

Gazette

THE DEPARTMENT OF THE REGISTRAR, PEO

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The Discipline Committee of the Association of Professional Engineers of Ontario

In the matter of a hearing under the Professional Engineers Act, R.S.O. 1990,
Chapter P.28;

And in the matter of a complaint regarding the conduct of

Ernest Onyido, P.Eng.,

a member of the Association of Professional Engineers of Ontario and

Paradigm Engineering Group Inc.

A holder of a Certificate of Authorization

Summary of Decision and Reasons

A panel of the Discipline Committee of the association met in the offices of the association on November 27 and 28, 1996; December 9 and 10, 1996; and January 9, 1997 to hear allegations of professional misconduct and incompetence against Ernest Onyido and Paradigm Engineering Group Inc., (hereinafter referred to as Onyido and Paradigm respectively).

William Black of McCarthy Tétrault appeared as legal counsel for the association. Onyido and Paradigm were not represented by legal counsel.

The hearing arose as a result of Onyido and Paradigm's involvement in the technical audit of the fire protection system and preparation of a life safety study for a seven-storey apartment building, located in the City of North York, Ontario.

The allegations of professional misconduct and incompetence set out in the Notice of Hearing and filed as an exhibit are summarized as follows:

Allegations

1. Onyido was at all material times a member of the Association of Professional Engineers of Ontario (PEO) and President of Paradigm.
2. Paradigm was at all material times the holder of a Certificate of Authorization.
3. Paradigm was retained by the Golfour Group (Golfour) to conduct a technical audit of the fire protection system and to complete a life safety study (study) for an apartment building located in the City of North York, Ontario. The purpose of the technical audit was to verify the compliance or non-compliance of the various components of the building's Life Safety System to the requirements of the *Ontario Fire Code*, Ontario Regulation 627/92 (Regulation).

4. The seven-storey apartment building was approximately 30 years old and constructed of block shear walls with brick veneer exterior cladding except at the front, which was constructed of pre-cast concrete veneer. The floors were constructed using a composite design of concrete, steel deck and open-web steel joists.
 - (b) installation of floor number signs on the stairway side of exit stairway doors, when installation is required on the stairway side of the wall on the latch side of the door, not on the doors themselves;
 - (c) installation of smoke detectors inside the supply air and exhaust air ducts to shut down the air handling system, when smoke detectors and automatic shut down are only required for re-circulating air handling systems;
 - (d) installation of smoke alarms in the corridors, which are not required by the Regulation;
 - (e) replacement/repair of kitchen and bathroom exhaust fans, which are not required for smoke control purposes; and
 - (f) provision of an emergency generator to provide power for the standpipe booster pump and the firefighters' elevator, although there is likely no need for an emergency generator.
5. On or about March 30, 1994, Onyido submitted the study, duly sealed, to Jim Cleary, P.Eng. (Cleary), the fire protection engineer with the North York Fire Department (North York) for review and approval. The study contained 42 site observations and analyses related to matters of containment, means of egress, fire alarms and detection, and suppression. It made recommendations to remedy identified deficiencies to meet the fire protection requirements of the Regulation, and included a Schedule of Compliance, which described the 18 work plans for the proposed retrofit program.
 - (b) mm thick gypsum wallboard specified in the ULC *Fire Resistance Ratings Guide*;
 - (b) the rating and construction of fire separation between suites;
 - (c) the ratings for all enclosures in fire separations, such as the boiler room, refuse storage room and locker room;
 - (d) the rating of the boiler room's 250 mm concrete block wall and the ceiling;
 - (e) the fire separation of all vertical service spaces; and
 - (f) compliance of the fire access route and the fire department connection with the OBC.
6. By letter dated April 13, 1994, Cleary identified to Onyido 42 concerns related to the study's methodology, observations, analyses, recommendations and Schedule of Compliance. Cleary advised that there was a requirement to include in the study's methodology, the testing and verification of the fire alarm system, standpipe and other components. He further advised that 29 of the concerns related to errors, omissions and deficiencies in the study, wherein the information provided did not satisfactorily address the requirements of the Regulation, or the information did not relate to the referenced article in the Regulation.
 8. The omissions included detailed information regarding:
 - (a) the adequacy of door closures in the exit stairway fire separation;
 - (b) the actual reach of the hoses in the fire hose cabinets;
 - (c) the results of flow tests for the standpipe system;
 - (d) absence of pull stations at the first floor entry into the west exit stairway and at the lobby doors location;
 - (e) the emergency power for the fire alarm system; and
 - (f) the requirements for firefighters' elevators and the recall switch.
 9. The deficiencies included incomplete information or details regarding:
 - (a) the suspended ceiling, in that it must be at least equivalent to 15.9
7. The errors included information regarding:
 - (a) replacement of all exit signs, when replacement is required only where the signs did not meet the requirements of the *Ontario Building Code* (OBC);
10. Cleary also identified 12 concerns relating to errors and deficiencies in the Schedule of Compliance, noting in part that: the addition of a fire department telephone would not satisfy the requirement for electrical supervision; there is no need for seven recall switches as there are only two elevators; and connecting exit signs to the nearest emergency batteries may not be acceptable if the added load on the batteries would reduce their duration to less than the specified time.
 11. Cleary further noted that the Schedule of Compliance was unsatisfactory in that the order of completion of the work did not reflect what North York considered to be the three most important items, namely: smoke alarms in the apartments, fire alarm system improvements, and self-closing devices on the suite doors.
 12. Cleary advised Onyido that North York was unable to accept the study and requested that he submit a revised study that satisfactorily addressed all of the identified concerns.
 13. By letter dated June 30, 1994, Onyido submitted a sealed revised study to North York, and indicated that Paradigm had incorporated

