



Minutes

The seventy-seventh meeting of the Enforcement Committee held on
Tuesday, January 19, 2016 at 1:30 p.m., PEO Offices

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

Council Liaison: Ewald Kuczera, P.Eng.

Staff: Cliff Knox, P.Eng. (Manager, Enforcement)
Steven Haddock (Enforcement and Advisory Officer)
Maria Iannone (Administrative Assistant)

Regrets: Edward Poon, P.Eng.
Linda Latham, P.Eng. (Deputy Registrar and Staff Advisor)

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. Approval of Agenda

Motion #1: That the Enforcement Committee agenda dated January 19, 2016 be approved.
Moved by Bill Jackson, P.Eng., seconded by Stephen Georgas, P.Eng. **CARRIED**

3. Approval of Minutes of November 17, 2015

Motion #2: That the Enforcement Committee minutes dated November 17, 2015 be approved,
Moved by Don Marston, P.Eng., seconded by Roger Barker, P.Eng. **CARRIED**

4. Election of Chair and Vice Chair

Per Committee & Task Force Policy.

Mr. Jackson commented on changing the election to the fall of the previous year instead of the beginning of the year.



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Mr. Knox commented that he had contacted volunteer management and there is to be a policy change to Committee Terms of Reference to address this.

Nominations were completed by the Committee all in favor Mr. Broad as Chair and Roger Barker as Vice Chair for 2016.

Motion #3: That Peter Broad be appointed as Enforcement Committee Chair for 2016.

Moved by Don Marston, P.Eng., seconded by Ajai Varma, P.Eng.

CARRIED

Motion #4: That Roger Barker be appointed as Enforcement Committee Vice Chair for 2016.

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

CARRIED

5. Council Liaison Update

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

Council passed a motion to form a new task force for Continuing Professional Development that is to follow up on the work of the previous task force. Additional work is to be completed prior to a referendum on implementation of CPD. Membership for the committee is expected to be about 50% sitting Council members and others who are interested in working on the Committee.

The Ontario Centre for Engineering and Public Policy (OCEPP) has been disbanded with no job losses. It's been determined that some of the work can be done in house without a separate budget allocation for this.

Mr. Barker asked if this was a reflection that it was considered to be outside the mandate of PEO.

Mr. Kuczera commented that this body no longer served its purpose and the money could be spent specifically within the organization on activities that are being targeted through the work of various committees.

Mr. Broad asked if government liaison will be taking some of this role of OCEPP.

Mr. Kuczera commented that GLP still has a very active role to play.

Mr. Marston asked about the scope of the CPD task force and if it's intended to address all branches of engineering.

Mr. Kuczera commented that it is going to impact all engineers. The majority of council felt they needed to have more information for people to properly take a position on this in a referendum.

Budget was looked at and there's talk about creating a Communication Board for Engineering Dimensions which has been left for the February meeting of Council.

Mr. Knox commented that the Professional Standards Industrial Subcommittee's final report was received by Council and the Subcommittee has been stood down. Mr. Barker requested if a copy of the report could be provided to the Committee.

Action: That Cliff forward a copy of the Final Report by the PSC Industrial Subcommittee for information.



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6. Staff Update

Mr. Knox gave an update on recent court decisions in PEO's favour. Michael Martin Cook was prosecuted for sealing documents while not holding a licence, resulting in a fine of \$10,000.00.

Emmanuel de Guzman and Falcon Group International were prosecuted respectively for sealing documents and holding himself out as a professional engineer, and for continuing to represent itself as an Engineering firm after its C of A had been revoked. PEO obtained a judgement for costs and must now serve de Guzman with a copy of the order to achieve compliance.

Motion #5: That the meeting be held In Camera for certain items.

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

CARRIED

Additional information items were presented to the Committee while In Camera.

Motion #6: That the meeting return to Open Session.

Moved by Roger Barker, P.Eng., seconded by Don Marston, P.Eng.

CARRIED

8. Committee Best Practices

Committee best practices were approved at the last meeting and staff asked to discuss their implementation.

Mr. Knox commented that he wanted to understand the timing for the work plan, annual objectives and self-evaluations, and suggested these be done in separate meetings. Staff can look at what is done by other committees for self evaluation to develop some form of template or have the committee come up with some questions to ask.

Mr. Barker suggested looking at other committees and coming up with some proposed questions and looking at it in another meeting target toward the end of the year.

Mr. Barker asked to look at changing the September meeting date and for staff to forward a Doodle request for members to select.

Action: That Staff make correction to the November 17, 2015 minutes as noted by Roger Barker, P.Eng.

Action: That Annual Objectives and Work plan be completed as an agenda item for the September 2016 meeting.

Action: That the Committee's Annual Self-Evaluation be completed as an agenda item for the November 2016 meeting.

