

Gazette

THE DEPARTMENT OF THE REGISTRAR, PEO

Published by
the Association of
Professional Engineers
of Ontario

25 Sheppard Avenue W.,
Suite 1000
Toronto, Ontario
M2N 6S9
Tel: (416) 224-1100
(800) 339-3716

Editor: Eric Newton
Staff Contributors:
Ian Eng, P.Eng.
Roger Barker, P.Eng.

Discipline Committee of the Association of Professional Engineers of Ontario

In the matter of a complaint regarding the conduct of

John L. Monkman, P.Eng.

a member of the Association of Professional Engineers of Ontario

Decision and Reasons—Stipulated Order

The Complaints Committee, in accordance with Section 24 of the Professional Engineers Act (Act), referred the above-noted matter to be dealt with by way of a Stipulated Order.

In accordance with the Stipulated Order process, Jag Mohan, P.Eng., a member of the Discipline Committee (Discipline Committee member) of the Association of Professional Engineers of Ontario (PEO) was selected to represent the Discipline Committee. After reviewing the complaint and other related information, he met with John Monkman, P.Eng. (member), on July 3, 1998, to allow an opportunity for the member to offer an explanation and/or defence for his actions and conduct.

The complaint alleged that Monkman offered and provided professional engineering services for three projects in the Ottawa area, while not a hold-

er of a Certificate of Authorization (C of A). These projects comprised two barns and one riding arena. With respect to the barn projects, Monkman sealed drawings prepared by Empire Builders, which may have been included as part of a building permit application. With respect to the riding arena project, the local township chief building official noted deficiencies after construction of the arena was completed, and advised the owner that the services of a professional engineer were required to review and accept the structure, in order for the owner to continue to use the structure. Monkman was retained to inspect the arena and provide general review of the design changes.

In the meeting with Monkman, Mohan reminded Monkman that this was his opportunity to offer an explanation and/or defence for his actions and conduct, and that if he disagreed and did not

accept the Stipulated Order, the matter would proceed to a full Discipline Hearing before a Discipline Panel of the Discipline Committee.

In providing an explanation, the member stated that:

- (1) The services that he had provided were professional engineering services;
- (2) He is now aware that a C of A is required in order to provide professional engineering services to the public, but has no desire to offer professional engineering services to the public, and will avoid getting a C of A;
- (3) The penalties for offering professional engineering services to the public without a C of A were intimidating, and were a factor in his not wishing to practise professional engineering;
- (4) He did not intend to harm PEO, did not intend to misrepresent himself or his services to his clients, and did not solicit clients. He provided his ser-

vices to family and friends;

(5) He advises all his clients that he does not carry professional liability insurance;

(6) He belongs to a community group, and believes that he was obliged to provide these social services. His remuneration for these services was minimal;

(7) He believes that the township employs technicians and/or technologists, that the township is not aware of the requirement that a professional engineer be a holder of a C of A, and that it may not be important to the township to ensure that the individual holds a C of A. His clients also were not aware of his need for a C of A in order to offer professional engineering services to the public;

(8) He is a capable professional engineer who knows his limitations, and would hire other professional engineers, if required;

(9) He no longer uses his seal, and has ceased providing professional engineering services. This presents a dilemma, as the township has requested that he act as an expert witness. When he does, he will be acting as an expert witness as "John Monkman, B.A.Sc.", not "John Monkman, P.Eng.";

(10) His community is a farming one, and he is not involved with any design/build projects. Most of his projects are housing related, which does not require sealing or pole barns; and

(11) He does not provide general review of construction and, if he does, it is only for friends.

The Discipline Committee member considered the available information and the explanations from Monkman, and found the following information to be significant:

(1) Monkman resides in a rural community in which the local authorities having jurisdiction did not appear to be aware of the requirement that a professional engineer

hold a C of A in order to offer professional engineering services to the public;

(2) Monkman, a PEO member, also was not aware of the requirement for a C of A, and admitted to being ignorant of this requirement;

(3) The local authorities having jurisdiction appear to value Monkman's engineering capabilities;

(4) Monkman was aware of the matter of professional liability, as he advised his clients that he did not carry professional liability insurance;

(5) His projects were mostly farming buildings (pole barns) and housing; and

(6) He was cooperative and provided information openly and willingly.

