

DECISION AND REASONS

In the matter of a hearing under the *Professional Engineers Act* and in the matter of a complaint regarding the conduct of THOMAS A. ETCHES, P.ENG., a member of the Association of Professional Engineers of Ontario and a holder of a Certificate of Authorization.

This matter came on for hearing before a panel of the Discipline Committee on Monday, August 10, 2009, at the Association of Professional Engineers of Ontario in Toronto. The association was represented by Neil J. Perrier. David P. Jacobs acted as independent legal counsel (ILC). The member and the holder were not represented by counsel.

In the Statement of Allegations of the association dated February 10, 2009, it was alleged that Thomas A. Etches, P.Eng., a member of the association and a holder of a Certificate of Authorization under the name T.A. Etches Engineering, is guilty of professional misconduct and incompetence in respect of the design of two projects: Rivet Residence and PHARA in the City of North Bay, Ontario, the particulars of which are as follows:

It was alleged that Thomas A. Etches, P.Eng.:

- (a) provided a design that did not comply with the current Ontario Building Code (OBC) requirements for the proposed residential buildings;
- (b) provided structural design on the permit drawings, which included the overstressing of structural elements beyond allowable limits;
- (c) omitted structural supporting elements on sealed and final drawings issued for building permit;
- (d) failed to provide complete and legible structural information and details on sealed and final drawings issued for building permit;
- (e) provided to the city a revised earthquake design proposal and structural calculations that were inadequate, incomplete and not done in accordance with the OBC requirements;

- (f) prepared a structural design that did not meet an acceptable industry standard of engineering practice for the projects of this type;
- (g) failed to protect the public health and safety as a result of the inadequate and incomplete design, in many areas, for the Rivet Residence and PHARA projects; and
- (h) acted in a disgraceful, dishonourable or unprofessional manner.

It was further alleged that the member is incompetent as defined in section 28(3)(a) of the *Professional Engineers Act* and guilty of professional misconduct as defined in section 28(2)(b) of the *Professional Engineers Act*.

PLEA BY MEMBER AND HOLDER

The member, representing himself and as the holder, pled guilty to the allegations of professional misconduct as set out in the Agreed Statement of Facts, which was filed with the panel.

The member and holder pled not guilty to allegations of incompetence. Counsel for the association submitted that the association would not be seeking a finding of incompetence against the member and holder.

The panel conducted a plea inquiry and was satisfied that the member's and holder's admission was voluntary, informed and unequivocal.

AGREED STATEMENT OF FACTS

The parties submitted an Agreed Statement of Facts as follows:

1. Thomas A. Etches (Etches) was, at all material times, a member of the Association of Professional Engineers of Ontario (PEO).
2. Etches, carrying on business as T.A. Etches Engineering (Etches Engineering) was, at all material times, the holder of a Certificate of Authorization to offer and provide to the public services that are within the practice of professional engineering, and was responsible for supervising the conduct of its employees and taking all reasonable steps to ensure that its employees, including Etches, carried on the practice of professional engineering in a proper and lawful manner. A copy of the Etches resume is contained at Schedule 1.
3. On March 3, 2006, the building department of the City of North Bay (building department) received applications for a building permit for two projects in North Bay, Ontario: one called PHARA, located at 280 Oakwood Avenue, and the other, Rivet Residence, located at 1108 Highway 17 East. The structural design for both projects was prepared by Etches and Etches Engineering.

PHARA project

4. The plan examination, conducted by the building department, revealed that the structural design, as prepared, signed and sealed by Etches and Etches Engineering, was non-compliant with the OBC in several areas.
5. On or about March 22 or 23, 2006, the building department retained the services of Halsall Associates Limited (Halsall) to review the structural design for the Rivet Residence and PHARA projects. Halsall's findings (reports dated March 27, 2008 and March 31, 2006) confirmed that, for both projects, the structural design in many areas did not comply with OBC requirements.
6. The PHARA project consisted of four individual two-storey townhouse buildings (total of 35 units). In general, the townhouse buildings were to be constructed of a precast hollowcore slab (second floor) and load-bearing masonry walls and/or wood stud walls.
7. No separate structural drawings were provided for this project but structural information was included on the architectural drawings. The architectural drawings were signed and sealed by Etches.

