

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 WOJCIECH STANISLAW REMISZ, P.ENG., a member of the Association of Professional Engineers of Ontario, and REMISZ CONSULTING ENGINEERS LTD., a holder of a Certificate of Authorization.

This matter came on for hearing before a panel of the Discipline Committee on May 14, 15 and 16, 2007, at the Association of Professional Engineers of Ontario in Toronto (the association). All parties were present. The association was represented by legal counsel. Wojciech Stanislaw Remisz, P.Eng. (Remisz), and Remisz Consulting Engineers Ltd. (RCEL) chose not to be represented by legal counsel or agents.

THE ALLEGATIONS

The allegations against Remisz and RCEL were as follows:

1. Remisz was, at all material times, a member of the Association of Professional Engineers of Ontario and RCEL was, at all material times, the holder of a Certificate of Authorization to offer and provide to the public services within the practice of professional engineering. Remisz was one of the professional engineers responsible for the services provided by RCEL.
2. On or about May 17, 2001, the Ministry of Transportation (MTO) had a project to construct a bridge over the Mississippi River (the project) and identified a non-compliance of bridge seals and expansion joints and, consequently, the joints were rejected.
3. On or about February 26, 2002, Remisz was hired as a quality verification engineer (QVE) for the project by the contractor.
4. By memorandum to MTO dated May 17, 2002, Remisz expressed concerns about the bridge design and questioned calculations by the MTO designer, Nicolas C. Theodor, P.Eng. (Theodor).
5. By email dated May 22, 2002, Theodor responded to the Remisz concerns and referred to applicable Ontario Highway Bridge Design Code (code) and commentary clauses and the MTO structural design manual (structural manual).
6. In a memorandum to MTO dated May 25, 2002, Remisz continued to promote his concerns and insisted there was design error and code misrepresentation.
7. In a memorandum dated May 31, 2002 to Theodor's superior, Iqbal Husain, P.Eng. (Husain), head of the design section at MTO, Remisz restated his concerns and contentions regarding the project design. By facsimile transmission dated June 3, 2002, Felipe Mendoza, project contract control officer (Mendoza or project CCO), provided a copy of the memorandum to Theodor.
8. In a memorandum to Mendoza dated June 4, 2002, Husain addressed the concerns and contentions of Remisz and clarified the codes and manual requirements.

9. By memorandum dated June 15, 2002 to Mendoza, Remisz accused Theodor of acts of negligence, misconduct and malpractice, among other things.
10. By memorandum dated June 20, 2002 from Remisz to the minister of transportation, the Honourable Norman W. Sterling (minister), Remisz alleged the following:
 - (a) Theodor committed an act of malpractice and professional negligence as per the *Professional Engineers Act* and endangered the safety or welfare of the public;
 - (b) Theodor showed a substantial lack of understanding of engineering principles; and
 - (c) He located a substantial logic error in the MTO structural design manual.
11. By email dated June 26, 2002, the project CCO informed Theodor that a number of components of the project, including those certified by Remisz, the QVE, did not meet the requirements of the QVE's role.
12. By letter dated July 30, 2002, the project CCO informed the contractor that, among other things, the deck length that was certified by Remisz, the QVE, was outside the specified tolerance.
13. By letter dated August 14, 2002, Bala Tharmabala, P.Eng. (Tharmabala), manager of the bridge office of MTO, responded to Remisz's concerns stating that, after a review, no errors with the structural manual were found.
14. In a letter to Tharmabala dated August 21, 2002, Remisz continued his contention and his argument of design error.
15. By letter dated August 27, 2002, Tharmabala responded to Remisz stating that all of Remisz's concerns and questions had been addressed. Tharmabala advised Remisz that MTO would not be able to provide any further explanations regarding the matter.
16. By letter dated September 4, 2002, Remisz again wrote to Tharmabala repeating his contentions and arguments.
17. By letter dated September 17, 2002, Tharmabala responded to the latest Remisz letter and informed him that MTO had not found any errors in the code or the structural manual and that the matter was closed.
18. By letter dated March 20, 2003, Theodor, Husain and Tharmabala received notice from Professional Engineers Ontario (PEO) that a complaint investigation had been initiated regarding the project.
19. By letter dated September 2, 2003, Remisz again wrote to Tharmabala, continuing his concerns, criticisms and further accusations regarding the design of the project.
20. By letter dated September 9, 2003, Tharmabala responded to Remisz, stating that further comment would be inappropriate considering an investigation regarding the issues was in progress at PEO.
21. By letter to Theodor dated November 26, 2003, Remisz continued his concerns and criticisms and stated that he had reviewed another bridge project and found it had similar issues.
22. On or about December 5, 2003, MTO retained Professor M.P. Collins, P.Eng., to review the code compliance issues and the concerns Remisz had with the project.
23. By letter dated December 15, 2003, Theodor responded to the Remisz letter dated November 26, 2003, and stated that Remisz's past and present accusations were unjustified, slanderous and intended to maliciously damage his (Theodor's) professional reputation.
24. In a letter to Husain dated January 19, 2004, Remisz stated that Theodor had misread, misused and misinterpreted the code in the design of the project. He stated that this was an act of professional negligence, lack of skill and prudent engineering judgment. He threatened a public relations disaster for MTO in relation to the opening of the bridge.
25. By letter dated January 27, 2004, Husain responded to Remisz stating that MTO had responded to his concerns and that there was nothing further to address.
26. By reason of the aforesaid, it is alleged that Wojciech Stanislaw Remisz, P.Eng., and RCEL:
 - (a) made repeated criticisms regarding the work of fellow engineers that he knew, or reasonably ought to have known, were incorrect, unprofessional and without foundation;
 - (b) made repeated incorrect and unprofessional accusations toward fellow engineers;

- (c) engaged in a course of vexatious comment or conduct that he knew, or reasonably ought to have known, were unwelcome to fellow engineers Theodor, Husain and Tharmabala regarding the design of a bridge project; and
- (d) acted in a disgraceful, dishonourable and unprofessional manner.

27. “Professional misconduct” is defined in section 28(2)(b) as:
 “the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.”

