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Charting a course for enforcement

An interview with Ken McMartin, P.Eng.

by Alison Piper



Ken McMartin,
P.Eng., chair of PEO's
new Committee on
Enforcement

PEO now has a team of experts from a broad range of disciplines to strategize on how best to tackle illegal engineering practice and illegal use of the engineering title in Ontario. Established following a motion passed by Council in September 1999, PEO's new standing Committee on Enforcement has been created to support and guide staff in carrying out activities that increase the effectiveness of PEO's enforcement role. The committee's mandate also includes providing advice on the scope of engineering practice, including emerging areas, and presenting solutions and policy proposals to Council on high-level issues.

In brief, PEO's enforcement program is intended to protect the public from individuals and entities who are not authorized by PEO to practise professional engineering, or are offering professional engineering services without a Certificate of Authorization. Enforcement is the action the association takes against those who:

- ◆ illegally use the title "professional engineer," "P.Eng.," or variations of it as an occupational or business designation;

- ◆ illegally use a term, title or description that leads to the belief that they may engage in the practice of professional engineering;
- ◆ offer engineering services to the public without a Certificate of Authorization;
- ◆ illegally practise professional engineering; or
- ◆ illegally use an engineering seal.

The Committee on Enforcement held its first meeting in February, and will continue to meet regularly to get its work plan underway. *Gazette* recently spoke with Ken McMartin, P.Eng., a PEO Councillor and chair of the committee, about his views on the enforcement issues facing the profession and the future direction PEO's enforcement program should take.

Gazette: Is PEO doing a good job of enforcement? What could we be doing better?

KM: PEO is doing a good job of enforcement, given the constraints of the Professional Engineers Act. This came as quite a surprise to me; like many other licence holders, I thought PEO was not devoting a reasonable effort in the area of enforcement. I thought that we were zeroing in on a select group and milking that situation. It was not until the first committee meeting where we learned that, indeed, PEO staff are very active on the enforcement front and perform a wide range of activities targeted at government, industry, professional engineers and licence applicants.

PEO has begun to better communicate its enforcement activities, and now there are regular enforcement information articles in *Gazette*.

I believe we need to do a better job of educating the public on what professional engineering is all about. Educating the public is the key to all our enforcement issues. If people do not understand what professional engineering is, how can we expect them to abide by the Act?

We need to better communicate all aspects of the enforcement issue to the public, employers, government and most of all to our own licence holders.

Gazette: What do you see as the most important enforcement issue(s) facing the association?

KM: We need to find a meaningful way to show the public and other stakeholders that we are here to protect public health and welfare. We need to explain what it is professional engineers are licensed to do in that context. We must tie in the message of education with a message encouraging the public and other stakeholders to report cases of unauthorized engineering work to PEO, so we can properly deal with those cases.

Another area is the misuse of engineering titles. Much of Ontario industry is owned by American parent companies. PEO is continually contacting companies where non-licensed individuals are using job titles containing misleading terms, such as “professional engineer” or “systems engineer” (to name but two).

We point out to these companies that the term “professional engineer” is protected by the Act, along with other

engineering terms that could lead one to believe that those using them can practise professional engineering. We must ensure that the public knows the difference between a professional engineer and anyone who is not licensed by PEO.

There are some committee members who believe that we need a better definition of what constitutes the practice of professional engineering, which would be more easily understood by both practitioners and the public. The committee is currently considering this, and some members have suggested that we may want to look at the whole issue of licensure.

I should point out that there are other PEO task forces looking at similar questions. The Enforcement Committee may make its own submissions to these groups in the near future.

Gazette: How does the Enforcement Committee plan to address software engineering and other emerging engineering fields?

KM: To be honest, very carefully. We have recently seen from the outcome of the Memorial University of Newfoundland case that, before expensive legal action is taken, proper evidence must be obtained to show a court that the public is being misled by unauthorized use of an engineering title. PEO staff are constantly monitoring situations where the misuse of such terms as “software engineer” may lead to confusion.

Recently, the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA) invited representatives of computer education centres to a fact finding meeting at which APEGGA staff outlined the

association’s regulatory role. The committee has asked PEO staff to make further inquiries of APEGGA, with a view to starting a similar awareness campaign in Ontario.

Again, other PEO committees are wrestling with such topics as “emerging disciplines,” and I will be extending the Enforcement Committee’s services to these committees. We do not want to take legal action to prove a point, only to have it backfire on us for lack of proper preparation.

Gazette: How will follow-up on the recommendations of the Task Force on Admissions, Complaints, Discipline and Enforcement (ACDE) related to enforcement be tackled?

KM: Since Council has approved all of the ACDE Task Force’s recommendations, the committee will follow up on progress made toward implementing the recommendations related to enforcement. The committee is reviewing one of the task force’s recommendations on corresponding with applicants for licensure regarding their use of engineering titles. As well, the committee is looking to find alternatives to the title “Engineer-in-Training,” which would better describe licence applicants.

Gazette: What will the committee’s role be in proposing changes to the Professional Engineers Act? What aspects of the Act will the committee be looking at?