8. Due to concerns of the building department regarding the structural design, several addenda to the drawings, including earthquake calculations prepared by Etches, were submitted to it between March 15 and 22, 2008, by the prime consultants for the project. The addenda, however, did not address all of the building department's concerns regarding the structural design. As a result, the building department retained Halsall to review the structural design for the PHARA project. Etches asserts that the building department did not advise him in advance that it had retained Halsall.
9. Halsall prepared a report with their comments, dated March 27, 2006 (Halsall Report–PHARA). The following were the identified concerns/deficiencies regarding structural design for the PHARA project:
 - (a) The design of an earthquake resisting system was not sufficient to resist earthquake forces as required by the OBC;
 - (b) The remedial work proposal with respect to the earthquake resisting system (including earthquake calculations) provided to the city were inadequate, incomplete and not done in accordance with the OBC requirements;
 - (c) The exterior load-bearing timber stud walls on the east and west ends had inadequate strength under combined gravity and wind loads due to the lack of sheathing;
 - (d) Specified masonry reinforcement did not meet the minimum requirements of CSA S301.1094 clause 5.2.2, for a building located in seismic zone 2; and
 - (e) The following information was omitted on the permit drawings:
 - (i) soil bearing capacity;
 - (ii) concrete strength;
 - (iii) grade of reinforcing steel;
 - (iv) two foundations for steel posts (gridline 2/AE-AF);
 - (v) type of grout for masonry walls;
 - (vi) allowance for concrete topping in the specified dead load for the second floor;
 - (vii) roof joists spacing;
 - (viii) joists framing layout;
 - (ix) roof design loads;
 - (x) wind uplift forces;
 - (xi) type of “hold down” clips; and
 - (xii) a lateral load deflection allowance for a fire wall.
10. On or about April 2, 2006, the building department informed the prime consultants (Atmosphere Design Group and Osburn Associates Architects Inc.) for the Rivet Resi-

dence and PHARA projects that it would not accept the structural plans prepared by Etches and Etches Engineering.

11. By letter dated April 11, 2006, the building department informed Etches and Etches Engineering that, as a result of a peer review concerning their design of the proposed Rivet Residence (particularized below), it would not accept any further structural design/plans for the Rivet Residence and PHARA projects prepared by Etches and Etches Engineering. The building department also informed Etches that, if he submitted further designs/plans on other projects, that it would forward those designs/plans to PEO for its consideration.
12. PEO retained John P. Stephenson, P.Eng. (Stephenson), of Stephenson Engineering Ltd. to provide an independent third-party review of the work of Etches and Etches Engineering. A copy of the curriculum vitae of Stephenson is contained at Schedule 2. Stephenson provided a report to PEO with regard to the PHARA project dated April 24, 2008. In his report, Stephenson noted and opined that:
 - (a) The work of Etches and Etches Engineering did not meet the minimum standard of practice;
 - (b) The drawings submitted by Etches and Etches Engineering did not comply with numerous provisions of the OBC;
 - (c) The reliance by Etches on weak axis bending of cantilevered masonry walls is not consistent with normal engineering practice;
 - (d) Etches admitted in a May 5, 2006 letter that, "I was not totally comfortable with our design, as well as that I lacked design experience with regard to resisting earthquake loads with this particular structure"; and
 - (e) The concerns of the CBO of North Bay were justified.

Rivet Residence

13. The Rivet Residence project consisted of a two-storey wood framed residence of approximately 7200 sq. ft., supported on a combination of spread footings and concrete filled piles. Etches and Etches Engineering submitted sealed structural design drawings in relation to this project to the building department.
14. No separate structurals were provided for this project, but structural information was included on the architectural drawings signed and sealed by Etches.