Based upon the foregoing, the parties have agreed that there was a basis for concluding that there were breaches of professional misconduct, and have agreed in the Stipulated Order to the following:

That Monkman is guilty of professional misconduct in that he breached sections of Ontario Regulation 941, specifically:

Section 72 (2)(a): Negligence, in that the member acted in a manner and made omissions in the carrying out of work that constituted a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances.

The member failed to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances.

Section 72(2)(g): Breach of the Professional Engineers Act or Regulation 941 other than an action that is solely a breach of the Code of Ethics.

The member provided professional engineering services to the public while not the

holder of a Certificate of Authorization.

The following Order has been offered by the Discipline Committee member and has been agreed to by the parties:

1. That the licence of John L. Monkman, P.Eng., be suspended for a period of six months.

2. That the imposition of the suspension be suspended provided that, within a period of 12 months of this Order, Monkman attend and pass the Professional Practice Examination (PPE).

3. That the Decision and Reasons—Stipulated Order, be published in full in the official journal of the association, without reference to names, but with dates and location.

4. If at the end of the 12 months, Monkman has not attended and passed the PPE, that the six-month suspension of Monkman's licence commence and that the Decision and Reasons—Stipulated Order, be published in full in the official journal of the association with reference to dates, location and Monkman's name only (not the name of the projects).

Dated this 28th day of July 1998

Jag Mohan, P.Eng.

(Discipline Committee member)

Note from Department of Legal and Professional Affairs

John Monkman did not sit the Professional Practice Examination as required by the Stipulated Order, with the result that his licence was suspended for six months, effective July 28, 1999.

Enforcement Order

Association of Professional Engineers of Ontario versus

John Gombita and Gombita Design Associates

At an application brought under Section 39 of the Professional Engineers Act in the Ontario Court (General Division) at 130 Queen Street, West, Toronto, Ontario, on August 26, 1998, before the Honourable Madam Justice Epstein, the association obtained the fol-

lowing Order against John Gombita and Gombita Design Associates with their consent:

1. A declaration that John Gombita breached Section 40(2)(c) of the Professional Engineers Act, R.S.O. 1990, Ch. P.28 (the Act) in that, without hold-

ing a licence issued by PEO, he used a seal that would lead to the belief that he was a professional engineer.

2. A declaration that John Gombita and Gombita Design Associates breached Section 40(3)(b) of the Act, in that, without holding a Certificate of Authoriza-

tion from PEO, they used a seal that would lead to the belief that they each may provide to the public services that are within the practice of professional engineering.

3. An Order that John Gombita and Gombita Design Associates refrain from advertising or representing themselves, directly or indirectly, by any medium in Ontario, as holding any accreditation or certification containing the word "engineer," or any abbreviation thereof, unless and until John Gombita holds a valid licence to practise and, if necessary, they each hold a Certificate of Authorization from PEO to provide professional engineering services.

4. An Order that John Gombita surrender to PEO, within 48 hours, any and all seals in his possession, power or control purporting to name himself or any other persons as professional engineers for Ontario.

5. An Order that the application against Michael Stephen Gombita be dismissed, on consent.

6. An Order that John Gombita and

Gombita Design Associates, jointly and severely, pay to the association its costs fixed at \$1,000, payable forthwith, and also pay Michael Stephen Gombita costs fixed at \$228.

PEO brought the application after an investigation carried out as a result of information received from the local building department. The information revealed that in May 1997, John Gombita used a fraudulent professional engineer's seal to certify a design for an addition to the heating and air conditioning system of the Royal Canadian Legion in Georgetown.

In a consent filed with the Court, Gom-

bita admitted that he had manufactured the seal, using his brother's professional engineering seal as a model. His brother, Michael Gombita, was not aware of his actions.

In an Affidavit and Consent filed with the Court, John Gombita indicated that he had since had the seal destroyed. After reviewing affidavits in support of the association's application, along with the consent to the Order filed on behalf of all parties, and after hearing brief submissions from Reema Khawje of McCarthy Tétrault representing PEO, the Honourable Madam Justice Epstein handed down the Order in favour of the association.

Note from Legal and Professional Affairs Department

John Gombita has paid costs to the association in the sum of \$1,000.

The project did not proceed based on John Gombita's drawings. A licensed professional engineer was retained, and the work was carried out based on the revised drawings.

The success of the above application is due in no small part to the vigilance of local building officials and PEO members in reporting their concerns to the association.

