



Gazette

Volume 20, No. 4
July/August 2001

THE DEPARTMENT OF THE REGISTRAR, PEO

Published by
the Association of
Professional Engineers
of Ontario

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Discipline Committee of the Association of Professional Engineers of Ontario

In the matter of a hearing under the Professional Engineers Act R.S.O. 1990

Chapter P.28.

And in the matter of an application by

John J. Kadlec

For reinstatement of his licence in the Association of Professional Engineers of
Ontario

Decision and Reasons

The Discipline Committee of the association met in the offices of the association on Thursday, August 26, 1999, to hear the application of John J. Kadlec (hereinafter referred to as Kadlec) for reinstatement of his licence.

Michael E. Royce of Lenczner Slaght Royce Smith Griffin appeared as legal counsel for the association. Kadlec was not represented by counsel.

The hearing arose as a result of the revocation of Kadlec's licence ordered by a previous Discipline Committee decision on September 30, 1994. Kadlec had applied for reinstatement.

Mr. Royce filed as exhibits the Decision and Reasons of the previous two discipline hearings, dated March 16, 1994 and September 30, 1994, along with a Practice Inspection Report of John J. Kadlec by E.L. Mercer, P.Eng., dated April 2, 1994. As a result of the first hearing Kadlec's licence was suspended and an engineering practice inspection was ordered. After the practice inspection and the second hearing,

Kadlec's licence was revoked and the Certificate of Authorization of Beta Engineering Consultants Limited was revoked.

In giving evidence on his own behalf, in support of his application for reinstatement, Kadlec relied on the evidence of three witnesses.

The first witness for Kadlec was Mr. Nassy Bilkovski, Architect, Planner and Landscape Architect, owner of Nassy Bilkovski Inc. Mr. Bilkovski reported that he had known Kadlec for over 25 years and they were both honour students in Prague. He stated that he had worked with Kadlec on many large condominium projects and he described Kadlec as a competent structural engineer in all cases. In fact, he believed that Kadlec had been punished severely by the association for his mistakes, which he attributed to Kadlec's lack of supervision of subordinates, who made some mistakes. He reported that the revocation of Kadlec's licence has resulted in the loss of his business, his house and his employment. Mr. Bilkovski stated that Kadlec had never designed a building that was unsafe and no one was physically or financial-

ly affected adversely by his works. Thus, Mr. Bilkovski stated that Kadlec was a competent structural engineer and that his licence should be reinstated.

Mr. Lad Rak, P.Eng., was the second witness to appear on Kadlec's behalf. Mr. Rak, who is a consulting engineer specializing in foundations, indicated that he grew up with Kadlec. The consultant reported that he had worked on many projects, simple to complicated with Kadlec, and he would not hesitate to recommend that Kadlec be reinstated by the association. He noted that Kadlec had great experience and that he was innovative, competent, and was able to solve problems. Currently Mr. Rak is working with Kadlec on a unique Condo and Townhouse development near the Summerhill Subway Station in Toronto. He reported that Kadlec, who is now employed by Stanley H. Cooper, P.Eng., is the designer of the complex. Mr. Rak would gladly provide written reports on projects that he had undertaken with Kadlec since 1994. He concluded that the association should reinstate Mr. Kadlec.

Mr. Stanley H. Cooper, P.Eng., was the third witness to testify on behalf of Mr. Kadlec. Mr. Cooper, who owns a structural consulting firm, reported that he had known Kadlec's firm, Beta Engineering Consultants Ltd., since the 1970s when they competed for projects. Mr. Cooper said that he was surprised that Kadlec got into problems with the association since he regarded Kadlec's work as excellent.

Mr. Cooper admitted that many consultants were caught by surprise when the masonry code changed. He noted that a lot of consultants were not aware of the change, which would result in under design.