15. Halsall prepared a report with their comments, dated March 31, 2006 (Halsall Report–Rivet Residence). The following were the identified concerns/deficiencies regarding structural design for the Rivet Residence project:
 - (a) Three pile footings were not interconnected by ties in at least two directions as required by the OBC 4.1.9.4(2);
 - (b) The design of the 240 mm thick masonry wall which retains 9'-4" of soil, between elevation 90'-8" in the basement mechanical room and the family room, did not satisfy the requirements of the OBC, article 9.15.4.1., which made the wall structurally inadequate;
 - (c) Details of how the eccentricity of piles numbers 29 and 30 were resolved were not provided on the permit drawings;
 - (d) The 15M ties spacing of concrete grade beam indicated on detail as 48", exceeded minimum requirements (CSA A23.3-94 clauses 11.2.8.1 and 11.2.8.4) in order for ties to contribute to the shear capacity or adequately tie the longitudinal steel;
 - (e) Detail of the lateral support and bearing condition of the W 10 x 31 steel beam above the garage supporting the exterior wall above were not clear. Lack of lateral support would make the beam inadequate for flexural strength. As well, the beam had no adequate stiffness to limit deflection to L/480 as required for the elements supporting stone veneer;
 - (f) Conflicting information was provided for the reinforced concrete slab in the recreation room. Drawing A3.02, detail D/A6.02, indicated the slab as 4" thick, reinforced with 6" x 6" 10/10 W.W.F., which was inadequate for flexural strength given the span of the slab. However, the same slab was indicated on detail B/A6.01 as 8" thick;
 - (g) Type "4" lintels showed in the recreation room and family room exceeded the limits for the loose lintel spans. Those lintels should have been designed as steel lintels;
 - (h) Several beams were undersized, i.e. adjacent to WR#2, east of side foyer #302, 2 9n vestibule 103; and
 - (i) The following information was omitted on the permit drawings:
 - (i) reinforcing steel details for suspended slabs, bearing details for steel beams, minimum size for wood and steel posts,
 - (ii) reinforcing details of the load bearing masonry foundation walls, framing for porch landing, beam sizes in several locations,
 - (iii) required additional framing around the skylights, concrete strength, grade of reinforcing steel, exterior sheathing for base wall types, capacity for steel piles, and

- (iv) reinforcement for framed concrete slabs, steel column sizes, steel column base plate sizes, steel column anchor bolts and posts for steel beams in several locations.
16. Stephenson also provided a report to PEO regarding the Rivet Residence dated April 24, 2008. In his report, Stephenson noted and opined that:
- (a) The work of Etches and Etches Engineering did not meet the minimum standard of practice;
 - (b) The sealed design drawings submitted by Etches and Etches Engineering contained errors, omissions and deficiencies that resulted in a failure to comply with numerous aspects of the OBC;
 - (c) Theoretically, there is a danger of building collapse under earthquake loading; however, in practical terms, the non-structural elements (partitions, stairs, etc.) should prevent such a collapse; and
 - (d) The concerns of the CBO of North Bay were justified.

DECISION

Upon reviewing the allegations and the evidence, the panel found the member and holder guilty of professional misconduct as defined in section 28(2) of the *Professional Engineers Act*, and under sections 72(2)(a), 72(2)(b), 72(2)(d), 72(2)(h), and 72(2)(j) of Regulation 941/90 made under the act. The panel found the member and holder not guilty of incompetence under section 28(3)(a) of the act.

REASONS FOR DECISION

The panel felt that the member and holder had been given every opportunity during the hearing to respond to the allegations set out in the Statement of Agreed Facts. The member agreed to all the facts set out in the Agreed Statement of Facts without reservation. Counsel for the association had noted that the member had co-operated with the association at all times.

The panel considered the allegations to be very serious as the safety of the public was involved. The panel took into account the fact that the member and holder had admitted that he had not been capable of undertaking the design work in question and the member's and holder's statement that he should have refused the assignment.

The panel considered that, although the member and holder had been found guilty of professional misconduct, it related only to lack of knowledge in one part of Etches' professional expertise. As no evidence was brought forward to prove a lack of knowledge in the area in which he normally practised, the panel reached the conclusion that Etches was not incompetent under section 28(3)(a).

The panel found that the facts set out in paragraphs 12(a) and 16(a) of the Agreed Statement of Facts supported the finding that the member and holder are guilty of professional misconduct as defined under section 72(2)(a) of Regulation 941/90 under the *Professional Engineers Act*. Similarly, the facts set out at paragraphs 9(c), 9(d), 12(b) and 16(c) support a finding of professional misconduct under section 72(2)(b) of the regulation; paragraphs 12(b), 15(b) and 15(d) support a finding of professional misconduct under section 72(2)(d) of the regulation; paragraphs 4, 15(b), 16(a) and 16(b) support a finding of professional misconduct under section 72(2)(h) of the regulation.

