

COMPILED BY BRUCE MATTHEWS, P.ENG.

This matter came on for hearing before a three-member panel of the Discipline Committee at the Association of Professional Engineers of Ontario (the “association”) in Toronto. The member and Certificate of Authorization (C of A) holder were present and were represented by counsel. The association was represented by Neil Perrier of Perrier Law Professional Corporation. Christopher Wirth of Stockwoods LLP acted as independent counsel to the panel.

### The allegations

The allegations against the member and C of A holder, as stated in the Fresh Notice of Hearing dated December 18, 2006, were as follows:

1. The member was, at all material times, a member of the Association of Professional Engineers of Ontario.
2. The C of A holder was, at all material times, the holder of a C of A to offer and provide to the public services that are within the practice of professional engineering and was responsible for supervising the conduct of its employees and taking all reasonable steps to ensure that its employees, including the member, carried on the practice of professional engineering in a proper and lawful manner. The member was the professional engineer responsible for the services provided by the C of A holder.
3. In about June 2004, Company A and Company B were involved in a railing replacement project. Company B was retained to provide the design of a railing replacement and to coordinate the general review and inspection of the railing replacement, in accordance with the requirements of the *Ontario Building Code* (OBC).

## Decision and Reasons

In the matter of a discipline hearing under the *Professional Engineers Act* and in the matter of a complaint regarding the conduct of:

### A Member and a Certificate of Authorization Holder

of the Association of Professional Engineers of Ontario.

On or about June 18, 2004, Company B issued drawings showing the railing replacement detail. The drawings were signed, dated and sealed by a professional engineer. The Company B drawings showed a continuous aluminum rail at the top of a glass balustrade.

4. In about September 2004, Company A retained the member and C of A holder to inspect the new railing and to opine as to whether the railing, without the aluminum rail, would meet the load requirements of section 4.1.10.1 of the OBC. The member reviewed and sealed shop drawings provided by Company C, which showed railing details, including the top aluminum rail. On or about September 16, 2004, the member carried out the inspection.
5. By letter dated September 21, 2004, the member provided a one-page inspection report to the building department of the local municipality stating that he had inspected the railing and that the railing replacement had been done as per the approved drawing. The member further stated that the railing met, satisfied or exceeded the

loading criteria prescribed in OBC section 4.1.10.1. The member’s report did not note any scope limitations to his retainer and did not mention that the top rail that was required by section 7.1 of CAN/CGSB-12.20-M89, *Structural Design of Glass for Buildings*, had not been installed.

6. In fact, the work reviewed by the member was not in general conformity with Company B design documents, particularly regarding the omission of the continuous top rail provided for in the design.
7. By reason of the aforesaid, it is alleged that the member and C of A holder:
  - (a) provided an inspection report of the railing replacement without verifying the top aluminum rail design data as specified by Company B;
  - (b) provided an inspection report of the railing replacement without specifically referring to any design drawings;
  - (c) provided an inspection report stating that the railing replacement met and exceeded the loading requirement of OBC section 4.1.10.1 without mention of the top rail required by section 7.1 of CAN/CGSB-12.20-M89;

- (d) provided an inspection report that he knew, or ought to have known, was inaccurate and misleading; and
- (e) acted in an unprofessional manner.
8. By reason of the facts aforesaid, it is alleged that the member and C of A holder are guilty of professional misconduct as defined in section 28(2)(b) of the *Professional Engineers Act, R.S.O. 1990, Chapter P.28.*
9. “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.”
10. The sections of Regulation 941/90 made under the said Act and relevant to this misconduct are:
- (a) *Section 72(2)(a)*: negligence as defined in section 72(1). In this section, “negligence” means an act or an 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;
- (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, by-laws and rules in connection with work being undertaken by or under the responsibility of a practitioner;
- (d) *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.

### Plea by member

The member and C of A holder admitted the allegations as set out in the Fresh Notice of Hearing. The panel conducted a plea inquiry and was satisfied that their admission was voluntary, informed and unequivocal.

### The evidence

Counsel for the association advised the panel that agreement had been reached on the facts as identified in the Fresh Notice of Hearing, and that they could treat it as an Agreed Statement of Facts.

### Decision

**The panel considered the Agreed Statement of Facts and the member’s and C of A holder’s pleas and found that the facts support a finding of professional misconduct and, in particular, found that the member and C of A holder committed the acts of professional misconduct alleged in the Fresh Notice of Hearing.**

### Reasons for decision

The panel accepted the member’s and C of A holder’s plea and the Agreed Statement of Facts, which substantiated the panel’s findings of professional misconduct.

### Penalty

Counsel for the association advised the panel that a partial Joint Submission as to Penalty (“JSP”) had been agreed upon. The JSP provided as follows:

1. The member receive a reprimand and the fact of the reprimand be recorded on the Register.
2. The member pay the association costs in the amount of \$2,000 and be given 12 months from the date of the hearing to pay costs.

