

Contact PEO to check

He uses a business card that describes him as a “structural engineer” and his company as “civil engineers”. On each occasion when the clients or building officials check with PEO, they find that the “engineer” is not, nor has ever been, licensed, nor does his company hold the required Certificate of Authorization.

This repeat offender is brought to trial no less than four times in six years. Fines for all four convictions total \$85,000. The bogus engineer is placed on probation and ordered to pay \$8,000 restitution to a former client. When the offender does not comply, he is arrested and jailed until he complies and pays PEO’s legal costs plus the restitution to the homeowner.

Comment: The construction field is very competitive. Clients look for assurance that the company hired is capable of doing the work. While much construction work is not engineering, it enhances clients’ confidence if they think that they are dealing with an engineer. To describe oneself as an engineer in this field is therefore to put oneself at an advantage. However, only those who have completed all of the stringent requirements for licensure may describe themselves as structural or civil engineers. The best assurance is to check credentials with PEO.

A Renovation Nightmare

A couple seeking to have renovations done on their home are introduced to someone who hands them a business card showing the letters P.Eng. after his name. He describes himself as a “structural engineer”. They retain him to design the renovations to their home, and he prepares drawings that are submitted to the local building department bearing what appears to be a professional engineer’s seal. Officials

note many deficiencies in the drawings, and then notice that the seal is twice the size of a professional engineer’s seal. They turn the case over to PEO, which finds that this person is not a licensed professional engineer.

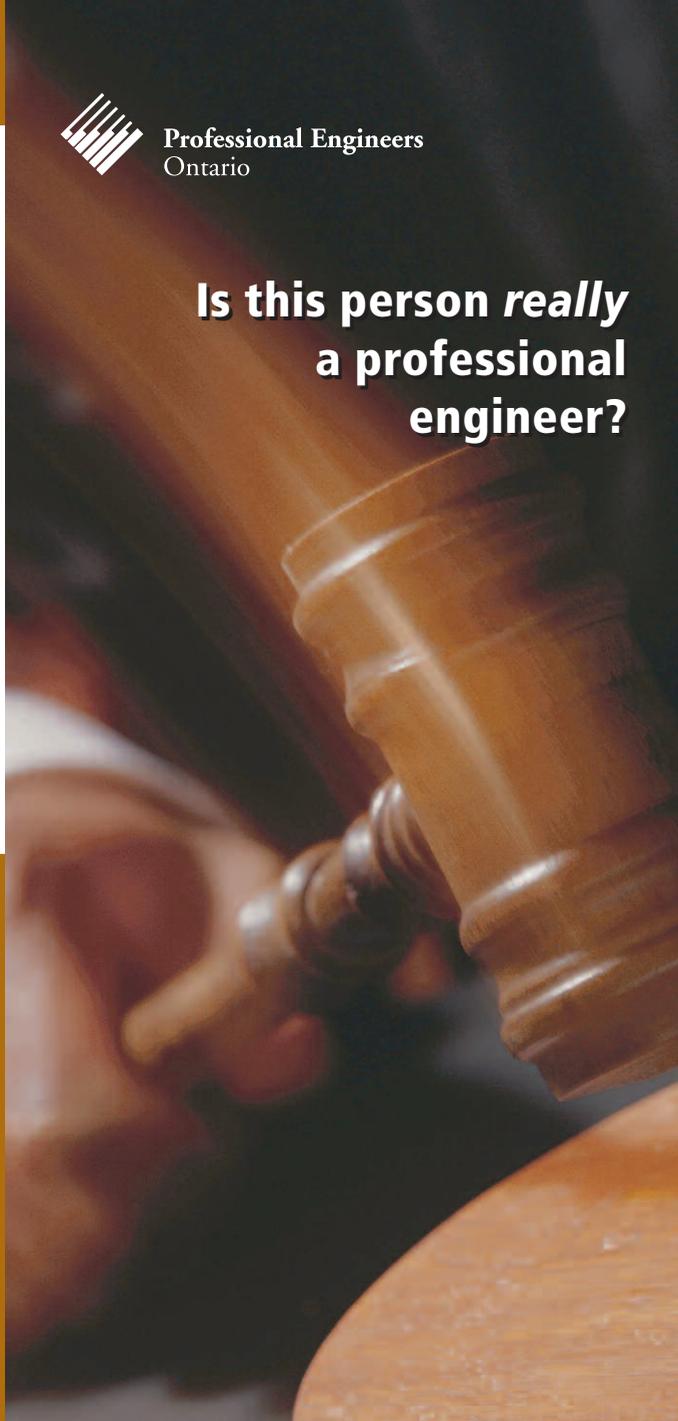
The case goes to trial; the bogus engineer is found guilty and placed on probation for two years. Fines total \$10,000. He is also ordered to pay \$700 in restitution to his former client.

Comment: When PEO brings cases to court, it does so under the *Professional Engineers Act*. Fines are specified for offences under the Act and are paid to the province. PEO cannot prosecute to recover money lost by clients; occasionally, however, a judge will also order that the guilty party must pay restitution to former clients who paid for what they thought were professional engineering services.

How can someone find out if a person is licensed to practise professional engineering?

If you suspect that you have been dealing with someone who is pretending to be a professional engineer, you can call PEO’s hotline at 416-224-9528, ext. 1444.

You can also call PEO document management centre staff at 416-224-9528, ext. 1112 (toll free 1-800-339-3716, ext. 1112) to verify that the person you are dealing with is licensed by PEO. Have the correct spelling of the person’s name available, and as much other information as possible, e.g. company name and location of office. If you are informed that PEO has no record of such a person, you should ask to speak to the Manager, Enforcement and Prosecutions, who will investigate the matter and will begin by contacting you in order to obtain the necessary information in order to commence an investigation.