PENALTY

Counsel for the association provided the panel with a Joint Submission as to Penalty dated October 22, 2007, as follows:

The parties to the proceeding, the Association of Professional Engineers of Ontario and Thomas P. Etches, P.Eng., make the following joint submission on penalty:

1. Thomas A. Etches shall be orally reprimanded and the fact of the reprimand shall be recorded on the register for an unlimited period.
2. It shall be a term and condition on the licence of Etches that he shall write and pass the professional practice examination, at his own expense, within 12 months of the date of the hearing.
3. It shall be a term, limitation and restriction on the licence of Etches that he not engage in the practice of professional engineering in relation to structural engineering for residential occupancy buildings, as defined in the Ontario Building Code, and in relation to structural engineering for any buildings wherein seismic analysis or design considerations are required under the Ontario Building Code. Excluded from this term, limitation and restriction is any building where the building size and design elements fit wholly within part 9 of the Ontario Building Code. Further, it shall be a term, limitation and restriction on Etches' Certificate of Authorization that he not offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering in relation to structural engineering for residential occupancy buildings, as defined in the Ontario Building Code, and in relation to structural engineering for any buildings wherein seismic analysis or design considerations are required under the Ontario Building Code. Excluded from this term, limitation and

restriction is any building where the building size and design elements fit wholly within part 9 of the Ontario Building Code.

The parties agreed to the result set out in the Joint Submission as to Penalty, but took different positions as to whether the decision should be published with names: the association submitted that names should be included; the member and holder submitted that they should not be included. After deliberation, the panel made the following order.

The panel makes the order as to penalty as agreed on by the parties in their Joint Submission as to Penalty set out above, with the following amendments. The limitations on the member's licence shall continue until otherwise ordered by a panel of the Discipline Committee on a motion in writing made by Etches to the chair of the Discipline Committee, pursuant to the rules of procedure of the Discipline Committee of the Association of Professional Engineers of Ontario.

This decision shall be published in Gazette and shall be in full detail, including the names of the member and holder.

The term limitations on the member's licence are to be effective immediately.

REASONS FOR PENALTY

The panel was satisfied that the member was in agreement with the terms of the Joint Submission as to Penalty.

The panel took into account the submission by counsel for the association, concurred with by the ILC to the panel, that the panel should accept the Joint Submission as to Penalty unless the panel decided that to accept the joint submission was contrary to the public interest and the sentence would bring the administration of justice before the Discipline Committee into disrepute.

The panel, however, amended some of the penalty provisions agreed on as the panel determined that the revisions provided the member the opportunity for rehabilitation while still providing protection to the public and upholding the integrity of the profession and that, without such amendments, the penalty was significantly beyond the range of penalties that were appropriate to the facts in the case and, thus, contrary to the public interest.

The panel determined, for instance, that there should be some method whereby the member could arrange for the licence limitations set out in the Joint Submission as to Penalty to be removed once he had submitted satisfactory evidence.

Counsel for the association had no objection to Etches applying to the registrar and the registrar making the decision as to the removal of limitations on the licence. Counsel for

the panel advised that the written application by the member and holder should be made to the chair of the discipline panel as the decision to remove the licence limitations imposed by the Discipline Committee should be made by a Discipline Committee panel, rather than by the registrar.

The panel accepted the recommendations from their counsel on this matter.

The panel considered the member's and holder's request to publish this decision without names but, given the serious nature of the misconduct and the need to provide general deterrence and protect the public interest, concurred with the submissions of the association. The panel decided that publication should be in whole with names to be necessary to serve not only as a specific deterrence to the member and holder, but also general deterrence to the general membership.

WAIVER

Having accepted the penalty decision, the member and holder then voluntarily signed a Notice of Waiver, the details of which are as follows.

The Notice of Waiver recited that: the Discipline Committee of the Association of Professional Engineers of Ontario found that the member and holder committed an act of professional misconduct and ordered that he be given an oral reprimand. The member and holder wished the reprimand to be given immediately, and the member and holder had been advised to seek independent legal advice, but decided to waive any rights to independent legal advice concerning the Notice of Waiver and waived all rights to appeal, pursuant to section 31 of the *Professional Engineers Act*, in respect to the findings of the Discipline Committee orally delivered on Monday, August 10, 2009, with respect to the finding and penalty.

VERBAL REPRIMAND

The panel issued a verbal reprimand in private.

The written summary of the Decision and Reasons was signed by Ken Serdula, P.Eng., on November 24, 2009, as chair on behalf of the other members of the discipline panel: Santosh Gupta, P.Eng., Daniela Iliescu, P.Eng., Phil Maka, P.Eng., and Derek Wilson, P.Eng.

SUMMARY OF DECISION AND REASONS

In the matter of a hearing under the *Professional Engineers Act*, and in the matter of a complaint regarding the conduct of DANIEL ROBERT PIESCIC, P.ENG., a member of the Association of Professional Engineers of Ontario and PIESCIC ENGINEERING INC., a holder of a Certificate of Authorization.