28. The sections of Regulation 941/90 made under the said act and relevant to this misconduct are:
- (a) SECTION 72(2)(J): conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional; and
 - (b) SECTION 72(2)(N): harassment defined at section 72(1): In this section “harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome and that might reasonably be regarded as interfering in a professional engineering relationship.

PLEA BY MEMBER AND HOLDER

Remisz and RCEL denied the allegations set out in the Fresh Notice of Hearing.

EVIDENCE

Counsel for the association presented as evidence a joint document brief containing copies of the documents cited in the allegations. The association did not call any witnesses.

Remisz, having chosen not to be represented by counsel, took the stand as a witness to present evidence in defence of the allegations.

Remisz introduced a binder of correspondence as Exhibit 3. Counsel for the association objected to this as it had not been disclosed prior to the hearing and he had not had an opportunity to review the contents. The panel asked him to review the binder and provide an opinion on its admissibility later in the proceeding so that the defence could proceed in the meantime. Having reviewed the binder, counsel for the association agreed that Exhibit 3 could be regarded as evidence of communication between the parties, but not as proof of its contents. Remisz agreed with this.

In his testimony, Remisz explained that his motivation for the correspondence was his duty in his role as quality verification engineer for the construction contractor and his duty as a professional engineer to protect public safety.

Remisz proceeded with his chronology of the events, adding the following information pertinent to understanding the context of the facts already introduced by the association.

The contractual implications of a problem with the bridge design by MTO may have been a concern for MTO and its staff.

1. MTO questioned whether the QVE and/or the contractor could have caused the problem with the joints.
2. MTO wanted the contractor to bear the cost of reconstruction and remediation for the non-compliant bridge seals and expansion joints.

There may have been pressure on the QVE and the contractor to approve compliance of the bridge seals and expansion joints.

1. Pressure was exerted on the contractor and the QVE by MTO to proceed toward contract completion.
2. There was at least one warning by MTO that the contractor would be liable for non-compliance and delays.

There may have been provocation by both parties in discussing the bridge design.

Theodor showed animosity and contempt toward Remisz in at least one reply.

An MTO reply to Remisz dismissed his design concerns as misrepresentation and misstatement.

The member provided photographs of the bridge (Exhibit 4) showing evidence of the non-compliance; for example, wood crushed by expansion of the bridge.

Remisz did raise a complaint with the association, expecting help in resolving the matter with the bridge design that gave rise to the non-compliance of the bridge seals and expansion joints. In his opinion, the bridge was unsafe. This complaint had not been brought forward to a discipline hearing by the association as of the date of this hearing.

On cross-examination, Remisz and RCEL did not deny the contents of the documents presented as evidence by the association. Remisz admitted writing the criticisms and accusations contained in the documents presented as evidence by the association. He denied any malice, and reiterated his duty as a professional engineer to protect public safety as his motive for the continued correspondence.

DECISION

Having considered the evidence and the onus and standard of proof, the panel finds that Remisz and RCEL committed acts of professional misconduct as alleged in paragraph 28 of the Notice of Hearing under Regulation 941/90, section 72(2)(j). In particular, Remisz and RCEL:

- (a) made repeated criticisms regarding the work of fellow engineers that he knew, or reasonably ought to have known, were unprofessional;
- (b) made repeated unprofessional accusations about fellow engineers; and
- (c) acted in an unprofessional manner.

The panel finds that the member and holder did not commit an act of professional misconduct involving “harassment,” as alleged in paragraph 28 of the Notice of Hearing under Regulation 941/90, section 72(2)(n).

REASONS FOR DECISION

The allegations state that Remisz knew, or reasonably ought to have known, that his criticisms and accusations were incorrect, unprofessional and without foundation. Counsel for the association advised the panel that the unresolved concerns of RECL with the bridge design giving rise to the non-compliance of the bridge seals and expansion joints may or may not be valid. As such, the panel could not consider that Remisz knew, or reasonably ought to have known, that his criticisms and accusations were incorrect and without foundation. The decision of the panel is, therefore, limited to whether Remisz knew, or reasonably ought to have known, that his criticisms and accusations were unprofessional.

The correspondence in evidence clearly showed many occasions where Remisz questioned the skill and competence of the MTO engineers and accused them of negligence, malpractice and/or misconduct. These are not part of open and constructive discussion that needs to occur to solve problems and resolve issues in the practice of professional engineering.

The first evidence of unprofessional conduct by Remisz is in his letter dated June 15, 2002, stating, “This is an act of malpractice, professional misconduct, and negligence caused by MTO designers.” The letter to the minister dated June 20, 2002 alleged Theodor had committed an “act of malpractice and professional negligence” and “showed substantial lack of understanding of engineering principles.”

Unprofessional criticisms and accusations are repeated in a letter from Remisz dated September 2, 2003 accusing MTO designers of “constant confusion” and “unacceptable reckless manipulation.” Remisz also criticized a presentation given by Theodor, stating, “It contains many misrepresentations of the

code requirements, mixes up load with movements and contains logical mistakes that it is frightening and outright dangerous to follow it.” A letter dated November 26, 2003 from Remisz to MTO engineer Theodor restated the unanswered concerns as well as the criticism of his presentation previously cited to Tharmabala. Finally, in a letter dated January 19, 2004, Remisz accused Theodor of having “totally misread, misused and misinterpreted the MTO structural design code” and that “this is an act of sheer professional negligence, lack of skill and prudent engineering judgement.” He went on to accuse MTO employees of “covering their lack of qualifications and engineering experience” in his attempt to get MTO to participate in resolving concerns of RCEL with the bridge design related to the non-compliance of the bridge seals and expansion joints.

Remisz did not deny writing the letters or memos submitted into evidence by the prosecutor. In fact, the evidence submitted by Remisz contained the very same correspondence. The evidence supports the finding by the panel that the act of sending those letters and memoranda containing the accusations and criticisms constitutes unprofessional conduct on the part of Remisz and RCEL relevant to the practice of engineering, which members of the profession would reasonably regard as unprofessional.

Regarding the allegation that the actions of Remisz and RCEL constituted professional misconduct in the form of harassment, the panel found that the evidence presented did not fulfill the burden of proof. To constitute harassment, the conduct must be vexatious, the perpetrator ought to have known the conduct was unwelcome, and the conduct might be regarded as interfering with a professional relationship.

