commented that he will continue to monitor the PSC meeting minutes and check with the staff advisor on a clear response to the question of whether the committee will look at creating a performance standard.

Mr. Broad asked if there was a possibility to involve our Council Liaison to see if there was interest from Council to pursue this matter.

Mr. Barker asked about the past process to introduce new performance standards. Mr. Knox commented that recent standards have been the result of changes in companion legislation that directed the involvement of engineers.

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

Mr. Barker commented that the objective is to define the scope for this sub-committee and to solicit participation from members who are interested working on this topic. He noted that Mr. Knox had prepared some background notes to stimulate discussion.

Mr. Barker noted that one approach was to work from the definition of engineering practice given in the *Professional Engineers Act*. An alternate approach would be to work from actual cases where staff had to determine whether a given activity was the practice of engineering.

It was noted that Messrs. Adams, Broad, Ip and Marston are interested in participating on this sub-committee and that Mr. Knox provide the initial staff support.

Action #1: Mr. Knox is to arrange teleconference meeting of the sub-committee to further define the scope of its task.

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

Mr. Barker gave an overview that the task was to prepare a report that outlined potential amendments to the Act and the Regulations to facilitate enforcement activities. He commented that Mr. Knox had also prepared some background information for this item.

Mr. Knox outlined the relevant sections of the Act and the Regulation that affect enforcement activities. He further commented that the objective is to identify the gaps and explain why each is viewed to be a gap.

Mr. Georgas commented that section 12 gives a prohibition regarding who can practice engineering, while section 67 of Regulation 941 is not a prohibition, and this is an example of a gap. There may be interim action that can be taken to address the gap until an amendment can be made.

Mr. Haddock commented that the exception under section 12(4) has been impacted by changes in both construction methods and materials, such that it needs to be reviewed and revised to align with current practices.

Mr. Georgas commented on the liability of employers for assigning restricted job titles to unlicensed employee as another example of a regulatory gap. Can the employer be held liable for “aiding and abetting” the offence by the employee?

Mr. Broad commented about clarifying the distinctions between work that can be done by an architect and work that must be done by an engineer, particularly with respect to taller buildings.

Mr. Knox suggested that Haddock would be staff support for this sub-committee. Mr. Georgas and Mr. Ing agreed to participate as members of the sub-committee.

Action #2: Mr. Haddock is to arrange a teleconference meeting to further define the scope for the sub-committee.

11. Election of Chair 2019

Mr. Barker commented that Mr. Georgas has indicated an interest in serving as Chair of the committee and asked if other members were interested. There being no other nominations, Mr. Barker asked for a motion to elect the Chair for 2019.

Motion #3: That Stephen Georgas is appointed as Chair of the Enforcement Committee for a two-year term commencing January 2019.

Moved by Don Marston, P.Eng., seconded by Peter Broad, P. Eng.

CARRIED

12. Election of Vice-Chair for 2019

Mr. Barker noted that Mr. Adams expressed interest in the position. There being no other nominations, Mr. Barker asked for a motion to elect the Vice-Chair for 2019.

Motion #4: That Joe Adams is appointed as Vice-Chair of the Enforcement Committee for a two-year term commencing January 2019.

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

CARRIED

13. Other Business

Mr. Barker presented Volunteer Recognition Certificates to retiring members, Don Marston and Ajai Varma, for their service on the Enforcement Committee.

Mr. Barker asked for an update on the memo to Council regarding the Repeal of the Industrial Exception that was an action item from the September meeting. Mr. Knox reported that this was discussed with Ms. Latham and suggested to convey the committee’s concerns to the Manager for the Government Liaison Program (GLP). Mr. Knox has not yet spoken to the GLP Manager, but at the Government Relations Conference in October it was noted that it is no longer an active issue.

Mr. Broad asked if the committee could make a motion to Council to actively restore the repeal as an issue. Mr. Knox commented that we would need sufficient grounds to justify that it be revisited by government. It should be restated to the GLP volunteers that the repeal is not an active issue. Mr. Knox will follow up with the GLP Manager.



Mr. Barker noted that there was a potential work plan item to develop a position statement on separate registrations for title and engineering practice.

Mr. Knox explained that the ongoing concerns from some members about why they are paying for a full licence if they are not actively practising engineering. He noted that if Council were asked to explore the merits of having a separate registration for title and practice, the committee might be asked how this would impact PEO's enforcement activities.

After some extended discussion, Mr. Knox asked if there was consensus to add this item to the work plan and to form a sub-committee to look at the issue. Mr. Barker commented that a limited scope sub-committee could easily put the pros and cons on paper.

Mr. Barker confirmed that Messrs. Ing, Ip, Broad, and Georgas expressed interest in serving on this sub-committee. Mr. Knox agreed to provide the initial staff support.

14. Attendance

Regrets:

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

Edward Poon, P.Eng.

Juwairia Obaid, P.Eng.

15. Next Meeting

Mr. Knox suggested that the next meeting would be sometime between January 21 and February 1 of 2019.

Action #3: Maria is to send out a Doodle poll for availability on meeting dates.

16. Adjournment

Motion #5: To adjourn at 4:00 pm.

Moved by Tyler Ing, P.Eng.

R. Barker, P.Eng. - Chair

R. Barker

Date Jan 22, 2019

M. Iannone – Secretary

M. Iannone

Date Jan. 22, 2019