Mr. Cooper reported that he hired Kadlec three years ago because he recognized him as an excellent engineer. Apparently, Mr. Cooper employed Kadlec on many difficult, complex structural projects and reportedly he was satisfied with Kadlec's results, as were their clients. A favourable change in Kadlec's attitude was reported by Mr. Cooper, since his employment with the firm. He noted that Kadlec was more conciliatory, a team player and sought out the opinion of other employees. Previously, Kadlec had been used to working on his own. Thus, he believed that Kadlec was

more mature now and was ready to start up his own practice again. Since Kadlec does not have a stamp, Mr. Cooper said that all Kadlec's work is reviewed and stamped by Mr. Cooper. He also reported that Kadlec's experience with his firm has made him a better business person since he now knows Cooper's system. Mr. Cooper reported that Kadlec was not only an excellent concrete and steel designer, he also had expert field experience.

In giving evidence on his own behalf, Kadlec reported that he has successfully completed over 800 projects, large and small, since he opened his own engineering practice in 1976. He reported that as a result of the associations' actions in 1994, he lost his business, his house and his financial resources. As a result, he could not afford a lawyer for his defence. He was thankful that Mr. Cooper had helped him enter the engineering world again. Kadlec stated that he knows that he is a good designer and realizes that he made mistakes in the past that were mainly due to the lack of supervision of his staff.

Thus, he believed that he has learned from his mistakes and now requested that his licence be restored. He stated that if he received his licence again, he would not start his own company, but would stay with Mr. Cooper.

In regard to his financial situation, Kadlec indicated that he did not declare bankruptcy and that there is \$50,000 in liens against his projects, which he has been unable to collect. He reported that he does not have the financial resources to pay the \$25,000 costs levied against him by the association for its Engineering Practice Inspection of Beta Engineering Consultants Ltd.

Kadlec stated that he had applied for reinstatement over two years ago. He just wanted reinstatement as a professional engineer, not renewal of his Certificate of Authorization.

Mr. Royce, who did not call any witnesses on behalf of the association, stated that the Discipline Committee is permitted to impose terms and conditions on the reinstatement of a licence. He suggested that if the licence is reinstated, some type of supervision should be required for Kadlec.

After hearing the submissions from Kadlec and Mr. Royce with respect to the

disposition of this matter, the Panel retired to consider the evidence and exhibits.

In reviewing the evidence and exhibits filed, the Panel has made its decision for the following reasons:

- 1. The Panel accepted the evidence of Mr. Stanley Cooper, P.Eng., regarding the competence of the applicant and his work experience since 1996.**
- 2. In the opinion of the Panel, Kadlec should practice in a supervised environment.**
- 3. The Panel is concerned that Mr. Kadlec has not dealt with penalties levied by the previous Discipline Panel.**

By virtue of the powers vested in it by Section 28 of the Professional Engineers Act, the Panel ordered that the licence of Kadlec to practise be reinstated subject to the following conditions:

- i. Kadlec is directed to take and successfully pass the Professional Practice Examination (PPE) of the association;**
- ii. Kadlec is to file a plan, subject to the approval of the Registrar, for payment of the costs previously awarded against him; and**
- iii. No Certificate of Authorization be issued to him.**
- iv. The Decision and Reasons of the Committee be published in full with names in the official journal of the association.**

Dated at Toronto this 5th day of November, 1999

Tom Smith, P.Eng., Chairman

FOR AND ON BEHALF OF THE COMMITTEE

Bill Fredenburg, P.Eng.

David Kempster, P.Eng.

Nick Monsour, P.Eng.

David Smith, P.Eng.

Council approves designation and redesignation of Consulting Engineers

At the 399th Meeting of Council held February 15-16, 2001, and the 402nd Meeting of Council held on June 22, 2001, 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."

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 Designation Program, may contact Angela Gallant, Department of Professional Affairs, at (416) 224-1100, ext. 491, or (800) 339-3716; email: agallant@peo.on.ca

399th Meeting of Council

Newly designated Consulting Engineers

Paul Durkin, P.Eng.
Gryphon International Eng. Services Inc.
St. Catharines, ON

Timothy Harvey, P.Eng.
Stantec Consulting Ltd.
Kitchener, ON

James Hawes, P.Eng.
Georgian Engineering
Parry Sound, ON

James Lunn, P.Eng.
Azurix North America
Engineering Corp.
Hamilton, ON

Bradley Pryde, P.Eng.
Stantec Consulting Ltd.
Port Elgin, ON

Harry Whittaker, P.Eng.
Ekosaulé Consulting
Manotick, ON

Redesignated Consulting Engineers

Arturo Abrera, P.Eng.