In the evidence presented, it is certain that MTO engineers made it obvious to Remisz that his conduct was unwelcome. In particular, Theodor explicitly stated that fact in his December 15, 2003 letter to Remisz. The evidence shows that Remisz was persistent in seeking a valid response from the MTO engineers to the concerns of RCEL with the bridge design that gave rise to the non-compliance of the bridge seals and expansion joints, through correspondence spanning two years. Considered in isolation, the panel would consider such conduct annoying, causing irritation, i.e. vexatious. However, a professional relationship must exist between the parties and be interfered with to constitute harassment. There was no evidence of a professional relationship between Remisz and either Theodor or Tharmabala, or that this was somehow interfered with by the member’s conduct. The panel concluded that Theodor, Tharmabala and MTO, in general, sought not to engage in a professional relationship with Remisz and RCEL. A fax from Mendoza on June 17, 2002

stated the QVE should not have direct contact with MTO engineers. The memo dated June 4, 2002, MTO's response to the concerns raised by RCEL, is not even addressed to RCEL. Rather, the information is transmitted through two other parties, neither of whom are professional engineers. In three separate letters dated August 14 and 27, 2002, and January 27, 2004, MTO tells RCEL and Remisz they do not wish to discuss the concerns with the bridge design giving rise to the non-compliance of the bridge seals and expansion joints. There is clear evidence the MTO engineers were unwilling to enter into a professional engineering relationship with RCEL and Remisz. Their unwillingness predates the first evidence of unprofessional conduct by Remisz on June 15, 2002.

Apart from the allegations brought against RCEL and Remisz, in reviewing the evidence, the panel holds that the process of professional engineering is not served when members avoid or refuse open and objective technical discourse and review toward the resolution of an identified problem. Differences of opinion on technical matters do occur and engineers are not infallible. Our work is subject to peer review and, at times, review may uncover mistakes or omissions that, if left uncorrected, could endanger lives.

The panel concluded that Remisz and RCEL were acting in good faith in their obligation toward public safety under the *Professional Engineers Act* and were exercising due diligence in seeking a resolution to the non-compliance of the bridge seals and expansion joints. It is the opinion of the panel that Remisz and RCEL may have been impeded in their obligations by the actions of other engineers involved with the project. MTO issued directives to proceed with installation, in effect disregarding the professional engineering opinion of the QVE having responsibility.

Remisz and RCEL appealed to the association for assistance to resolve their differences with the MTO engineers as early as March 20, 2003. It is unfortunate and disappointing the association did not facilitate a timely resolution of the interference with the practice of professional engineering that gave rise to the circumstances that precipitated the complaint against Remisz and RCEL.

PENALTY

Counsel for the association summarized that RCEL criticized other engineers and accused them of misconduct and incompetence over a two-year period in a forum visible to their peers and supervisors, as shown in the correspondence presented in evidence.

The association proposed a penalty that would achieve general and specific deterrence and rehabilitation:

- Remisz is required to appear before the panel to be reprimanded and the fact of the reprimand is to be recorded on the register;
- The Decision and Reasons of the discipline panel shall be published in summary in Gazette, with names; and
- Costs in the amount of \$7,500 shall be paid by Remisz to the association.

Counsel for the association indicated this penalty is consistent with the portions of the penalty upheld by the divisional court in the recent decision, *White v. Association of Professional Engineers of Ontario, 2006, CanLII 17320 (ON S.C.D.C.)*.

In response to the proposed penalty, Remisz stated that he and RCEL suffered significant hardship in terms of delayed payment for services, lost business and emotional stress throughout the time when the misconduct occurred and leading up to the hearing. Remisz asked that there be a time limit imposed on the fact of the reprimand on the register in consideration of the hardship already suffered. They did not dispute the quantum of costs, but requested a period of time over which to make the payment.

The panel recognized that Remisz, choosing not to be represented by legal counsel, was co-operative during the course of this hearing.

The panel made the following order as to penalty:

1. **Remisz is required to appear before the panel to be reprimanded;**
2. **The fact of the reprimand is to be recorded on the register for a period of one year;**
3. **The Decision and Reasons of the discipline panel shall be published in summary in Gazette, with names. The text of the summary will be provided by the panel for publication; and**
4. **Costs in the amount of \$7,500 shall be paid by Remisz to the association within 12 months of the conclusion of this hearing.**

REASONS FOR PENALTY

The panel regarded the unprofessional conduct of Remisz and RCEL as an impediment to sound engineering practice, having the potential to erode public confidence in the profession of engineering.

The panel chose to orally reprimand the member, with the objective of rehabilitation. In the reprimand, the panel could clearly identify the inappropriateness of the tone and language used by the member in the correspondence. The panel could emphasize the negative impact that his choice of language and

tone had on achieving his objectives and on the profession as a whole. The panel would aim to convince the member that, in future, his practice of engineering would be better served by avoiding the emotion, language and tone in his communications that is aggressive and personal. Given the co-operative nature of the member during the hearing and his acceptance of the findings of the panel, the panel believes that a reprimand would have a rehabilitative effect and that the member would be unlikely to re-offend.

The panel chose to have the reprimand recorded on the register as a deterrent to the member and other members. By limiting the term of the recorded reprimand to one year, the panel took note that the member recognized his offence and was unlikely to repeat it. The one-year term would not create undue hardship for the member, but would show other members that such acts do carry a perceivable penalty.

The panel chose to have its Decision and Reasons published as a general deterrent so that other members of the profession will understand the need for appropriate professional conduct. The

panel chose to include the name of the member in the publication because of the findings in the case. Since the more serious of the allegations against the member was found to be unsubstantiated, publication of the decision with the name of the member serves to set the public record straight. Furthermore, the panel elected to write this summary for publication.

The panel chose to assign the partial cost of these proceedings because Remisz's conduct caused these costs. The assignment of costs is not a punishment of the member. It is unfair to burden all members of the profession with the entire cost that arises when members choose to act improperly and must be dealt with in the disciplinary process. Remisz agreed that the amount of \$7,500 to be paid to the association over a 12-month period did not represent an undue hardship.