Council approves designation and redesignation of Consulting Engineers

JUNE 28, 1999 MEETING

At the 387th meeting of Council held June 28, 1999, 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 for a further five-year period in order to maintain his or her designation. Anyone wishing information on the consulting engineers program may contact Angela Gallant, Department of Professional Affairs, at (416) 224-1100 or (800) 339-3716.

Newly designated Consulting Engineers

Aaron Chim, P.Eng.
Takson Engineering Inc.
Toronto, ON

Bruno L. DiLoreto, P.Eng.
Wilson, Dario & Associates
Windsor, ON

Christopher Ian Dunham, P.Eng.
Dillon Consulting Limited
Gloucester, ON

Rick J. Dykstra, P.Eng.
AGM-LEA Ltd.
London, ON

Forry Cheuk Fong, P.Eng.
Soil-Eng Limited
Scarborough, ON

Michael William Fontyn, P.Eng.
Goodkey-Weedmark & Associates Ltd.
Ottawa, ON

Donald William Gordon, P.Eng.
RPA Consultants Limited
Toronto, ON

David John Halpenny, P.Eng.
D.J. Halpenny & Associates Ltd.
Nepean, ON

James Francis Hancock, P.Eng.
Acculab Engineering and Testing Limited
Schumacher, ON

Hanny Assaf Hassan, P.Eng.
Dillon Consulting Limited
Toronto, ON

Reza Mohammad Ray Jambakhsh, P.Eng.
Explotech Engineering Ltd.
Sudbury, ON

Clarence John Klassen, P.Eng.
KlassEngineering Inc.
Peterborough, ON

Grazyna Anna Materna, P.Eng.
John G. Cooke and Associates Ltd.
Ottawa, ON

John Janusz Schindler, P.Eng.
Schindler Technologies Corporation
Markham, ON

Robert John Shirer, P.Eng.
R.J. Shirer & Associates Inc.
Toronto, ON

Robert John Willcocks, P.Eng.
Triton Engineering Services Limited
Orangeville, ON

Redesignated Consulting Engineers

Surinder Kumar Aggarwal, P.Eng.
Edward Michael Aziz, P.Eng.
Philip A. Baker, P.Eng.
Donald R. Blay, P.Eng.
Daniel Joseph Boffa, P.Eng.
Stephen S. Chiu, P.Eng.
Michael A. Coulter, P.Eng.
David P. Cousins, P.Eng.
Zenon Durys, P.Eng.
William W. Fick, P.Eng.
Robert David Fleeton, P.Eng.
Frederick Gerson, P.Eng.
Michael E.M. Gibson, P.Eng.
Edward W.C. Goddard, P.Eng.
David H. Greenfield, P.Eng.
Christopher C. Hales, P.Eng.
Imants Hausmanis, P.Eng.
Peter Hegler, P.Eng.
Alfred W.K. Ho, P.Eng.
Glen M. Hogg, P.Eng.
Neal A. Irwin, P.Eng.
Boris Ivanov, P.Eng.

John S. Ivanyi, P.Eng.
Arthur B. Johns, P.Eng.
David G. Johnson, P.Eng.
William L. Knowles, P.Eng.
Giancarlo Lancia, P.Eng.
Mimmo A. Lostracco, P.Eng.
Leonard S. Love, P.Eng.
James R. Lowden, P.Eng.
Mervin H. Lumley, P.Eng.
Graham J. MacDowall, P.Eng.
Joseph B. Mangione, P.Eng.
A. Lance McAnuff, P.Eng.
Leo I. McCuaig, P.Eng.
Gordon C. McRostie, P.Eng.
Lorne S. Mitchell, P.Eng.
Hamid R. Mosleh-Zahraei, P.Eng.
Durgapaul Cecil Naraine, P.Eng.
R. John Oliver, P.Eng.
J. Michael Osborne, P.Eng.
Stephen John Pichette, P.Eng.
Edward Poon, P.Eng.
Ladislav Jan Rak, P.Eng.
Alan Charles Reynolds, P.Eng.
Michael Alan Rosenblitt, P.Eng.
Jagdish Rai Rupal, P.Eng.