- the suggestions and modifications outlined in Cleary's letter of April 13, 1994. Onyido further noted that Cleary's letter gave them an idea of the relative importance that North York attached to various areas of fire protection, and that Paradigm had included a Schedule of Compliance, which reflected their understanding of North York's priorities.
14. By letter dated November 2, 1994, Cleary advised Onyido that North York was unable to accept the revised study and identified six concerns with the revised study, specifically:
 - (a) there was a lack of information on the rating and construction of the fire separation between suites;
 - (b) Article 9.6.2.15(2) of the Regulation did apply, contrary to the statement in the study that this article did not apply because the ceiling/floor systems of the garage provided a two-hour first resistance rating;
 - (c) the study did not include information regarding the sprinkler system's compliance with OBC requirements, or alternatively, hydraulic calculations, showing that the minimum required density was available;
 - (d) there was no definite statement issued regarding the compliance of the fire access routes with the OBC;
 - (e) there was incomplete information regarding fire department connections; and
 - (f) there was incomplete information regarding the completion date for work in the Schedule of Compliance.
 15. Cleary requested that Onyido submit a revised study, which satisfactorily addressed these concerns.
 16. By letter dated November 4, 1994, Onyido responded to the six concerns in Cleary's November 2, 1994 letter as follows:
 - (a) he provided information that the separation between the suites was concrete block, similar to that between the suites and the corridors;
 - (b) he clarified that there was no access from the parking garage to the building as the parking garage was at ground level, not underground;
 - (c) he referenced Appendix C of the study, which was a test report from D&L Fire Protection Limited (D&L) as verification that tests were performed to verify the compliance of the sprinklers with the requirements of the OBC. D&L was the company that Paradigm retained to carry out a test of the building sprinkler system;
 - (d) he provided information that the width of the building's paved driveway was 20 feet, the turning radius at the corner of the building was 40 feet, the available approach to the building for fire vehicles was 50 feet, and fire vehicles, parked adjacent to a fire hydrant, would be within 150 feet of the fire department connections;
 - (e) he proposed that the information on the fire department connection would be subject to approval by the fire department; and
 - (f) he advised that Paradigm was preparing a new Schedule of Compliance, which would provide more specific dates for completion of each item.
 17. By follow-up letter dated December 2, 1994, Doug Sheils, P.Eng., (Sheils) on behalf of Paradigm submitted, with respect to North York's concern set out in paragraph 14(d) above, a drawing of the access route around the building and requested that North York accept non-compliance with three articles of the OBC relating to the width of the fire access route because of site limitations. Further, with respect to North York's concern set out in paragraph 14(e) above, Paradigm proposed that no drain valve was required, the sign on the fire department connection was to read "STANDPIPE" with no reference to "SPRINKLER," and a gate in the wrought iron fence would be provided or a portion of the fence would be removed, to allow easy access to the Fire Department connection. With respect to North York's concern set out in paragraph 14(f) above, Paradigm submitted a revised Schedule of Compliance.
 18. Subsequently, by letter dated December 16, 1994, Cleary advised Onyido that, with respect to the six concerns identified in North York's November 2, 1994 letter (see paragraph 14):
 - (a) Paradigm satisfactorily addressed this concern regarding information.
 - (b) Paradigm satisfactorily addressed this concern regarding Article 9.6.2.15(2).
 - (c) Details were required regarding the sprinkler system test that was conducted by D&L for Paradigm before North York could accept that the sprinkler system was adequate.
 - (d) Additional information and a clarification of provided information were required regarding compliance of the fire access routes with the OBC.
 - (e) Paradigm partially satisfied North York's concerns. However, a drain valve and a "SPRINKLER" sign for the fire department connection must be provided; and
 - (f) In the Schedule of Compliance, priority should be given to the installation of closures for the suite and exit stairway doors over the installation of emergency lighting.
 19. Cleary further advised Onyido that North York was unable to accept the study and requested a revised study, or addendum sealed by a professional engineer, that satisfactorily addressed all of North York's concerns as set out in paragraph 14 above.
 20. Thereafter, by letter dated October 20, 1995, Sheils, on behalf of Paradigm,