The written Decision and Reasons were dated May 12, 2008, and were signed by John Vieth, P.Eng., as the chair on behalf of the other members of the discipline panel: J.E. (Tim) Benson, P.Eng., Ravi Gupta, P.Eng., Richard Hilton, P.Eng., and Nick Monsour, P.Eng.

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 BRADLEY J. KALUS, a holder of a limited licence issued by the Association of Professional Engineers of Ontario.

This matter came on for hearing before a three-member panel of the Discipline Committee on Thursday, November 23, 2006 at the Association of Professional Engineers of Ontario (the association) in Toronto. The association was represented by Neil Perrier of Perrier Law Professional Corporation. Bradley J. Kalus was represented by Jeffery Lanctot of Cassels Brock & Blackwell LLP.

THE ALLEGATIONS

In the Fresh Notice of Hearing dated November 16, 2006 (Exhibit 1), it was alleged that Bradley

J. Kalus (Kalus) is guilty of professional misconduct. The particulars of the allegations against the practitioner are summarized as follows:

1. On February 19, 2001, Kalus was issued a limited licence by Professional Engineers Ontario that entitled him to engage in the practice of professional engineering with respect to geometric design of highway and road improvement projects, functional planning, preliminary and detailed designs, but specifically excluded engaging in the practice in relation to structural, geotechnical and electrical

designs, stormwater management and environmental evaluations.

2. At all material times, Kalus was providing engineering services as an employee and agent of a company (the company) that was authorized, by virtue of its Certificate of Authorization, to offer to the public services that are within the practice of professional engineering.
3. Prior to May 2005, the company was requested by their client to produce a stormwater management report for a proposed indoor/outdoor soccer field development in the township of Cavan-Millbrook-North Morraghan. The company subsequently provided the stormwater management report dated May 2005 to the client.
4. The signature page of the stormwater management report had been signed under the “reviewed by” section by Kalus. Kalus had used a designation of LL Eng. after his name shown below his signature. The initials “B.K.” appeared in the “designed by,” “drawn by” and “checked by” boxes of drawing SP-01 titled “SITE PLAN” within the report.
5. By reason of the aforesaid, it is alleged that Kalus:
 - (a) breached section 45(1) of Regulation 941 made under the *Professional Engineers Act* by engaging in acts of professional engineering specifically excluded by his limited licence;
 - (b) breached section 40 of the *Professional Engineers Act* by using the designation LL Eng. after his name on a report; and
 - (c) acted in an unprofessional manner.
6. By reason of the facts aforesaid, it appeared that Kalus is guilty of professional misconduct as defined in section 28(2) of the *Professional Engineers Act*, R.S.O. 1990, Chapter P.28.
7. “Professional misconduct” is defined in section 28(2)(b) as: “The member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.”
8. The sections of Regulation 941/90 relevant to this misconduct are:
 - (a) SECTION 72(2)(G): breach of the act or regulations, other than an action that is solely a breach of the Code of Ethics;

- (b) SECTION 72(2)(J): conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as unprofessional; and
- (c) SECTION 72(2)(K): failure by a practitioner to abide by the terms, conditions or limitations of the practitioner’s licence, provisional licence, limited licence, temporary licence or certificate.

PLEA BY KALUS

Kalus admitted the allegations of professional misconduct as defined by sections 72(2)(a), 72(2)(g), 72(2)(j) and 72(2)(k) of Regulation 941/90 and as agreed jointly by counsel for the association and counsel for Kalus.

The panel conducted a plea inquiry and was satisfied that Kalus’ plea was voluntary, informed and unequivocal.

AGREED STATEMENT OF FACTS

Counsel for the association advised the panel that agreement had been reached on the facts and that the facts, as set out in paragraphs 1 through 4 of the Fresh Notice of Hearing dated November 16, 2006, as set out above, could be treated as an Agreed Statement of Facts.

DECISION

After deliberation, the panel unanimously accepted Kalus’ plea and, accordingly, found him guilty of professional misconduct as defined in sections 72(2)(g), 72(2)(j), 72(2)(k) of Regulation 941/90 of the act.

REASONS FOR DECISION

The panel accepted the Agreed Statement of Facts and Kalus’ plea, which substantiated a finding of professional misconduct.

The panel found that the facts, as set out in paragraph 1 of the Fresh Notice of Hearing, support a finding that Kalus breached section 45(1) of Regulation 941, and those set out at paragraph 4 of the Fresh Notice of Hearing support the finding that Kalus breached section 40 of the *Professional Engineers Act*. Specifically, Kalus signed a report which, although it contained engineering that was covered by his limited licence, also contained engineering that was specifically excluded by his licence, and Kalus also put the initials LL Eng. after his name, where there is no such approved designation.

With respect to the finding of professional misconduct, the panel found that the facts set out in paragraphs 1 through 4 of the Fresh Notice of Hearing supported the finding with respect to sections 72(2)(g), 72(2)(j) and 72(2)(k) of Regulation 941/90 of the act.

PENALTY

Counsel for the association advised the panel that a Joint Submission as to Penalty had been agreed upon and that the association was satisfied that the Joint Submission as to Penalty was fair and reasonable and was in line with similar cases. Counsel for Kalus advised that all matters were agreed. The Joint Submission as to Penalty provides as follows:

1. Kalus shall receive a verbal reprimand which shall be recorded on the register;
2. The Decision and Reasons shall be published with names in Gazette, with reference to Kalus;
3. The limited licence of Kalus shall be suspended for a period of three months; and
4. Kalus shall forthwith pay costs of the discipline proceedings in the sum of \$1,000.

After deliberation, the panel, with assistance on procedure from independent legal counsel, requested submissions from counsel on the justification of suspending Kalus' licence for a period of three months.

Counsel for the association submitted that, based on the evidence presented before the panel, Kalus' conduct was a knowing and intentional breach of the terms of his limited licence. Perrier submitted that it is more appropriate that there be a period of suspension of a limited licence for those people who may have a mind to act outside the scope of their limited licence. Perrier stated that this position by the association was reached following much consideration by both the association and by Kalus.

Kalus' counsel advised the panel that it was a Joint Submission as to Penalty, noting that Kalus was in agreement with the terms of penalty, and he wished to move forward and place this matter behind him.