This matter came on for hearing before a panel of the Discipline Committee on May 20 and 21 and July 23, 2008, at the Association of Professional Engineers of Ontario in Toronto.

This matter arises from deficiencies noted by Wayne Mills, chief building official (CBO) for the Town of Essex, during an inspection of a site with Wesley Maslancka (Maslancka) of Wescon Builders Windsor Inc. Maslancka contacted the member [Daniel Piescic, P.Eng.] for engineering review assistance and provided him with drawings marking the areas of concern and photographs.

The member submitted a report dated December 21, 2005. This report was rejected by the CBO on January 20, 2006, as it contained clauses restricting third party use and was not sealed. The report was resubmitted with an engineering seal and removal of the third party restriction clause, without a change in date. The resubmitted report was also deemed unacceptable as it was noted that there had been no site visit by the member and there were deficiencies other than those noted in the report.

THE HEARING

At the outset of the hearing, counsel for the member objected to counsel for the association presenting the evidence in that the expert witness would be testifying ahead of the fact witness, providing evidence on facts that may not have been admitted. This is an error in law and against the principles of justice. This may be prejudicial to the member.

Counsel for the association agreed that it was preferable to hear the fact witnesses before the testimony of expert witnesses; however, hearing the witnesses out of order was not unprecedented in tribunal hearings. The two counsels agreed on a number of documents by way of

consent, including one of the reports from the member. The issue was with respect to the second report by the member, dealing with the same project, and if it was deemed admissible by the panel.

The independent legal counsel (ILC) advised that the expert opinion evidence is intended to assist the panel with technical issues, such as the standard of practice. The expert witness does not provide factual evidence, but provides an opinion on the admitted facts. The panel may hear the testimony of an expert witness prior to a fact witness with the caveat that facts on which the expert witness may rely upon may not have been proven. It is up to the panel to determine which facts have been proven at the hearing and assign proper weight and consideration to the evidence that is deemed to be admissible.

The panel denied the objection.

THE ALLEGATIONS

It is alleged that Daniel Robert Piescic, P.Eng. (Piescic), is guilty of incompetence and that Piescic and Piescic Engineering Inc. (PEI), is guilty of professional misconduct. On January 27, 2006, the CBO sent a letter of complaint against the member to the association.

The Town of Essex issued an Order to Comply on February 7, 2006.

As the member did not have a BCIN, which is required under the regulations that came into effect after January 1, 2006, he recommended that the builder retain the services of another engineer, Richard Patterson of Chall-Eng Inc. Patterson reviewed the deficiencies with the CBO at site on February 15, 2006, and recommended some repairs. The Order to Comply was lifted on February 15, 2006 by the CBO.

THE DECISION

Having considered the evidence and the onus and standard of proof, the panel finds that Piescic and PEI are not guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act* and finds that Piescic is guilty of professional misconduct as defined in section 28(2)(b) of the *Professional Engineers Act*.

In particular, the panel heard no evidence to justify making a finding of negligence under section 28(3) of the *Professional Engineers Act*.

Regarding the allegations of professional misconduct under Regulation 941 of the *Professional Engineers Act*:

- section 72(2)(a): the panel made no finding of negligence;
- section 72(2)(b): the panel made no finding of failure to make reasonable provision;
- section 72(2)(d): the panel finds Piescic guilty;
- section 72(2)(g): the panel found no evidence to support a finding of guilt; and
- section 72(2)(j): the panel finds Piescic guilty of unprofessional conduct, but not disgraceful or dishonourable conduct.

REASONS FOR THE DECISION

The panel found all the witnesses to be credible. The panel found that the report prepared by the member was deficient as it was incomplete and provided findings that could be misinterpreted. The panel believed that the lack of a site visit by the member was an important omission that led to several problems.

The member was not found to be negligent in that the panel believed that the member did carry out an engineering analysis and found that additional support in some areas was not warranted.

The panel also believed that the member should have consulted with the CBO to make sure that he had full appreciation for the deficiencies the CBO wanted addressed and not just believe what the builder had told him or wanted him to look at. In such matters, the CBO represents the interests of the township as well as the homeowner and is a very important resource.

Whereas there was likely no threat to public safety in terms of threat to life, there was a potential of reduced enjoyment and future problems for the homeowner if the deficiencies had remained unchecked.

The panel also noted that the member bowed out of the assignment and recommended another engineer when he did not have the req-

uisite BCIN. This was viewed as the appropriate action to take.