- submitted to North York an unsealed Addendum No. 1 to the study.
21. Following a review of Addendum No. 1, Cleary, by letter dated December 14, 1995, advised Paradigm that all the outstanding concerns in North York's December 16, 1994 letter had been satisfactorily addressed. However, Cleary requested that Paradigm submit a sealed and signed original of Addendum No. 1 before North York would issue an acceptance letter.
 22. A review of the study and responses from Paradigm by an independent consulting engineer, specializing in fire safety plans, life safety studies and building code consulting, engaged by PEO revealed:
 - (a) that the independent consulting engineer agreed with virtually all of the 42 concerns contained in North York's April 13, 1994 letter to Paradigm;
 - (b) approximately 20 of the 42 concerns were requests for additional information;
 - (c) approximately 14 of the 42 concerns demonstrated Paradigm's lack of understanding of the Regulation, applicable fire protection principles and measures, and the potential consequences in that regard. Examples included issues relating to the misunderstanding of storage garages, smoke control requirements, supervision of the fire alarm systems, fire department monitoring, fire fighters' elevator and recall switch requirements and emergency power requirements;
 - (d) the study made recommendations requiring the owner to implement measures that were not required by the Regulation;
 - (e) Onyido's statement in his June 30, 1994 letter indicated that he was, in fact, relying on North York for guidance as opposed to actually taking the lead role on behalf of Golfour; and
 - (f) the independent consulting engineer did not believe that the errors or lack of understanding would result in public safety concerns.
 23. It was alleged that Onyido and Paradigm:
 - (a) prepared and sealed a deficient report which failed to meet the requirements of the applicable legislation;
 - (b) failed to adequately address the concerns of the City of North York Fire Department;
 - (c) lacked understanding of the applicable legislation and the application of fire protection principles;
 - (d) in error, made remedial recommendations which were not required by applicable legislation, to the disservice of their client; and
 - (e) offered consulting services outside their area of competency.
 24. By reason of the facts aforesaid, it was alleged that Onyido and Paradigm were guilty of professional misconduct as defined in Section 28(2)(b) and Onyido was guilty of incompetence as defined in Section 28(3)(a) of the *Professional Engineers Act*, R.S.O. 1990, c. P28, which prescribes as follows:

28(2) "A member of the Association or a holder of a Certificate of Authorization, a temporary licence or a limited licence may be found guilty of professional misconduct by the Committee if,

 - (a) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations."

28(3) "The Discipline Committee may find a member of the Association or a holder of a temporary licence or a limited licence to be incompetent if in its opinion, the member or holder has displayed in his or her pro-

fessional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or holder is unfit to carry on the responsibilities of a professional engineer."

The sections of Regulation 941 made under the said Act relevant to this misconduct are:

◆ **Section 72(2)(a): Negligence as defined at Section 72(1): "In this section, 'negligence' means an act or omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances";**

◆ **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";**

◆ **Section 72(2)(d): "failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner";**

◆ **Section 72(2)(h): "undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience"; and**

◆ **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."**

James T. Cleary, P.Eng. (Cleary) and Jonathan M. Rubes, P.Eng. (Rubes) testified on behalf of the association. Mr. Onyido testified on behalf of himself and Paradigm.