Perrier, in reply, noted that the real issue was: What message does the association wish to send to the public? He commented that Kalus, through his counsel, had taken a very responsible position on the Joint Submission as to Penalty.

DECISION

Following further deliberation, the panel accepted the Joint Submission as to Penalty and, accordingly, ordered:

1. **Kalus shall receive a verbal reprimand which shall be recorded on the register;**
2. **The Decision and Reasons shall be published with names in Gazette, with reference to Kalus;**
3. **The limited licence of Kalus shall be suspended for a period of three months; and**
4. **Kalus shall forthwith pay costs of the discipline proceedings in the sum of \$1,000.**

REASONS FOR PENALTY

The panel concluded that the penalty proposed by the Joint Submission as to Penalty was reasonable and in the public interest.

The panel was of the view that the proposed penalty would send a strong message to the public and other members of the engineering community.

The Joint Submission as to Penalty had been carefully considered by both the association and Kalus. No new information was brought before the panel by Kalus' counsel to justify decreasing the duration of the suspension of Kalus' limited licence from three months.

WAIVER

Counsel for Kalus advised the panel that Kalus will not be appealing the decision of the panel and a waiver of appeal was filed with the panel, following which the panel delivered the oral reprimand.

The written decision in this matter was signed on May 9, 2008, by Edward Rohacek, P.Eng., as chair on behalf of the other members of the discipline panel: Max Perera, P.Eng., and Derek Wilson, P.Eng.

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 A MEMBER of the Association of Professional Engineers of Ontario.

This matter came on for hearing, with the consent of the parties, before a three-member panel of the Discipline Committee on November 5, 2007, at the Association of Professional Engineers of Ontario (the association) in Toronto. All parties were represented by legal counsel.

THE ALLEGATIONS

The allegations against the member in the Notice of Hearing dated November 17, 2006 included incompetence and professional misconduct on several grounds under section 72 of Regulation 941/90 made under the act. Counsel for the association advised that the association was only seeking a finding of professional misconduct pursuant to section 72(2)(d) of Regulation 941/90 of the act. The allegations with respect to incompetence under section 28(3)(a) of the act and of professional misconduct pursuant to other grounds under section 72 were withdrawn.

STATEMENT OF AGREED FACTS

Counsel for the association, on consent of the parties, provided the panel with a Statement of Agreed Facts, which was marked as Exhibit 2. The Statement of Agreed Facts provided as follows:

1. The member was, at all material times, a member of the Association of Professional Engineers of Ontario.
2. In or about the summer of 1999, a contracting company approached a specialized service provider to form a joint venture to carry out a contract to perform surface preparation and re-painting work on a portion of a bridge. The joint venture was incorporated as Company A. To facilitate the work, a multi-point suspended platform (MPSP) was used. The MPSP had been designed and manufactured by an American firm and had been used for surface preparation and repainting portions of the bridge since about 1997. The member was the project manager in charge of the project on behalf of Company A.
3. The member and Company A did not offer engineering services to the public. Company A did not hold, nor apply for, a Certificate of Authorization. Company A did not carry professional liability insurance.
4. The member was ultimately responsible for ensuring that Company A had policies and procedures in place to ensure compliance with the requirements of the *Occupational Health and Safety Act* (OHSA) and regulations in respect to the MPSP.
5. Prior to using the MPSP in connection with a construction project in Ontario, Company A was required by the OHSA to arrange for a professional engineer registered in Ontario to conduct an inspection of the MPSP as called for in subsections 139(5) and (6) of Ontario Regulation 213 (O.Reg. 213) under the OHSA.
6. In connection with the project, Company A entered into a subcontract with Company B, an expert scaffolding contractor, to, among other things, erect access scaffolding and environmental protection in accordance with engineered drawings and related inspections.
7. The member was familiar with the requirements of sections 137 through 139 of O.Reg. 213 (construction projects) made under the OHSA, which detail the design, inspection and record-keeping requirements that apply to suspended platforms.

8. In the spring of 2000, Company A retained Company C to assume engineering design responsibility, pursuant to the OHSA, for the existing MPSP to be used for the project. The MPSP would support the access scaffolding, also designed by Company C. No written contract or letter of engagement was issued for the work.
9. Engineer A, a professional engineer with Company C, was responsible for the design for the access scaffolding and environmental enclosure. Engineer B, also a professional engineer with Company C, was primarily responsible for the design of the MPSP.
10. On July 20, 2000, Engineer A and Engineer B attended at the bridge site to examine the MPSP. The member, along with staff from Company A and Company B, were also present. The member and the staff from Company A and Company B would testify that they believed an inspection pursuant to section 139(5) of O.Reg. 213 under the OHSA was being carried out. Engineer A and Engineer B would testify that they believed they were conducting an examination for the purpose of completing the required design drawings pursuant to section 139(3) of O.Reg. 213 under the OHSA.
11. On August 10, 2000, Engineer A and Engineer B issued two signed, sealed and dated drawings, showing the details, layout, sections and moving procedures for the MPSP and the access scaffolding.
12. Company A began the cleaning and repainting work on the bridge on or about August 12, 2000.
13. On November 14, 2000, while the MPSP was being traversed to its final position for the cleaning and repainting project, the traversing beam became disengaged from one trolley. The workers were in the process of replacing the trolley when a failure occurred and the entire suspended MPSP collapsed and fell into the river below the bridge. Three of the approximately 10 workers on the MPSP fell into the river. One worker drowned.
14. By reason of the aforesaid, it is agreed that:
 - (a) The member did not maintain at Company A, at the relevant time, policies and procedures that adequately ensured that Company A obtained the written statement by a professional engineer as required under section 139(5) of O.Reg. 213 under the OHSA in respect of the MPSP;
 - (b) The member did not maintain at Company A, at the relevant time, policies and procedures in place to adequately ensure that no persons used the MPSP until the statement required by section 139(5) had been given as required by section 139(6) of O.Reg. 213 under the OHSA;
 - (c) No written statement as required by section 139(5) of O.Reg. 213 under the OHSA was obtained in respect of the MPSP and it was used from on or about August 12 to November 14, 2000;
 - (d) The conduct and omissions described at paragraphs 14(a) to (c) above constitute professional misconduct; and
 - (e) Section 72(2)(d) of O.Reg. 941/90 made under the *Professional Engineers Act*, is relevant to the professional misconduct:

72(2) For the purposes of the act and this regulation “professional misconduct” means,

 - (d) failure to make provision for complying with applicable statutes, regulations, standards, codes, bylaws and rules in connection with work being undertaken by or under the responsibility of the practitioner.
15. It is agreed that PEO has no evidence and it does not suggest that the actions or conduct in the Notice of Hearing or in this Agreed Statement of Facts were in any way the proximate cause of the collapse of the MPSP.