JOINT AGREEMENT ON PENALTY

Counsel for the association submitted a joint agreement as follows:

1. Piescic and Piescic Engineering Inc. is to be orally reprimanded, the fact of which is to be recorded on the register;
2. Piescic shall write and pass the professional practice examination (PPE) within 12 months of the date of the hearing, failing which his licence shall be suspended;
3. In the event that Piescic fails to write and pass the PPE within 24 months of the date of the hearing, his licence shall be revoked; and
4. A summary of the decision and order of the Discipline Committee shall be published in Gazette, including reference to names.

The publication of the decision with names, as outlined in item 4, served as a general deterrent to the other members of the profession, reminding them of their specific responsibilities to the public and the profession. It also served to maintain a positive image of the profession in the eyes of the public indicating that the profession views such actions seriously.

The panel also considered that the member and the holder had extensive and wide-ranging experience in the field of structural engineering and his accomplishments had been well recognized. This was the first complaint against the member. The member and holder also accepted responsibility for their actions and are unlikely to offend again.

DISCIPLINE HEARING SCHEDULE

JUNE 9, 2010

SALVATORE A. DE ROSE, P.ENG.

ENFORCEMENT EXPLAINED

This Q & A column aims to educate members about some of the issues PEO faces in protecting the public against unlicensed individuals who engage in the practice of professional engineering, and in enforcing the title protection provisions of the *Professional Engineers Act*.

By Steven Haddock

Q. I do work that is often submitted to an Ontario government ministry as part of approval processes. They do not require that this work be sealed and, in fact, they accept work from non-engineers who they believe are qualified to do the work. They appear to believe that all professional engineers are qualified to do this work. I currently hold a Certificate of Authorization (C of A), but do I really need one when many people doing this work aren't even licensed?

A. Whether a government ministry accepts the work of a non-engineer has no bearing on whether that work requires a licence or a C of A. In your case, we would have to look deeper into the nature of the work you are performing to determine whether a professional engineer is required to do that work under the provisions of sections 1 and 12 of the *Professional Engineers Act* (PEA), as well as look at the particular piece of legislation that the ministry is administering.

The definition of the “practice of professional engineering” is found in section 1 of the PEA:

“any act of designing, composing, evaluating, advising, reporting, directing or supervising wherein the safeguarding of life, health, property or the public welfare is concerned and that requires the application of engineering principles, but does not include practising as a natural scientist.”

There are several dozen pieces of Ontario legislation that require a professional engineer to perform certain acts. This does not necessarily mean that these acts fall within the general definition of the “practice of professional engineering,” especially if other professionals are allowed to perform the same acts. When legislation is silent on the issue, PEO turns back to the definition in the PEA.

The Ontario legislature may exempt certain acts of professional engineering from the licensure requirement in one of three ways:

- a specific exemption in the PEA itself;
- by regulations passed under the PEA pursuant to section 12(3)(e); or
- by an exemption passed under another statute.

The government may not:

- pass a regulation under another statute that would allow an act of professional engineering to be performed by an unlicensed person; or
- have policies that overlook the necessity of having a P.Eng. perform certain work.

In the circumstances you have described, either the work being performed is not within the practice of professional engineering (in which case, anyone can do it), or it is professional engineering and the unlicensed people performing such work are in violation of the PEA. We have had cases where companies performing work that falls within the practice of professional engineering have claimed that a ministry accepted their work, but PEO rejects this as a defence to an illegal practice charge.

To sum up:

- If the work does not fall within the practice of professional engineering or the circumstances fall within the exemptions under sections 12(3) to 12(7) of the PEA and is not required to be performed by a professional engineer under Ontario legislation, anyone may do it and no C of A is required. Work that does not fall within the practice of professional engineering should not be sealed. Work that falls within the exceptions under the PEA but is performed by a professional engineer must still be sealed;
- If the work does fall within the practice of professional engineering and is not exempted from the licensure requirements under sections 12(3) to 12(7) of the PEA, a C of A is required and the work is required to be sealed; and
- If it is questionable whether the work is professional engineering, but the legislation requires professional engineers to perform it and you are relying on that provision to do the work, it is best to assume that a C of A is required and that the work should be sealed.

Please report any person or company you suspect is violating the act. Call the PEO enforcement hotline at 416-224-9528, ext. 1444 or 800-339-3716, ext. 1444. Or email your questions or concerns to enforcement@peo.on.ca.