Action: That Cliff research evaluations done by other committees and confer with the Chair and Vice Chair on survey items.

Action: That Maria send out a Doodle Poll to determine an alternate date for the September Meeting.



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9. Work plan – Policy Issue A: Enforcement Reporting (S. Ko, D.Marston)

Mr. Ko commended Mr. Haddock's good work on the draft guide noting that it captured what he was looking for. Mr. Ko asked if the guide was meant for members or the general public.

Mr. Haddock commented that the guide is mainly for members; it's possible to expand it for use by the public but it would need to also need to make clear the differences between a complaint against a practitioner and an enforcement matter against an unlicensed person.

Mr. Ko discussed doing a leaflet for members and later expand it for the public.

Mr. Haddock commented that this is something that PEO's Communications department can do.

Mr. Marston thanked Mr. Haddock and commented that this is a good first draft and that he and Mr. Ko will review the information. It might be helpful to make reference to the online registration database and to emphasize the importance that informants satisfy themselves on the facts as best they can.

Action: That Committee Members provide feedback to Steven and Cliff on the draft Guideline for Enforcement Reporting.

10. Work plan – Policy Issue B: Legislated Powers (R.Barker, S. Georgas, E. Poon)

No report at this time.

Action: That Roger Barker will prepare a final report for the May 2016 meeting.

11. Work plan – Policy Issue C: Definition of Engineering (P.Broad, E.Poon, W.Jackson)

Mr. Broad commented that "Industrial Engineer" has been changed to "Engineers employed in Industry" which will cover all.

No Actions assigned or Motions raised.

12. Work plan – Policy Issue D: Examples of Engineering (A.Varma, R.Barker, G.Houghton)

Mr. Varma proposed to close off the subcommittee due to lack of available evidence.

Mr. Adams noted that there is a new TSSA standard on managing risk in public space.

Mr. Knox commented that PEO can look at incorporating external standards into current practice standards. This activity would be best directed to PEO's policy and standards group.

Motion #7: That the Subcommittee be stood down and the Work plan item be discontinued.
Moved by Roger Barker, P.Eng., seconded by Ajai Varma, P.Eng. **CARRIED**



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13. Work plan – Policy Issue E: Impact of Counterfeit Seals (W.Jackson, S.Georgas)

Mr. Jackson commented that the issue of counterfeit seals is a national concern and that the Professional Standards Committee should bring it forward on a national basis.

Mr. Georgas commented on the legal side that section 53 of Regulation 941 makes a general reference to the signing and sealing, and the PE Act is sufficiently flexible to accommodate electronic signing and sealing.

Action: That Staff forward the Subcommittee report to Professional Standards Committee (PSC) for consideration.

Motion #8: That the Committee requests Council to refer the report and supporting materials to PSC for appropriate action.

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

CARRIED

14. Work plan – Policy Issue F: Enforcement of Business Names (P.Broad, W.Jackson, S. Georgas)

Mr. Haddock commented that there are over 100 outstanding name challenges with the Ministry of Government Services including three matters that have been ready for hearing since early 2015.

Mr. Knox requested that a subcommittee be appointed to study the memo and come back with a recommendation for the March or May meeting. Consensus was to appoint Mr. Broad, Mr. Jackson and Mr. Georgas to the subcommittee.

Mr. Knox commented other provinces don't seem to have the backlog that we have.

Action: Staff requested that the Subcommittee review the draft memo prepared by Steven, prepare questions on the memo for discussion at the March 2016 meeting, and provide direction for the May 2016 meeting.

15. Other Business

a. Title provisions for Limited License Holders

Mr. Knox commented that limited licence holders using the title Engineering Practitioner is a minor conflict, as the LELs must stipulate what the limits are on their area of practice. LELs do not hold an unconditional license to practice engineering. Consensus was that staff address the matter internally.

b. C of A holders with no contact engineer

Mr. Knox commented that when a C of A holder terminates its contact engineer the PE Act requires that PEO be notified within 30 days and informed who is the new contact engineer. Firms that fail to appoint a replacement within 30 days are in violation of their C of A responsibilities. Consensus was that staff can address this concern internally.



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c. Consulting Engineers with no oversight by CE

Mr. Knox commented that consulting engineering firms must designate someone who holds a consulting engineering designation to supervise and assume responsibility for the consulting engineering work of that firm in order to use the title consulting engineer(s). Consensus was that this was not an issue that required immediate action or direction from the Committee.

No Actions assigned or Motions raised.

12. Attendance

Edward Poon absent with leave.

13. Next meeting dates:

March 15th, May 17th, July 19th, September 20th (to be confirmed), November 15th.

14. Adjournment

Motion #9: To adjourn at 4:35 pm.

Moved by William Jackson, P. Eng.

CARRIED

P. Broad, P.Eng. - Chair

M. Iannone – Secretary

Date