It was also noted by counsel that the relevant subsections of Ontario Regulation 213 were:

- 139(5) Before a suspended scaffold or platform is used, a professional engineer shall inspect it and state in writing that it has been erected in accordance with the design drawings; and
- 139(6) No person shall use a suspended scaffold or suspended platform until the statement required by subsection (5) has been given.

PLEA BY THE MEMBER

The member confirmed his acceptance of the Statement of Agreed Facts and of the allegations of professional misconduct under section 72(2)(d) of Regulation 941/90 of the act. The panel conducted a plea inquiry and was satisfied that the member’s admission was voluntary, informed and unequivocal.

DECISION

The panel accepted the Statement of Agreed Facts and the plea by the member. The panel concluded that the member was guilty of professional misconduct pursuant to section 28(2)(b) of the act in that he contravened the provisions of section 72(2)(d) of Regulation 941/90.

REASON FOR DECISION

The panel considered the onus and burden of proof of the association to prove the allegations and was satisfied by the Statement of Agreed Facts and the member's plea. There was no evidence that the member's actions were in any way the proximate cause of the collapse of the platform. The omissions set forth in paragraphs 14(a), (b) and (c) of the Statement of Agreed Facts breached the strict compliance provisions of the OHSA.

PENALTY

The panel was provided a precedent decision of the Discipline Committee, which addressed a similar technical breach of the OHSA as a result of the same incident.

Counsel for the member provided two letters of reference, one from an individual who works for a firm that specializes in occupational health and safety issues and had been engaged to assist the member in such matters for over 10 years, and one from an acquaintance of the member since 1983 and business partner since 1999, who outlined the member's responsibilities for occupational health and safety issues. Each attested to the commitment of the member to health and safety in the workplace.

Counsel for the association advised that the association was seeking as a penalty that:

1. The member be reprimanded and that the fact of the reprimand be recorded on the register for a period of 12 months from the date of the reprimand;
2. The panel's Decision and Reasons be published in summary in Gazette with names; and
3. The member forthwith pay a portion of the costs associated with the hearing, such costs to be fixed at \$2,500.

Counsel for the association stated that, with the exception of publishing with names, the penalty proposed could be considered as a joint submission by both parties.

Counsel for the association informed the panel that the penalty proposed was similar to the precedent case. The council of the association by motion 9921 recommended names be published where there is a finding of guilt with respect to professional misconduct. The precedent case ordered publishing without names and provided reasons why such a decision was appropriate.

Association counsel indicated that the member had been a licensed professional engineer since 1989 and there had been no prior finding or evidence of professional misconduct. He had admitted to the allegations, thereby saving the association

the effort and expense of proving the allegations and a hearing that could reasonably take over five days. He reiterated that neither the member's actions nor conduct were in any way the proximate cause of the collapse of the platform.

Counsel for the member argued that the focus of section 72(2)(d) of Regulation 941/90 was on a failure to make provision for compliance with applicable statutes and regulations; evidence could have shown there was substantial compliance. Since the collapse, there has been a long history of investigation through the Ministry of Labour and the coroner's inquest; however, there were no charges against the member or evidence of claims through civil litigation.

Counsel noted that the member had been employed in construction since 1987. He respects being a professional engineer and deeply regrets the accident. He co-operated with the various investigations throughout in an effort to determine the cause of the accident. The reference letters attest to his strong and continuing commitment to worker safety. The firm had a superior WSIB rating prior to the accident and has worked diligently to again achieve a superior rating.

Counsel for the member argued that publication should be without names in the interests of fairness and symmetry with the precedent decision. Four of the five reasons stated in the precedent, namely that the member's actions were not the proximate cause of the accident, that the incident resulted in a forensic investigation of the work, that the allegations of professional misconduct were a matter of public record, and that the member co-operated in the process, all applied to this case. In response to the panel's questions whether publication would facilitate closure, the member's counsel replied that publication of names had occurred throughout the investigations since the accident. Publication in this instance would raise the question once again. The member and the profession would be better served by allowing him to serve the public and the profession in the acceptable manner he has been demonstrating.

SUBMISSION BY INDEPENDENT LEGAL COUNSEL

Independent legal counsel (ILC) advised that the Joint Submission as to Penalty should be accepted unless it was so disproportionate to the offence in question that to accept it would bring the administration of justice into disrepute or, otherwise, not be in the public interest.

ILC confirmed that the Discipline Committee is independent of the council of the association and is not bound to follow council's recommendation. The panel is not bound by, but should give serious consideration to, the precedent decision on a similar technical breach of the OHSA as a result of the same incident.

PENALTY DECISION

The panel deliberated and ordered that:

1. The member be reprimanded and the fact of the reprimand be recorded on the register for a period of 12 months from the date of the reprimand;
2. The panel's Decision and Reasons be published in summary in Gazette without names; and
3. The member shall forthwith pay \$2,500 in costs.

REASONS FOR DECISION

The panel accepted the joint submission with respect to penalty. The reprimand was considered appropriate as a specific deterrent. The co-operation of the member in admitting to the allegations saved the association significant effort and expense to prove the allegations. The award of costs, reflecting only a portion of the actual costs, is reasonable in view of the co-operation by the member.

In assessing a penalty, the panel took into consideration that the member was ably represented by experienced counsel well versed in such matters. The panel also recognized that the submission had been developed through a process of thought by experienced counsel applying principles consistent with the circumstances.

Publication is a general deterrent in that it may assist other professional engineers should they encounter like situations. Publication also serves to protect the public interest. The panel confirmed that, as a general principle, it is in the public interest that the names be published. The rare exceptions should have compelling reasons.