Cleary testified that he had been employed with the City of North York Fire

Department since September 1990. His responsibilities included providing fire protection engineering services to various divisions, administering the *Ontario Fire Code Retrofit Legislation* for several occupancy types, and providing *Ontario Building Code* interpretations.

Cleary confirmed that on March 30, 1994, Paradigm Engineering Group Inc. submitted a life safety study for 267 Roywood Drive, North York, Ontario, to the North York Fire Department.

His testimony for all intents and purposes confirmed the chronology of correspondence between himself and Onyido and Paradigm relating to the various submissions and responses as set out in the Notice of Hearing.

He testified that he made a complaint to the association because the report reflected a lack of understanding of the legislation.

Cleary testified with respect to specific deficiencies in the report, which, in his opinion, indicated a lack of understanding. Specifically, information was omitted on fire separation. The report only addressed the fire separation of the corridors. The rating and construction of the fire separation between suites must be reported.

Rubes was called as an expert witness on behalf of the association. He is a partner in the firm of Leber/Rubes Inc., Fire Protection and Building Code Engineers.

He is a registered professional engineer in Ontario, British Columbia, Manitoba and New Brunswick with 17 years experience in fire protection and building code consulting.

Reports prepared by Rubes were filed as exhibits.

He testified that he reviewed the life safety study submitted by Onyido to the North York Fire Department and the North York Fire Department's response.

In general, he agreed with virtually all of the comments from the Fire Department and identified what additional information was required to comply with the Code.

Rubes testified that the fire department's comments reflected: the requirements of additional information to assess the acceptability of a condition; a lack of understanding of the legislation or fire protection issues and principles; or errors that resulted in poor advice or service to the client.

Rubes' evidence was that the errors or lack of understanding would not result in public safety concerns.

He confirmed his findings as outlined in the Notice of Hearing at paragraph 22.

Five statements in the report, according to Rubes, required the owner to implement measures not required by the legislation, including the requirement to install an emergency generator to provide power for the standpipe pump and firefighters' elevator. Such emergency power, Rubes testified, is not required by the Code and is a very expensive requirement to implement.

The installation of more smoke alarms was not required by the legislation.

Rubes conceded that exceeding the requirements of a Code is obviously not necessarily a bad thing. However, if it is done in error, or if the client is not made aware that a recommendation exceeds the Code, then it is a disservice to the client.

Rubes testified that the way in which these issues were addressed in the report and the comments from the fire department appeared to indicate a lack of understanding on the part of Onyido and Paradigm.

He agreed that Paradigm and Onyido made an effort to resolve all of the issues identified by the fire departments in an appropriate manner. He considered these efforts to be genuine.

In the opinion of Rubes, Onyido relied on the fire department for guidance as opposed to actually taking the lead role on behalf of the client in making recommendations with respect to upgrading and prioritization in order of importance.

Rubes on cross-examination agreed that the City of North York Fire Department's request for information and confirmation had been onerous to the point of making it impossible for an engineer to prepare and "seal" a report to their satisfaction.

He testified, however, that in his experience the initial submission by Paradigm and Onyido would not have been accepted by other fire departments.

Onyido testified on his own behalf and on behalf of Paradigm. He is a graduate of Carleton University and has a master's degree in structural engineering.

In his capacity as President of Paradigm, he deals mostly with project man-

agement issues. He has reviewed over 20 buildings to determine their compliance with the fire codes. He testified that he has completed more than 50 technical audits. He has attended a course on fire code retrofit and is a part-time lecturer at Seneca College.

Onyido testified that Bill Iqbal, P.Eng., a professional engineer with Atmosphair Consulting Group Inc., was responsible for the electrical and mechanical work undertaken on this project. He submitted that a number of the concerns related to work undertaken by Mr. Iqbal. He submitted that Iqbal as a sub-consultant erred in certain areas.

He submitted that the life safety study was in fact a technical audit. He conceded that he coordinated the report. He testified, however, that the report was submitted for an extension of time.

He submitted that they were put under immense pressure to submit the report and that it had to be completed over the course of a weekend.

He testified that first submissions rarely get accepted by the North York Fire Department.