Counsel for the association advised the panel that a third penalty submission that was being put forth was not agreed

to by the member. The third penalty provides as follows:

3. The facts of this case be published in the official journal of the association, with names.

Counsel for the association felt the inaccuracy in the report was misleading and, as such, constituted serious misconduct. Having said that, counsel for the association also recognized mitigating circumstances in the case, including:

- The events in the case posed no danger to the public;
- The municipality involved is aware of the lack of the top rail and has, so far (over the past two years), not required that a top rail be installed;
- The member has been a practising structural design engineer for many years and this was the first time a disciplinary action was brought against him; and
- The member admitted guilt, which reduced the cost of the disciplinary action.

Counsel for the member did not want names published in the official journal of the association. He argued the error in the letter was misleading, but was not an engineering error. He further asked for the generosity of the panel because the member is nearing retirement age and has never been before a discipline panel before.

### Penalty decision

The panel accepted the JSP, with the additional stipulation that the fact of the reprimand be recorded on the Register *for a period of 12 months only.*

Regarding the third submission for penalty that the association and the defendant did not agree to, the panel found that the facts of this case should be published in the official journal of the association, *without* names.

Accordingly, the panel ordered:

1. **The member receive a reprimand and the fact of the reprimand be recorded on the Register for a period of 12 months from the date of the hearing.**
2. **The member pay the association costs in the amount of \$2,000 and be given 12 months from the date of the hearing to pay costs.**
3. **The facts of this case be published in the official journal of the association, without names.**

### Reasons for penalty

The panel concluded that the penalty is reasonable and in the public interest. The member and the C of A holder have cooperated with the association and, by agreeing to the facts and the jointly submitted proposed penalty, have accepted responsibility for their actions and have avoided unnecessary expense to the association.

While the member was found guilty of professional misconduct, the panel did not find that there was material professional misconduct with respect to:

*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.

The panel found that the first two joint penalty submissions were appropriate and warranted to partially recover association costs. The lack of a time frame for the fact of the reprimand on the association Register was found to be an excessive hardship given the minimal degree of professional misconduct. Further, the panel considered that this was the first disciplinary action for the member over a long career and the fact that he had pleaded guilty, thus minimizing time and expense for the proceedings. Thus, a 12-month time frame for the fact of the reprimand was added. The panel, in their decision, took into account the fact that the municipality has not required the top rail to be installed by the owner since the member

first reported the matter to the municipality approximately two years ago.

Regarding the publication of names in the official journal of the association, the panel found this was not a serious case of professional misconduct and, as such, a specific deterrent was not warranted; however, a general deterrent is required to serve as an example

## 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.

### October 9-12, 2007

#### Wojciech S. Remisz, P.Eng., and Remisz Consulting Engineers Ltd. (RCE)

It is alleged that Remisz is guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act*. It is alleged that Remisz and RCE 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, by-laws 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 regulations, other than an action 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)(j)*: conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would

to the membership to ensure due care is exercised when preparing and sealing reports.

The written Decision and Reasons were dated March 8, 2007, and were signed by Don Turner, P.Eng., as the chair of the panel, on behalf of the other members of the panel: Derek Wilson, P.Eng., and Richard Weldon, P.Eng.

reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional.

### November 5-9, 2007

#### Daniel T. Orrett, P.Eng.

It is alleged that Orrett is guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act*. It is alleged that Orrett 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)(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, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner; and
- (d) *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.

### November 19-23, 2007

#### Mladin Pazin, P.Eng., and The Environment Management Group Ltd. (EMG)

It is alleged that Pazin is guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act*. It is alleged that Pazin and EMG 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)(g)*: breach of the Act or regulations, other than an action that is solely a breach of the code of ethics;
- (d) *Section 72(2)(i)*: failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client;
- (e) *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
- (f) *Section 72(2)(m)*: permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations.

**December 10-14, 2007**

**Paul S.C. Lim, P.Eng., and P. Lim & Associates Limited (PLAL)**

It is alleged that Lim is guilty of incompetence as defined in section 28(3)(a) of the *Professional Engineers Act*. It is alleged that Lim and PLAL 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, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner;
- (d) *Section 72(2)(e)*: signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner; and
- (e) *Section 72(2)(h)*: undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience.

## Enforcement explained

BY STEVEN HADDOCK

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

**Q. I hold an advanced degree in engineering and have applied for a licence. I have extensive overseas experience in my field. May I use the job title “structural engineer” on my business card?**

**A.** Not until you are licensed.

The use of the word “engineer” in a job title is governed by section 40(2)(a.1) of the *Professional Engineers Act*, which came into force in 2003. Prior to that time, all titles were subject to scrutiny under the provisions of section 40(2)(b) of the Act, which contains a general prohibition against titles that will lead to the belief a person is a professional engineer. In the new section, the use of the word “engineer” in your job title gives rise to a legal presumption that you are a professional engineer. Section 40(2.1)

of the Act, which also came into force in 2003, puts the burden on the person using the title to show that the title will not lead to the belief that the person is licensed. Under the old section, the burden was on the association to show that a title would lead to the belief a person was licensed.