Considerations in the decision to publish without names included:

1. The member's actions were not the proximate cause of the failure;
2. The member acted responsibly throughout detailed forensic investigations;
3. The member's co-operation avoided a protracted investigation and hearing;
4. The similarity of the precedent decision arising from the same event;
5. The allegations of misconduct were a matter of public record prior to the hearing;
6. The member has demonstrated remorse and a determined commitment to workplace safety; and
7. The member's name had already been made public through the investigation by the Ministry of Labour and the coroner's inquest.

The panel determined the reasons to be significant. Protection of the public interest and maintaining confidence in the profession's ability to regulate would not be compromised by a decision to publish without names in this instance. In the interest of fairness, the panel ordered publication without names.

The member waived his right to appeal and the panel administered an oral reprimand following the hearing.

The written Decision and Reasons were dated July 3, 2008, and were signed by J.E. (Tim) Benson, P.Eng., as the chair on behalf of the other members of the discipline panel: David Robinson, P.Eng., and Brian Ross, P.Eng.

NOTICE OF LICENCE REVOCATION—RAIKESH (RICK) BEDI

On March 28, 2008, the professional engineering licence of RAIKESH (RICK) BEDI was revoked pursuant to a March 28, 2006 order of the Discipline Committee. The order was issued following a finding of professional misconduct against Bedi at a discipline hearing held on March 27 and 28, 2006. Bedi's licence was revoked because he failed to write and pass the Professional Practice Examination within the 24-month time frame prescribed by the Discipline Committee. Bedi's licence had been suspended since March 28, 2007, pursuant to the same order of the Discipline Committee.

REGULATION 941/90 AMENDED, NEW REGULATION 260/08 CREATED, EFFECTIVE JULY 25, 2008

At its meeting on June 27, 2008, PEO council approved a new regulation to establish performance standards for professional engineers, relating to general review of construction of a building as provided for in the building code, and to demolition. Council also approved revoking section 78 of Regulation 941, which was previously the performance standard for general review.

Following approval by Cabinet, the amendment to Regulation 941 and new regulation were filed with the registrar of regulations as O.Reg. 258/08 and O.Reg. 260/08 on July 25, 2008, and came into force immediately.

The amendment to Regulation 941 and new Regulation 260 follow. To access the complete Regulation 941/90, visit www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900941_e.htm.

REGULATION 941/90

78. Revoked: O.Reg. 258/08, s. 1.

REGULATION 260/08

PERFORMANCE STANDARDS

Definitions

1. In this Regulation,
“building” means a building as defined in the *Building Code Act, 1992*;
“building code” means Ontario Regulation 350/06 (building code) made under the *Building Code Act, 1992*.

Construction of a building

- 2.(1) In this section,
“construct” and “construction” have the same meaning as in the *Building Code Act, 1992*
“plans and specifications” means a plan or other document which formed the basis for the issuance of a building permit and includes any changes to the plan or other document that are authorized by the chief building official as defined in the *Building Code Act, 1992*.
- (2) The following are prescribed as performance standards with respect to the general review of the construction of a building by a professional engineer as provided for in the building code:
 1. The professional engineer, with respect to the matters that are governed by the building code, shall,
 - (i) make periodic visits to the construction site to determine, on a rational sampling basis, whether the work is in general conformity with the plans and specifications for the building;
 - (ii) record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies;
 - (iii) review the reports of independent inspection and testing companies called for in the plans and specifications and which pertain directly to the work being reviewed;
 - (iv) interpret plans and specifications in writing when requested to do so by the client, the contractor or the owner; and
 - (v) review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.
 2. The professional engineer may delegate one or more of the functions or requirements described in paragraph 1 to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer.

- (3) Subsection (2) applies with necessary modifications to a limited licence holder, if the holder undertakes a general review of the construction of a building.

Demolition

3. (1) In this section,
 “demolish” means to do anything in the removal of a building or structure, as the case may be, or of any material part of a building or structure;
 “demolition plan” means a plan or other document prepared by a professional engineer, limited licence holder or provisional licence holder in accordance with subsection (3) with respect to the demolition of a building or structure, and includes any changes to the plan or other document that are made by a professional engineer, limited licence holder or provisional licence holder;
 “methodology” means a detailed description of the systematic and sequential procedure for cutting, destroying, removing or otherwise demolishing a building or structure in a manner that does not endanger the health or safety of any persons or negatively affect the integrity of any other buildings, structures, buried or above ground utilities or any other real property;
 “structure” means any permanent structure other than a building, including a bridge, dam or lock.

- (2) The following are prescribed as performance standards with respect to the general review of the demolition of a building by a professional engineer as provided for in the building code:
1. The professional engineer shall not undertake a general review of the demolition of a building unless,
 - (i) the professional engineer has satisfied himself or herself that a permit for the demolition has been issued under the *Building Code Act, 1992*, and
 - (ii) a demolition plan has been prepared with respect to the demolition.
 2. The professional engineer shall,
 - (i) make periodic visits to the demolition site to determine whether the demolition is proceeding in general conformity with the demolition plan;
 - (ii) record any material deviation from the demolition plan found during a site visit and as soon as reasonably possible notify the client,

the contractor and the owner in writing of the deviation and of the professional engineer’s opinion on the impact the deviation may have on the health or safety of any person or the integrity of any other building, structure, buried or above ground utility or any other real property;

- (iii) record any site condition or other issue relating to the demolition identified during a site visit that may endanger the health or safety of any person or the integrity of any other building, structure, buried or above ground utility or any other real property and as soon as reasonably possible notify the client, the contractor and the owner in writing of the condition or other issue;
- (iv) notify the client, the contractor and the owner in writing about any site condition or other issue that requires the demolition plan to be changed;
- (v) review the reports of any independent inspection and testing companies called for in the demolition plan and which pertain directly to the work being reviewed; and
- (vi) interpret the demolition plan in writing when requested to do so by the client, the contractor or the owner.