He testified that the report was never sealed, but the accompanying letter was. With respect to the comments raised by North York Fire Department, he confirmed that several concerns were repeated several times.

Onyido referred to submissions made by other engineering firms. He submitted that the content of those was similar to that of the life safety study submitted by Paradigm. The Committee were not given any context, however, in which these reports were submitted and Mr. Black submitted that without calling the authors, the reports prepared by other consultants were hearsay and that there was no evidence as to the outcomes of the reports. He also submitted that they were of very little probative value.

Onyido, however, compared the content of his report to three other reports.

He testified that he was entitled to rely on Iqbal's input and expertise. Mr. Iqbal did not give evidence at the hearing.

On cross-examination, Onyido submitted that it was not his intention to seal the report. He testified that he was asked by Cleary to seal the letter. He

agreed that the covering letter refers to the enclosure as a life safety study. He submitted, however, that the report was not a life safety study.

He agreed that he coordinated the report.

Onyido testified that municipal building departments do not accept a document solely on the basis of a professional engineer's seal. He stated that they always vet them and, in his opinion, the engineer's seal carries no weight.

He did not agree or concede that he had less expertise than Jonathan Rubes.

He did not agree that a higher duty was owed by an engineer than by a non-engineer (a non-engineer being entitled to carry out a technical audit).

He testified that it was appropriate for an engineer to expect building officials to review a document and comment and request clarification.

He conceded that he did not stamp the document "Draft" or "For Discussions Purposes Only."

He testified that he rushed and submitted a report, which was not error-free. He testified that there were no errors in the report except for ones made by the sub-consultant. He testified that Paradigm had not done a life safety study before this pursuant to Regulation 627/92, and that this was a new type of study required by new legislation.

He testified that he had spent four years doing technical audits and that this was a technical audit.

He conceded that his letter does not indicate that upgrades were included in the report that are not required by the Code. It, in fact, indicates that everything is required to comply with Regulation 627/92. He would not admit that a reasonable interpretation would be that the recommendations made were those required in order to comply with the Code.

He testified that he reviewed the part of the report that he contributed to, but not the work undertaken by Iqbal. He submitted that Iqbal's work was not his responsibility.

He testified that he and Paradigm did not have a lack of understanding. When referred to items noted by Rubes, as indicating a lack of understanding, he stated that he systematically dismantled the points raised by Rubes.

He submitted that the observations with respect to smoke control were Iqbal's responsibility.

While in subsequent submissions to the fire department he conceded that there were improvements, he would not agree that they were vast improvements.

Upon questioning by the Committee, he testified that they were retained on the contract two weeks prior to the March 31 submission date and confirmed that he was responsible for the civil engineering aspects and Iqbal for the mechanical and electrical engineering aspects. He testified that he thought that Iqbal was qualified to do the work. Iqbal's name or seal did not appear on the document.

Onyido stated that Iqbal would not be testifying as nothing that he would say would assist his or Paradigm's case. He testified that most of the recommendations not required by the Code were made by Iqbal. With respect to overdesign, he submitted that this was not an offence.

He submitted that he never deviated from meeting the requirements of Regulation 627/92.

He agreed that he did not review Iqbal's work. He conceded that when his name and seal is applied to a report, that he is responsible for it.

He testified that Mr. Shiels joined Paradigm in June 1994 and took over the project and made the subsequent submissions, which were accepted.

Mr. Shiels did not testify at the hearing.

Onyido told the panel that of 350 reports submitted to the North York Fire Department, only one complaint was made. He testified that Paradigm was singled out and was not notified of the complaint to PEO. The complaint was made in 1994 and he testified that he did not learn of it until January 1996. He submitted that other comparative reports were not glaringly different. He testified that there may be internal sentiments and that Cleary was overzealous and wanted to see his name published in the blue pages.

Due to time pressures, he submitted that the report was not as perfect as it could have been. He stated that they had difficulties with the formatting of the report.

He stated that Cleary required sprinkler testing. This was done by a contrac-

tor, but he didn't know what specific testing they did.

He testified that he didn't see the need to get a letter from his client indicating that they were aware that some of the recommendations made were in excess of the code requirements.

He stated that he took responsibility for the engineering work. He agreed that content was more important than format, and that there was a problem in drafting the report and deciding what to write and what to exclude.

He testified that in preparing the report, he used a checklist and relied on reports submitted by other engineering companies in determining what was required by Regulation 627/92.