Jafar Amini, P.Eng.

Amarendra Banerjee, P.Eng.

Adly Banoub, P.Eng.

Dan Berkley, P.Eng.

Paul Bowen, P.Eng.

John Braaksma, P.Eng.

Valentin Brinovec, P.Eng.

Gerald Buckrell, P.Eng.

Anthony Capel, P.Eng.

Arunangshu Chakraverty, P.Eng.

Barry Charnish, P.Eng.

John Charnock, P.Eng.

Stephen Shu-Man Cheng, P.Eng.

Grant Coffey, P.Eng.

Brian Cosburn, P.Eng.

Sandra Cullen, P.Eng.

David L. Cunliffe, P.Eng.

Giuseppe De Caria, P.Eng.

Nabil El-Khazen, P.Eng.

Robert Ellis, P.Eng.

Laurence Fancy, P.Eng.

Rodney Gillard, P.Eng.

Thomas Gledhill, P.Eng.

Robert Grygorcewicz, P.Eng.

Robert Gummow, P.Eng.

Robert Hanna, P.Eng.

William Hargrave, P.Eng.

William Hatch, P.Eng.

Alfred Hayden, P.Eng.

Robert Hindle, P.Eng.

Gary Irving, P.Eng.

Loren Kerr, P.Eng.

Thomas Kerr, P.Eng.

William Knight, P.Eng.

Gordon Krieger, P.Eng.

Paul Magowan, P.Eng.

Robert Martin, P.Eng.

Terence McCutcheon, P.Eng.

Eric Z. Nejat, P.Eng.

Clarence Nichols, P.Eng.

Thomas O'Dwyer, P.Eng.

Stephen Parazader, P.Eng.

Stephen Pollock, P.Eng.

Robert Rappolt, P.Eng.

Charles Raymond, P.Eng.

Lance Reid, P.Eng.

Youri Riaboy, P.Eng.

Andrew Ross, P.Eng.

Ronald Scheckenberger, P.Eng.

Kenneth Serdula, P.Eng.

Bryan Skrabek, P.Eng.

Trevor Small, P.Eng.

Robert Stevenson, P.Eng.

Gerhard Suter, P.Eng.

Murray Thompson, P.Eng.

Richard Weldon, P.Eng.

David Wills, P.Eng.

Edward Wong, P.Eng.

Consultants granted permission to use the title "Consulting Engineers"

Pinchin Environmental Ltd.
Mississauga, ON

Pinestone Engineering Ltd.
Bracebridge, ON

402nd Meeting of Council

Newly Designated Consulting Engineers

James Cleary, P.Eng.
Randall Brown & Associates Ltd.
Toronto, ON

Thomas Davis, P.Eng.
C.D. Sonter Management Inc.
Toronto, ON

Thomas Finan, P.Eng.
RPA Consultants Limited
Toronto, ON

Maria Gallo, P.Eng.
Inviro Engineered Systems Ltd.
Willowdale, ON

Stan E. Michael Gonsalves, P.Eng.
Trow Consulting Engineers Ltd.
Brampton, ON

Norman Huggins, P.Eng.
CH2M Hill Canada Limited
Toronto, ON

Cang Cong (Ken) Le, P.Eng.
MCW Consultants Ltd.
Toronto, ON

Paul Loney, P.Eng.
PRL Environmental Services Ltd.
Cambridge, ON

Mirek Neumann, P.Eng.
Neumann Associates Limited
Mississauga, ON

Alexander Ochrym, P.Eng.
Consultec Ltd. Toronto, ON

Robert Paul, P.Eng.
Spectrum Consulting Inc.
Peterborough, ON

John Plant, P.Eng.
Plant Technologies and
Contracting,
Vaughan, ON

Ronald Quinn, P.Eng.

Hatch Associates
Mississauga, ON

Alena Ravens, P.Eng.

Ravens Engineering Inc.
Toronto, ON

Jack Richman, P.Eng.