- (3) The following are prescribed as performance standards with respect to the preparation of a demolition plan:
1. The professional engineer, limited licence holder or provisional licence holder shall, before preparing a demolition plan with respect to the demolition of a building or structure,
 - (i) visit and examine the demolition site in order to assess site limitations and adjacent conditions that may affect the content of the demolition plan; and
 - (ii) verify the structural characteristics and condition of the building or structure by conducting one or more inspections of the building or structure and by reviewing any existing drawings or specifications relating to the building or structure.
 2. The professional engineer, limited licence holder or provisional licence holder shall include in a demolition plan made with respect to the demolition of a building or structure,

DISCIPLINE HEARING SCHEDULE

This schedule is subject to change without public notice. For further information contact PEO at 416-224-1100; toll free 800-339-3716.

Any person wishing to attend a hearing should contact the tribunal office at extension 1083.

All hearings commence at 9:30 a.m.

Note: These are allegations only. It is PEO's burden to prove these allegations during the discipline hearing. No adverse inference regarding the status, qualifications or character of the licence or Certificate of Authorization holder should be made based on the allegations listed herein.

NOVEMBER 3-7, 2008

JEFFREY H. MAXWELL, P.ENG.

It is alleged that Maxwell is guilty of professional misconduct as defined in section 28(2)(b) of the *Professional Engineers Act*. The sections of Regulation 941 made under the act relevant to the alleged professional misconduct are:

- (a) SECTION 72(2)(J): conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional; and
- (b) SECTION 72(2)(N): harassment.

NOVEMBER 17-20, 2008

ROBERT G. WOOD, P.ENG., GREGORY J. SAUNDERS, P.ENG., and M.R. WRIGHT & ASSOCIATES CO. LTD. (MRWA)

It is alleged that Wood and Saunders are guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act*. It is alleged that Wood, Saunders and MRWA are guilty of professional misconduct as defined in section 28(2)(b) of the *Professional Engineers Act*. The sections of Regulation 941 made under the act relevant to the alleged professional misconduct are:

- (a) SECTION 72(2)(A): negligence;
- (b) SECTION 72(2)(B): failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible;
- (c) SECTION 72(2)(D): failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, bylaws and rules in connection with work being undertaken by or under the responsibility of the practitioner;
- (d) SECTION 72(2)(G): breach of the act or regulation, other than an act that is solely a breach of the Code of Ethics;
- (e) SECTION 72(2)(H): undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience; and
- (f) SECTION 72(2)(I): conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional.

- (i) a description of the structural characteristics and condition of the building or structure as verified by the professional engineer, limited licence holder or provisional licence holder under subparagraph 1(ii);
 - (ii) the methodology a contractor should follow in demolishing the building or structure;
 - (iii) a description of the measures necessary to ensure that the health or safety of any person, including an occupant of a building being demolished if the building is not vacated before the demolition commences as permitted by the building code, is not endangered as a result of the demolition;
 - (iv) a description of the measures necessary to ensure that the integrity of any other buildings, structures, buried or above ground utilities or any other real property is not negatively affected as a result of the demolition;
 - (v) identification of all buried or above ground utilities under or at the demolition site and a description of the requirements for their safe disconnection, removal or protection before the commencement of the demolition;
 - (vi) a description of any environmental hazard that would or could arise as a result of the demolition, and of the measures necessary to address the hazard, with reference to the applicable municipal, provincial or federal statutes, regulations, rules, by-laws, codes, standards or other legislation; and
 - (vii) identification of any inspection or testing to be carried out by an independent company during the demolition.
- (4) A professional engineer may delegate one or more of the functions or requirements described in subsection (2) to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer.
- (5) A professional engineer or limited licence holder may delegate one or more of the functions or requirements described in subsection (3) to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer or limited licence holder.
- (6) Subsections (2) and (4) apply with necessary modifications to a limited licence holder, if the holder undertakes a general review of the demolition of a building.

Commencement

4. This regulation comes into force on the day it is filed.

ENFORCEMENT EXPLAINED

This 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. Our consulting firm has the opportunity to hire a qualified internationally trained individual. However, we have been in contact with immigration officials who wish to know if he will be able to legally work in Ontario. Unfortunately, he has no Canadian experience. In addition, we are not sure if we will employ him long enough for him to obtain the Canadian experience required for licensure. Do we have to pass up the opportunity to hire him?

A. As long as Citizenship and Immigration Canada concurs, there are two ways of handling this matter that satisfy both the *Professional Engineers Act* and immigration concerns.

If the newcomer will be working with at least one professional engineer on the project, there is no need for him to be licensed. Under the provisions of s. 12(3)(b) of the act, any person may perform an act within the practice of professional engineering where a professional engineer assumes responsibility for the services within the practice of professional engineering to which the act is related. Although this section was written with new graduates, technologists and technicians in mind, given the need to provide experience to internationally trained applicants, it can certainly be extended to anyone a professional engineer is confident will do the work properly.

Immigration officials are usually not aware of this exception in the act and usually request that applicants for guest worker status provide proof they can work in a regulated field before they will be admitted. PEO can provide letters to immigration officials explaining that a person may work in a professional engineering capacity as long as he or she is working under the supervision of a professional engineer. However, because PEO does not assess individuals' skills for immigration purposes, we cannot assure immigration officials that someone who has not applied for licensure and had their qualifications assessed as part of the licensure process has an equivalent education to what would be expected of a Canadian professional engineer.

If the newcomer is expected to work independently or with only minimal supervision, he should consider applying for a temporary licence. However, a temporary licence is limited to a single project, and may require that the newcomer work with a local P.Eng. as a collaborator. It is not appropriate for someone who is expected to work on a series of projects.

As you have pointed out, it would be impossible in this situation for the person to get a full licence prior to beginning the work. However, a person may apply for a licence prior to coming to Ontario. In fact, if your prospective employee applies now, by the time he goes through the application process, he will most likely have the one year of Canadian experience required for licensure. At that point, he can be licensed immediately on obtaining permanent resident status.

2008 ENFORCEMENT STATISTICS TO DATE

TOTAL INQUIRIES	516
Major enforcement files opened	18
Job advertisers contacted	2
Existing business names reviewed	204
New corporate names reviewed	30
Enforcement matters reported	54
From professional engineers	37
From other	9
From staff	8
<i>Daily Commercial News</i> inquiries	19
Out of province engineers	
Repeat offenders	4
Alberta	97
Newfoundland and Labrador	11
Nova Scotia	6
Internet searches	8
Self-employed engineers contacted	58

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.