

Cross-Canada crackdown

PEO takes enforcement very seriously and has set out proactive measures to protect the public from imposters. But how do other engineering regulators across the country prevent the practise of engineering by the unlicensed?

BY SHARON ASCHAIK

William George Kurk: It's a name that stirs equal measures of the creeps and outrage in professional engineers.

As many engineers and members of the public already know, Kurk is a Regina, SK-based conman who posed as an engineer and contractor and scammed homeowners, the provincial government, businesses, family and friends.

Most notoriously, he convinced two unsuspecting Regina homeowners in 2006 that he could upgrade their basement's

foundation—and ended up collapsing their house into an excavated hole.

This phony engineer also completed three foundation reports for an acquaintance and stamped them with a counterfeit engineering seal.

Kurk was convicted of three counts of fraud, among several other charges, and was sentenced last March to four years at a federal penitentiary.

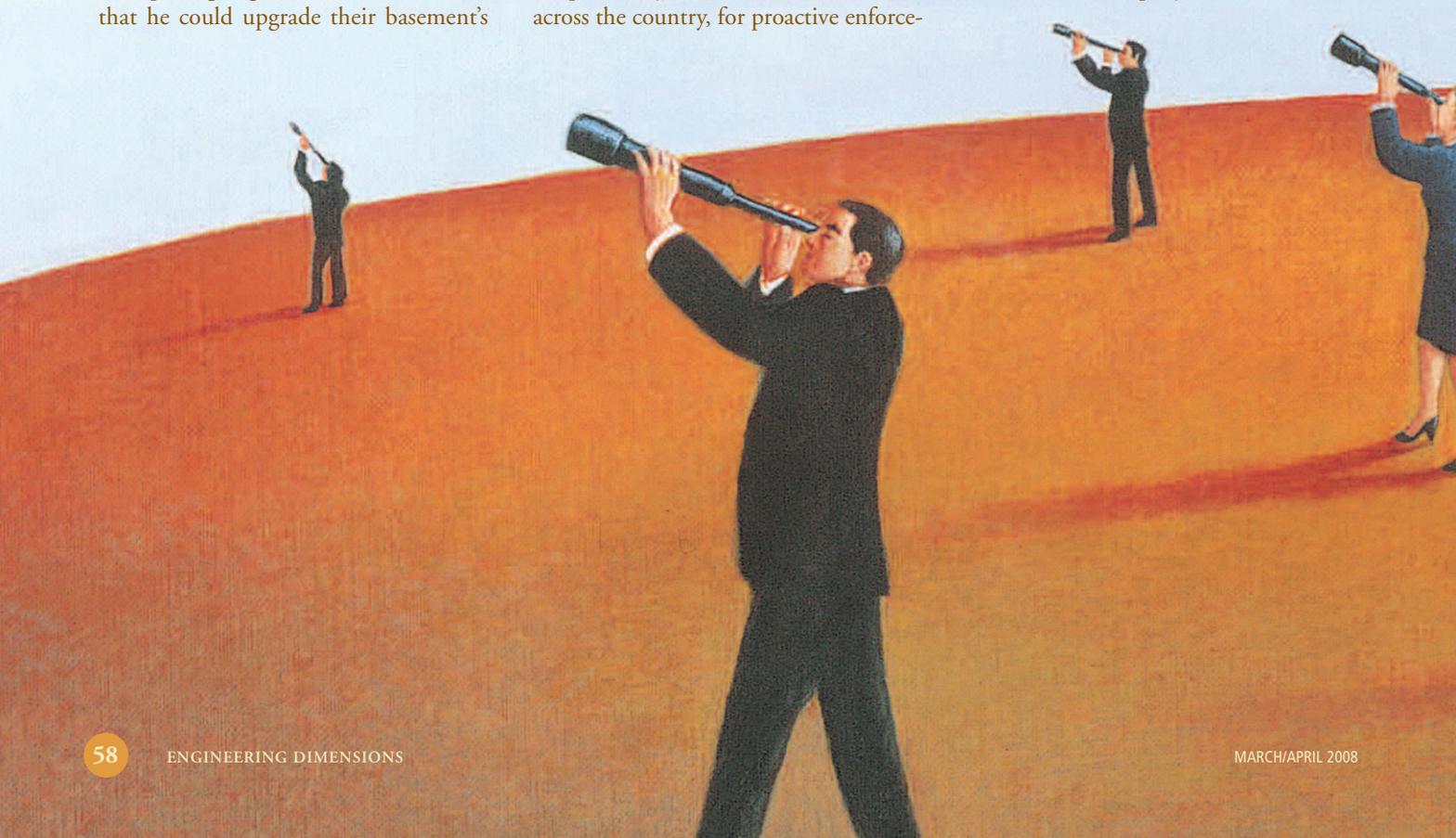
Kurk's dangerous and illegal practice of professional engineering has made him the poster boy in Saskatchewan, and even across the country, for proactive enforce-