Onyido stated that he did not think that Cleary acted reasonably. As the fire official, Cleary would have sweeping powers under the Code. He testified that it was not an offence to include things not required by the Code.

With respect to the work subcontracted to Iqbal, he testified that Iqbal was retained to do the mechanical and electrical work and prepared a report, which was sent to the secretary and incorporated into the report. He reviewed Iqbal's work to determine that he had addressed the specific items that he was retained to deal with.

He submitted that he could not take responsibility for Iqbal's work, as this would be too onerous. This is a multi-disciplinary task and subconsultants are required to assist.

In further cross-examination by Mr. Black, he said that he was not required to vet the technical aspects of the subconsultants work.

He submitted that there are no rules, which required him to tell his client about excesses to the Code.

After hearing submissions on the evidence from the parties with respect to the allegations of professional misconduct and incompetence, the Committee retired to deliberate. The Committee reconvened on January 9, 1997.

Allegations with respect to 72(b) were withdrawn by legal counsel for the association during the proceedings.

After considering all the evidence, the exhibits filed and submissions by the parties, the Committee made the following findings of fact:

- ◆ The Committee found that Onyido prepared and sealed the report. Onyido submitted a life safety study that was deficient. The Committee found that the report was deficient on the basis of the evidence of Rubes, who testified that there were significant deficiencies in the report submitted to the North York Fire Department on March 30, 1994.
- ◆ Onyido made reasonable efforts to respond to the concerns of the North York Fire Department.
- ◆ The report submitted on March 30, 1994 indicated a lack of understanding of the applicable legislation, being Part 9 of the *Ontario Fire Code*.
- ◆ In the absence of substantiated evidence to the contrary, the Committee found that some recommendations made by Onyido did exceed minimum code requirements to the disservice of the client.

The Committee found that the allegation set out in paragraph 23(e) that Onyido and Paradigm “offered consulting services outside their area of competency” was not proven. In this regard, the Committee gave the benefit of the doubt to Onyido based on his education and subsequent compliance with the Code.

Based on these findings of fact, the Committee found Onyido and Paradigm not guilty of incompetence as defined in Section 28(3)(a) of the *Professional Engineers Act, R.S.O. 1990*.

Based on these findings of fact, the Committee found Onyido and Paradigm guilty of professional misconduct as defined in Section 28(2)(a), and in particular, the following sections of Regulation 941: Section 72(2)(a); Section 72(2)(d); Section 72(2)(h); and Section 72(2)(j): being “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.”

After hearing submissions from the parties with respect to penalty, the Discipline Committee imposed the following penalty:

- 1. Mr. Onyido’s licence be suspended for a period of six months, such suspension be suspended subject to the following:**
 - (a) Mr. Onyido successfully complete the Professional Practice Examination (PPE) prior to September 30, 1997;**
 - (b) completion of an inspection of the practice of Onyido and Paradigm**

satisfactory to the Discipline Committee prior to September 30, 1997;

- (c) repayment to PEO of the fees for the practice inspection prior to September 30, 1997.**

The terms of reference for the practice inspection were provided to Mr. Onyido.

- 2. That the Decision and Reasons be published with names, in the event of a suspension.**
- 3. No order as to costs.**

The Committee recommends that if this Decision is published, that it should be in summary form.

Dated this 21st day of May, 1997.

William Fredenburg, P.Eng. (Chair)

(For and on behalf of the panel of the Discipline Committee)

Michael Wesa, P.Eng.
Boris Boyko, P.Eng.
Brian Ross, P.Eng.
William Rutherford, P.Eng.

Note from the Department of Professional and Legal Affairs

Mr. Onyido appealed the Decision of the Panel and the appeal was heard and dismissed on April 24, 2002. The period for Mr. Onyido to complete the terms specified in the Decision expired without his completing those terms. The penalty took effect on February 1, 2003.

Notice of Licence Suspension

At a Discipline Hearing held on May 13, 2003, at the offices of the association in Toronto, the Discipline Committee suspended the licence of **C. Marc Bailey**, commencing immediately, until such time as he successfully undertakes a practice inspection.

The Decision and Reasons of the Discipline Committee will be published in due course.