Aksel Salumets, P.Eng.
Alexander Sarnavka, P.Eng.
Martin W. Scott, P.Eng.
Raj Mohan Seoni, P.Eng.
Winston William Shim, P.Eng.
Robert Skelton, P.Eng.
Richard Laird Smith, P.Eng.
George A. Sweetman, P.Eng.
Charles G. Turner, P.Eng.
Nicholas E. Walker, P.Eng.
Timothy J. Zavitsky, P.Eng.

Consultants granted permission to use the title "Consulting Engineers"

D.J. Halpenny & Associates Ltd.
Nepean, ON

Hewitt Consulting Engineers Inc.
Pickering, ON

K.H. Davis Consulting Ltd.
Toronto, ON

Millennium Engineering Ltd.
Burlington, ON

SEPTEMBER 23-24, 1999 MEETING

At the 388th meeting of Council held September 23-24, 1999, the following members were designated or redesignated as consulting engineers. Also listed are firms to which Council has granted permission to use the title "Consulting Engineers."

Newly designated Consulting Engineers

Andrew D. Burgess, P.Eng.

Burgess Engineering Inc.
Grimsby, ON

Patrick Cheung, P.Eng.

Reinders Consultants Ltd.
Brampton, ON

Garry D. Jewell, P.Eng.

G.D. Jewell Engineering Inc.
Carrying Place, ON

Michael E. Hulley, P.Eng.

XCG Consultants Ltd.
Kingston, ON

Ross J. McIntyre, P.Eng.

Goodkey Weedmark & Associates Ltd.
Ottawa, ON

Timothy John Sutherns, P.Eng.

Eramosa Engineering Inc.
Guelph, ON

Redesignated Consulting Engineers

Anthony David Alexander, P.Eng.
Frank Anrep, P.Eng.
Edward Beauchamp, P.Eng.
Norbert K. Becker, P.Eng.
John B. Bisset, P.Eng.
Rene G. Caskanette, P.Eng.

Edward J. Cazzola, P.Eng.
Mogen Riis Christopherson, P.Eng.
Scott Cole, P.Eng.
Jose T. Correia, P.Eng.
Nello A. Dario, P.Eng.
James A. Deakins, P.Eng.
Graham Farquharson, P.Eng.
William A.H. Filer, P.Eng.
David Fisher, P.Eng.
Christopher John Fox, P.Eng.
Steven Robert Friedlich, P.Eng.
Walter Robert Galloway, P.Eng.
George D. Gamsby, P.Eng.
Hari Goel, P.Eng.
Kenneth G. Gosselin, P.Eng.
George Halmos, P. Eng.
Gary A. Hatt, P.Eng.
Ronald R. Higgins, P.Eng.
Chih S. Huang, P.Eng.
Wencl A. Hubacheck, P.Eng.
William Gregory Hunt, P.Eng.
Gary W. Ingram, P.Eng.
Peter A. Irwin, P.Eng.
Paul Keenan, P.Eng.
Dennis J. Kelly, P.Eng.
John Krpan, P.Eng.
V.W. Kuchar, P.Eng.
Robert C. G. Laird, P.Eng.
Peter J. Loughton, P.Eng.
Garry E. Leveck, P.Eng.
Robert M. Martin, P.Eng.
Robert F. Mather, P.Eng.

Brian A. McEwen, P.Eng.
Philip A. McNeely, P.Eng.
Jack F. McQuat, P.Eng.
Emil Nenniger, P.Eng.
Gerald Pacitti, P.Eng.
Andrew Pluhar, P.Eng.
Laurentiu I. Popescu, P.Eng.
Mikail Preisman, P.Eng.
Ewing A. Rae, P.Eng.
Jiel Saweczko, P.Eng.
William Sears, P.Eng.
John L. Seychuk, P.Eng.
Brian T. Sirbovan, P.Eng.
Ralph Southward, P.Eng.
Andrew M. Spriet, P.Eng.
Milos Sturm, P.Eng.
Coby I. Sucher, P.Eng.
Joseph L. Tersigni, P.Eng.
Barry F. Tessler, P.Eng.
Christopher David Thompson, P.Eng.
Ping Yee Tong, P.Eng.
Bojomir J. Tworzanski, P.Eng.
Tin Sik Wong, P.Eng.
Thomas H. Woolhouse, P.Eng.

Consultants granted permission to use the title "Consulting Engineers"

Eramosa Engineering Inc.
Guelph, ON

LGI Consulting Engineers Inc.
Richmond Hill, ON