ment, rekindling the call for engineering regulators to crack down on anyone practising engineering without a licence or leading others to believe they're qualified to practise.

"This Will Kurk thing just landed in our lap and kind of surprised us," says Bob McDonald, P.Eng., LLB, director of membership and legal services at the Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS), which licenses and regulates the practice of 5950 engineers and engineers-in-training. "Typically, this is a small problem for us, but when we become aware of something like this, we have to pursue it quite rapidly and at a fairly high level."

The actions that McDonald and Chris Wimmer, P.Eng., APEGS' director of professional standards, took in this case were many. To start, they had three of their own fraud charges laid against him for violating the province's *Engineering and Geoscience Professions Act*. Kurk was convicted and ordered to pay \$3,000 in fines and \$1,350 in restitution to the individual who paid him for the foundation reports.

They also took other enforcement measures: shortly after the house collapse, a public safety notice was issued about Kurk and his company; as well, McDon-



ald regularly shared new information on the case with Engineers Canada, so that other provincial engineering associations would be up to speed.

Cases as serious as Will Kurk's typically arise once every three to five years in Saskatchewan, but APEGS is just as diligent in addressing the handful of smaller enforcement incidents or issues that crop up throughout the year.

Sometimes, McDonald says, individuals who possess engineering qualifications and experience haven't yet obtained their licences and registered with APEGS, but are found to be practising. In those cases, he says, the association will issue a letter recommending the individuals take the appropriate steps—submit their work experience to APEGS and complete the professional practice exam—to become licensed.

In situations where individuals have no engineering experience but are practising engineering, purposely misleading the public and creating potential safety hazards, APEGS issues a cease and desist letter from the association's lawyer. If the illegal activity continues, APEGS will take them to court.

Throughout the year, APEGS works proactively to identify and address enforcement issues through such measures as checking with municipal government on the engineers on various projects, informing other provincial engineering associations if they know a Saskatchewan P.Eng. has moved to another province, watching for ads for engineering companies and establishing their legitimacy, and following up on suspicious engineering job descriptions, such as those that say they are seeking engineers, but engineering technologists will do, too. APEGS also responds to members of the public inquiring if someone is registered with the association.

Often, McDonald says, APEGS members alert the association to instances of title misuse.

"We have the benefit of having a protective membership who advise us when they observe misuse of title or people engaging in the practice without being licensed," he says.

Small community self polices

In Nova Scotia, which has a small community of just 4500 engineers, misuse of title rarely occurs.

"Here, the engineering business sector is so small, and everyone in it knows everyone else, so instances where engineering design is done by non-engineers doesn't come up that often," says Dermot Mulrooney, P.Eng., director of professional practice at Engineers Nova Scotia.

Nonetheless, Engineers Nova Scotia still responds quickly to such incidents when they do arise. The association will send letters of caution to suspected offenders of the *Nova Scotia Engineering Profession Act*, or attempt to meet with them to explain the terms surrounding the proper use of the engineer title.

"In the last case, there was a young guy who was holding himself out to be a professional engineer by having business cards made with that title, and signing his name on his company's letterhead as P.Eng.," Mulrooney says. "When we became aware, we had a meeting with him, and he told us he would quit doing it."

If such activity persists, the association will issue fines against individual offenders, as well as against companies that falsely promote themselves as engineering firms, or allow non-engineer employees to do engineering work.