Notice of Licence Suspension

At a Discipline Hearing held on May 20, 2003, at the offices of the association in Toronto, the Discipline Committee suspended the licence of **Scot S. McCavour**, for a period of two months, commencing June 1, 2003.

The Decision and Reasons of the Discipline Committee will be published in due course.

Notice of Licence Suspension

At a Discipline Hearing held on June 2, 2003, at the offices of the association in Toronto, the Discipline Committee suspended the licence of **George Papadopoulos**, for a period of two months. Mr. Papadopoulos waived his right of appeal and the suspension took effect from June 2, 2003.

The Decision and Reasons of the Discipline Committee will be published in due course.

Council approves designation and redesignation of Consulting Engineers

At the 417th Meeting of Council held on June 21, 2003, 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 as a Consulting Engineer is for a period of five years; at the end of that time, the member must be redesignated. Anyone wishing information on the Consulting Engineers Designation Program, may consult Angela Gallant, C of A Coordinator, Department of Professional Affairs, at (800) 339-3716 or (416) 224-1100, ext. 491; email: agallant@peo.on.ca.

Newly designated Consulting Engineers

Rick DiScipio, P.Eng.
DeBerardis Associates Inc.
Concord, ON

Brian Emblin, P.Eng.
AMEC Engineering and Construction Services
Timmins, ON

Douglas Lawrence, P.Eng.
Keewatin-Aski Ltd.
Sioux Lookout, ON

Stephane LeClerc, P.Eng.
Levac Robichaud LeClerc Associates Ltd.
Rockland, ON

Roger McCuaig, P.Eng.
Wood Banani and Associates
Ottawa, ON

John Patterson, P.Eng.
Counterpoint Engineering Inc.
Unionville, ON

John Rosenthal, P.Eng.
Dunn-Wright Engineering Inc.
Bolton, ON

Redesignated Consulting Engineers

Randal Brown, P.Eng.

David Butler, P.Eng.

Edward Chapman, P.Eng.

Peter Chau, P.Eng.

Robert Chisholm, P.Eng.

Rui DeCarvalho, P.Eng.

Vincent Dibacco, P.Eng.

Colin Fairn, P.Eng.

Gerald Genge, P.Eng.

Neil Gilbert, P.Eng.

Amrit Goyal, P.Eng.

Vijay Gupta, P.Eng.

J. David Howard, P.Eng.

Leonard Kalishenko, P.Eng.

William Lonsdale, P.Eng.

Ronald MacDonald, P.Eng.

Kenneth MacKenzie, P.Eng.

Donald McKinnon, P.Eng.

Allan Mitchell, P.Eng.

George Mlynsky, P.Eng.

Joseph Ng, P.Eng.

James Noordermeer, P.Eng.

Peter Ojala, P.Eng.

Glenn Pitura, P.Eng.

Bruce Potter, P.Eng.

Randall Potter, P.Eng.

Mark Robertson, P.Eng.

Luigino (Eugene) Romanello, P.Eng.

Murray Sarafinichin, P.Eng.

Kenneth Schroeder, P.Eng.

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PEO announces new Professional Practice Guidelines

On June 21, 2003, Council approved the latest version of the *Guideline for Professional Engineers Providing General Review of Construction*. This guideline is an update of the previous version issued in 1996 and provides clearer definitions of "rational sampling" and "general conformity." The guideline also clarifies the scope of work for professional engineers undertaking general review of construction, their duties when conducting site visits, reporting requirements, and questions of liability for review engineers. The guideline also includes a number of standard forms endorsed by EABO (Engineers, Architects and Building Officials) including a General Review Report form and recommended project completion letter. The guideline is available in downloadable PDF format from the Professional Practice Guidelines page of the Publications section of the PEO website and hard copies are available for purchase.

A subcommittee of the Professional Practice Committee is in the final stages of drafting a new guideline, *Use of the Professional Engineer's Seal*. This guideline, which builds on *Practice Bulletin No. 1* issued in 2002, clarifies the engineer's duty for sealing documents and taking professional responsibility for work in numerous situations. It also provides guidance on subjects such as document control, document retention, copyright, and reliance on documents sealed by others. The guideline will also provide a methodology for use of electronic seals and signatures. This guideline will be available in late 2003 or early 2004.

All published guidelines are available for download on the PEO website (www.peo.on.ca). Hard copies can be obtained from PEO (see order form in *The Link*, June/July '03 or on the website).