KM: The committee’s role is to assist staff in carrying out the enforcement function at PEO. We are available as a group of knowledgeable professional engineers, who can review and take to Council for approval changes staff feel are required. Unlike the Com-

plaints and Discipline committee [which are directly involved in PEO’s complaints and discipline process], it is not the committee’s job to become involved in PEO’s daily enforcement operations.

The committee also answers to Council. Council may ask the committee to examine specific enforcement-related activities, which may lead to a proposal to revise the Act.

Gazette: What are the next steps for the Enforcement Committee?

KM: The committee is currently reviewing PEO’s enforcement activities and gathering information on the enforcement activities of the other engineering associations. This will provide us with a baseline for measurement.

The committee will be looking at provisions of the Professional Engineers Act respecting licensure, protection of engineering-related terms and exemptions from licensing requirements to get the big picture on enforcement. We will also be involved in efforts to inform the public on many of the enforcement issues facing PEO.

Gazette: Is there anything you’d like to add that you think members should know about?

KM: I think our licence holders should understand that the enforcement issue is not an isolated one. It is tied in with many other interrelated issues facing the profession. Enforcement problems may appear to be easy or straightforward to solve on the surface. But possible solutions may have serious ramifications on other areas of PEO’s core business, and must be considered in that context. ◆

Council approves designation and redesignation of Consulting Engineers

At the 394th meeting of Council held June 30, 2000, the following members were designated or redesignated as consulting engineers pursuant to Ontario Regulation 941 of the Professional Engineers Act. Also listed are firms to which Council has granted permission to use the title "Consulting Engineers."

Newly designated Consulting Engineers

Mohamed Jimi Arey, P.Eng.
Peto MacCallum Ltd.
Toronto, ON

Jeffrey Armstrong, P.Eng.
Henderson Paddon & Associates
Owen Sound, ON

Dennis Becker, P.Eng.
Golder Associates Ltd.
Mississauga, ON

Paul Belanger, P.Eng.
1037234 Ontario Limited
(o/a) Belanger Engineering
Mississauga, ON

David Carter, P.Eng.
Earth Tech Canada Inc.
Toronto, ON

Vincent Wan Tat Chu, P.Eng.
The ECE Group Ltd.
Toronto, ON

Flavio Forest, P.Eng.
Dillon Consulting Limited
Windsor, ON

Mark Galas, P.Eng.
Lawrence Fleming and
Associates Ltd.
Toronto, ON

Salem Ghanem, P.Eng.
Arcan Engineering Ltd.
Windsor, ON

John Graf, P.Eng.
J.L. Richards & Associates Limited
Ottawa, ON

Steven Harapiak, P.Eng.
Self-employed
Oakville, ON

Paul Harris, P.Eng.
Thomas P. Rylett Limited
St. Thomas, ON

Steven Law, P.Eng.
Reinders Consultants Limited
Brampton, ON

Chung-Yan (Thomas) Li, P.Eng.
G.L. Tiley & Associates Ltd.
Flamborough, ON

William Powell, P.Eng.
McGregor Allsop Limited
Stouffville, ON

Jeffrey Stephenson, P.Eng.
John Stephenson Consultants Ltd.
Downsview, ON

Sjoerd Wagenaar, P.Eng.
Robert M. Martin Engineering &
Project Management Inc.
St. Catherines, ON

Redesignated Consulting Engineers

Georgi Angelov, P.Eng.
Harry Angus, P.Eng.
Robert App, P.Eng.
Arthur Atkinson, P.Eng.
Colin Atkinson, P.Eng.
Robert Baker, P.Eng.
Mohan Barman, P.Eng.
David Batchelor, P.Eng.
Zivojin (Jim) Bekcic, P.Eng.
Douglas Benneyworth, P.Eng.
G. Douglas Bonner, P.Eng.
Michael Boshier, P.Eng.
Raymond Boulding, P.Eng.
Allan Brogden, P.Eng.
David Brouillette, P.Eng.
Geoffrey Burn, P.Eng.
Ernest Card, P.Eng.
Natale Caruso, P.Eng.
Neil Castonguay, P.Eng.
Tony Cesta, P. Eng.
Harry Charalambu, P.Eng.
Dan Cherepacha, P.Eng.
Yip Chow, P.Eng.
John (Jay) Clark, P.Eng.
Joseph Cohoon, P.Eng.
Theodore Constantine, P.Eng.
Stanley Cooper, P.Eng.
Guy Cormier, P.Eng.
Mervyn Couse, P.Eng.
Gordon Currie, P.Eng.
Robert Curtis, P.Eng.
Edward Davison, P.Eng.

Designation of a consulting engineer is for a period of five years; at the end of that time, the member must be redesignated. Anyone wishing information on the consulting engineers program may contact Angela Gallant, Department of Professional Affairs, at (416) 224-1100 or (800) 339-3716, or email: agallant@peo.on.ca

Kevin De Grace, P.Eng.
Patrick Doherty, P.Eng.
Corneliu Dragu, P.Eng.
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Lawrence Erion, P.Eng.
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