Booming economy fuels enforcement

The story is somewhat different in British Columbia, where the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) deals with a few hundred relatively minor enforcement issues per year.

On the whole, APEGBC, which licenses 18,014 engineers, is able to resolve these cases through phone calls or emails alerting offenders to the illegality of their actions. However, in the past three years, the association has obtained injunctions against two people who were unlawfully practising and using restricted titles.

"In each of these two cases, the person was a former member of our association who had lost their right to practise through discipline, but was continuing to practise," says Geoff Thiele, LLB, APEGBC's director of investigation and discipline. "There were some clients who lost money, but they were caught before they could deliver a product or service."

BC's booming economy has led to a situation where the demand for engineers exceeds the supply, Thiele says, which has led to a slight increase in enforcement issues.

As a result, APEGBC launched an enforcement task force two years ago, which determined the best course of action is for APEGBC to invest most of its resources in combating the cases that pose the greatest risk to the public.

Currently, the association's four main enforcement programs, which are the sole focus of a compliance officer under Thiele's supervision, include reviewing trade publications, browsing job ads,

researching registered companies with the word "engineer" in their title, and responding to public complaints.

APEGBC is also working to change the way it gathers information about engineering companies. At the moment, engineering firms in BC do not need to register with APEGBC, but they do need to let the association know about any registered engineers they have on staff.

"It gets complicated when it comes to how much companies have to tell us and what they can do with our consent," Thiele says. "That's why we're looking into clarifying the relationship between company name registries and APEGBC."

Full compliance the goal

Perhaps the province facing the biggest problems with enforcement is Alberta. In the thick of tremendous economic growth fueled by the rapid expansion of its oil sands industry, the province's number of working engineers has swelled—and so has its rate of title misuse.

"Alberta is a very busy province and there's now a big demand for engineers, so enforcement issues are a major problem, as far as individuals who are practising engineering and are not licensed. Using 'engineer' is a good marketing strategy, so I think that's why it's on the increase," says Dave Todd, P.Eng., director of compliance for the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA), which licenses 32,542 engineers.

APEGGA began 2007 with 313 active enforcement files and, during the year, opened another 832 cases, and closed 722 cases. The association started 2008 with 422 outstanding cases—109 more cases than at the start of last year.

Typically, the association is able to stop individuals and companies misusing the "engineer" title through what Todd refers to as "gentle persuasion"—letters, phone calls and in-person meetings. On the two or three occasions each year that approach doesn't work, APEGGA, like its provincial counterparts, will pursue court injunctions against offenders.

A few years ago, Todd says, APEGGA's council decided it wanted to achieve 100 per cent compliance by

ensuring all practising engineers and geoscientists, and engineering and geoscience companies, are registered. As a result, the association invested more resources into its compliance department, and its staff numbers have increased from one part-time director and staff, to one full-time director, one assistant director, four full-time staff and two part-time investigators.

Part of these ramped-up efforts involves placing more advertising in technical magazines, emphasizing the need to register with APEGGA to practise.

"Certainly, the public and our members expect us to do this, and our main reason for doing it is the protection of the public against incompetent individuals," Todd says.

Promoting public awareness of the profession is also a priority for APEGGA in Saskatchewan, and the Will Kurk affair has underscored the need to continue these efforts.

Each year, APEGGA conducts a publicity campaign that includes ads on billboards, in newspapers and magazines, and on the radio, all highlighting the key role engineers play in protecting public safety, and the importance of licensure.

APEGGA also presents on these issues to first- and fourth-year engineering students at the University of Regina and the University of Saskatchewan.

"We try to get it understood early on that the engineering profession is like law and medicine, and that like lawyers and doctors, engineers live by the same types of regulatory requirements," McDonald says.

Taking a consistent and comprehensive approach to enforcement, McDonald says, is the only way that provincial engineering regulators can truly maintain the integrity of the profession and protect the public from harm.

"The issue of unqualified people engaging in the practice of engineering can have untold consequences on our society, including grievous bodily harm and death," he says. "I think this is an issue that we really have to stay on top of." ❖