Is this person really a professional engineer?

A guide to the enforcement of the *Professional Engineers Act*

Introduction

Someone performing a medical act must be licensed to practise medicine. Someone auditing a public company must be licensed to practise public accounting. Similarly, someone performing professional engineering work must be licensed to practise professional engineering.

These regulations exist for a reason. Patients can die, fraud can go undetected, or buildings can collapse if these practitioners do not have the relevant qualifications, experience and abilities. A professional licence tells the public that the practitioner has been trained to the required standards, understands and accepts the profession's legal and ethical responsibilities, is competent to practise, and is regulated by a professional body that maintains the required standards.

In Ontario, professional engineering is governed under the *Professional Engineers Act*. This provincial legislation requires Professional Engineers Ontario (PEO) to govern the profession in the public interest. Anyone wanting to practise professional engineering in Ontario must be licensed by PEO. If providing professional engineering services to the public, that person or firm must also hold a Certificate of Authorization from PEO.

How would someone contravene the Act?

Anyone who uses the title "professional engineer" or "engineer" without having a licence to practise engineering may be contravening the *Professional Engineers Act*. The process of becoming a professional engineer is long and rigorous, because public health and safety is involved. Occasionally, those who want to take a short cut on this road will pretend to have the requisite qualifications and licence. Others will maintain that they can do the work just as well as any professional engineer. But doing the work is only part of the obligation of a professional engineer. For example, someone who works for a professional engineer may be capable of doing all of

the calculations and drawings for a project, but the professional engineer has to take the responsibility of ensuring that the project meets health, safety and environmental standards, meets all legal and ethical requirements, and uses the client's funds responsibly. The professional engineer must answer to PEO if found wanting in any of these areas.

How does PEO deal with contraventions of the Act?

Most cases that are investigated are brought to PEO's attention by people working with professional engineers. A building inspector may receive a set of sub-standard drawings, prompting a call to PEO to check if the person is a professional engineer. Someone buying engineering work may receive a business card bearing the initials P.Eng. and may routinely check with PEO that the person named is licensed. Most enforcement actions taken by PEO involve voluntary compliance by the individual or company concerned. When PEO's requests for compliance are ignored, it can take legal action. *The Professional Engineers Act* specifies the maximum penalties for various offences:

- u For practising without a licence, \$25,000 for the first offence, \$50,000 for subsequent offences;
- u For using the title, description or seal without a licence, \$10,000 for the first offence and \$25,000 for subsequent offences;
- u For offering professional engineering services to the public without a Certificate of Authorization, \$25,000 for the first offence and \$50,000 for subsequent offences.

PEO may also apply to the Courts for orders restraining individuals or companies from misrepresenting themselves.

Case Studies

The following cases taken from PEO's files demonstrate how PEO enforces the Act, to protect the people of Ontario from the actions of unlicensed individuals.

P.Eng.—Or Not?

In attempts to obtain work from several government agencies and consulting engineering firms, an employee of a construction company passes out business cards that include the letters P.Eng. after his name. His contacts at the government agencies and consulting engineering firms are licensed professional engineers. As part of considering his proposals, they first check with Professional Engineers Ontario that this person is licensed. PEO has no record of him.

PEO undertakes an investigation to obtain the full particulars of the offence. This generally includes interviewing witnesses, obtaining physical evidence, e.g. business cards, drawings or reports prepared by the offender.

The case goes to trial and the employee is found guilty of attempting to pass himself off as a professional engineer. Fines total \$25,000.

Comment: Becoming a professional engineer is a lengthy and rigorous process. Those who earn the P.Eng. carry significant responsibility, upon which other professionals rely in their work. When people hand over business cards bearing the term P.Eng., they are representing that they have received all of the required training, have passed all of the necessary exams, are competent to practise, and are qualified to take on the responsibilities of a professional engineer. It is an offence to use the P.Eng. without being licensed by PEO. Those who routinely rely on

providers of engineering services know that the first step in checking proposals is to check the qualifications of the proposer. In a one-year period recently, through diligent reporting from users of engineering services, PEO uncovered 12 cases of people misrepresenting themselves as professional engineers.

Letters of Trust

A licensed professional engineer receives a real estate flyer offering a free appraisal from an agent who uses the letters P.Eng. after his name. The professional engineer checks with PEO, and finds that the agent is not a licensed professional engineer. PEO corresponds with the agent, telling him to remove the P.Eng. from his marketing materials and submit the new materials to PEO as proof that he has complied. Despite several such requests, the agent does not submit revised marketing materials. Further investigation reveals that the agent is continuing to use P.Eng. after his name on his business card and other marketing materials.

PEO goes to court to obtain an order against the agent. The judge orders the agent to refrain from representing himself as a professional engineer and to submit revised marketing materials to PEO. He is ordered to pay a portion of PEO's legal costs.

Comment: In business, anything that builds trust can be valuable. The letters P.Eng. are recognized and respected, even in non-engineering fields. For this reason, licensed professional engineers often maintain their licence even if they move out of engineering, so that their business contacts will know that they have the credentials of a trusted profession. Anyone receiving a business card bearing the letters P.Eng. from someone that they think may not be an engineer should check the person's credentials with PEO.

The Repeat Offender

In a series of construction projects on homes, institutions and churches, clients and building officials find themselves dealing with someone who describes himself variously as an engineer or a structural engineer.