Merlin General Corporation
Kincardine, ON

Ian Robertson, P.Eng.

Meritech Services Inc.
Cambridge, ON

Ezio Savini, P.Eng.

Adamson Lawson Surbray Associates Ltd.
Mississauga, ON

Bernhard Schropp, P.Eng.

Stantec Consulting Ltd.
Port Elgin, ON

Nick Silva, P.Eng.

Bi-Port Engineering Ltd.
Toronto, ON

**Redesignated
Consulting Engineers**

William Balfour, P.Eng.

Kathryn Bembem, P.Eng.

William Burns, P.Eng.

Richard Braddock, P.Eng.

Donald Cargill, P.Eng.

Murray Caughill, P.Eng.

Edwin Chart, P.Eng.

Wai Kong Cheng, P.Eng.

Donald Cruikshank, P.Eng.

Ralph Culham, P.Eng.

Richard Cunliffe, P.Eng.

William Day, P.Eng.

David Doughty, P.Eng.

John Paul Andrew Duffy, P.Eng.

Charles Eddie, P.Eng.

Arnold Gillis, P.Eng.

Howard Goodfellow, P.Eng.

Terrance Gray, P.Eng.

Walter Graziana, P.Eng.

Joseph Ha, P.Eng.

David Harding, P.Eng.

Brian Helm, P.Eng.

Harold Horneck, P.Eng.

Brian Huston, P.Eng.

Angela Iannuzziello, P.Eng.

Blagoje Jevric, P.Eng.

David Jull, P.Eng.

Raymond Kirtz, P.Eng.

Peter Kluchert, P.Eng.

Heinz Kresin, P.Eng.

Frithjof Eric Krueger, P.Eng.

Roy Laplante, P.Eng.

Neil Levac, P.Eng.

Rocco Liscio, P.Eng.

Jeffrey Marshall, P.Eng.

Bernard Martin, P.Eng.

Ian McCullough, P.Eng.

Hugh R. McGinn, P.Eng.

Ian McLeod, P.Eng.

Raffaele Meo, P.Eng.

Carl Mickelson, P.Eng.

Marian Molodecki, P.Eng.

David Moncur, P.Eng.

Bernard Moore, P.Eng.

Amine (Andy) Naoum, P.Eng.

David Noonan, P.Eng.

John Nunan, P.Eng.

Zuhtu Ozden, P.Eng.

W.J. Michael Palmer, P.Eng.

Andrew Patriquin, P.Eng.

Scott Perry, P.Eng.

Robert Peters, P.Eng.

Derek Pharant, P.Eng.

Lawrence Pond, P.Eng.

Kenneth Poulsen, P.Eng.

Ramani Ramakrishnan, P.Eng.

Walter Ringis, P.Eng.

Robert Rymell, P.Eng.

William Sanders, P.Eng.

Jacques Sauve, P.Eng.

Mike Shiu, P.Eng.

Gerald Sigal, P.Eng.

Michael J. Silver, P.Eng.

John Siriunas, P.Eng.

Paul Smolkin, P.Eng.

David Stevenson, P.Eng.

Gerald Strachan, P.Eng.

Albert Suitso, P.Eng.

Wagdi Tadros, P.Eng.

Dominic Tari, P.Eng.

John Towle, P.Eng.

Lawrence Wing Ki Tse, P.Eng.

Steven Usher, P.Eng.

Hendriekus Van Ballegooyen, P.Eng.

Raymond Van Groll, P.Eng.

Renzo Villa, P.Eng.

Robert Wakelin, P.Eng.

Paul Walters, P.Eng.

Rene Wedding, P.Eng.

Dennis Weitzel, P.Eng.

Bryan Whitehead, P.Eng.

John Wiebe, P.Eng.

Yun Wai Yim, P.Eng.

Quincy Yuen, P.Eng.

Archie Zagrodney, P.Eng.

**Companies granted
permission to use the title
"Consulting Engineers"**

Pryde Schropp McComb, Inc.

Port Elgin, ON

1147055 Ontario Inc. (o/a) Y.C.

Liu Engineering

Chatham, ON