One of the most frequent responses we get when discussing acceptable title use is that the person is a graduate of an engineering program. However, it surprises many people to learn that the Act says nothing about academic degrees when it discusses the use of job titles. The only relevant consideration in acceptable title use is whether an individual has a licence or temporary licence. Limited and provisional licence holders are also not permitted to use “engineer” in their job titles. PEO has recently prosecuted unlicensed individuals who identified themselves as a “qualified engineer” and a “civil engineer” when there was proof that members of the public were misled by the use of the word.

However, while we have had some success in limiting the use of “engineer” in job titles, other associations have failed to secure convictions in some cases. In Alberta, the title “systems engineer” for an IT professional was held to be acceptable for an unlicensed person. In Pennsylvania, the title “project engineer” on a construction site was similarly held not to be a protected title. In addition, there are several titles, such as “operating engineer” and “hoisting engineer,” that are specifically exempted from our Act. We have

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](mailto:enforcement@peo.on.ca).



also found some titles are so accepted in their fields, such as “aircraft maintenance engineer,” that we do not have the basis for enforcement proceedings.

For the most part, “engineer” or its abbreviations are the only prohibited words in job titles. So a variation of the word, such as “engineering,” is often acceptable. In addition, words that describe engineering functions are almost always acceptable. You may freely use “designer,” “analyst,” “supervisor” or “director” in a title. In addition, such words as “consultant” or “specialist” that would clearly be prohibited when combined with “engineer” or “engineering” are fine when combined with other terms.

In all cases of title use, PEO’s concern is: Will the use of this title be confusing to people in distinguishing between a professional engineer and a non-licensed person? If “engineer” is used in such a

manner that no reasonable person could possibly believe that a person is licensed, it is acceptable. However, if any title, even

without the word “engineer,” could lead a reasonably informed person to believe the person is licensed, it is prohibited.

July/August 2007 enforcement statistics

Total inquiries	119
Major enforcement files opened	2 (4 respondents)
Job advertisers contacted	3
Existing business names reviewed	42
New corporate names reviewed	7
Enforcement matters reported	6
From professional engineers	2
From others	4
Daily Commercial News inquiries	2
Out of province engineers contacted	
Non-responsive (all provinces)	5
British Columbia	31
Self-employed engineers contacted	21

## Enforcement action

### PEO obtains Order against Vaughan-area man

Professional Engineers Ontario (PEO) obtained an Order under the *Professional Engineers Act* in the Ontario Superior Court of Justice on Thursday, June 28, 2007, against Siamak J. Barzi (also known as Mike Barzi) for holding himself out as engaging in the practice of professional engineering, and in the business of providing to the public services that are within the practice of professional engineering, and for using the titles “engineer” and “professional engineer” in his dealing with a client.

Barzi has never held a licence to practise professional engineering in Ontario and has never held a Certificate of Authorization issued by PEO, nor have his unincorporated businesses, home

inspection professionals and building inspection professionals.

PEO brought the application after receiving information from a former client of Barzi’s, who had intended to hire Barzi to produce a report after seeing an ad in the Toronto Yellow Pages. In the ad, Barzi referred to his business as “home inspection professionals” and represented it had “qualified engineers.”

PEO was represented at the proceedings by Neil J. Perrier of Perrier Law Professional Corporation. Barzi appeared on his own behalf.

After reviewing the affidavit evidence and hearing from the parties, the Honourable Madam Justice Allen found Barzi had

breached several sections of the *Professional Engineers Act* and ordered that he refrain from engaging in the practice of professional engineering and/or from holding himself out as engaging in the business of providing to the public in Ontario services that are within the practice of professional engineering unless he obtains a licence or a Certificate of Authorization from PEO.

Barzi was also ordered to refrain from using the titles “engineer,” “professional engineer,” “P.Eng.” or any abbreviation or variation thereof, as an occupational or business designation in Ontario unless he obtains a licence from PEO. Barzi was ordered to pay costs to PEO of \$1,500.

## Professional misconduct

Certain actions that are defined as professional misconduct under the *Professional Engineers Act* are subject to disciplinary action by PEO's Discipline Committee. The following is an explanation of section 28(2) of the Act.

Professional misconduct is defined under section 28(2) of the *Professional Engineers Act*. Findings of professional misconduct can only be made by the Discipline Committee at the conclusion of a discipline hearing. PEO Council, the Executive Committee or the Complaints Committee can direct the Discipline Committee to hold a hearing into allegations of professional misconduct. It becomes PEO's burden to prove the allegations during the discipline hearing.

Section 28(2) reads as follows:

28(2) A member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence may be found guilty of professional misconduct by the committee if,

- (a) the member or holder has been found guilty of an offence relevant to suitability to practise, upon proof of such conviction;
- (b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations. R.S.O. 1990, c. P.28, s. 28(2); 2001, c. 9, Sched. B, s. 11(36).

With reference to item 28(2)(b), the following are the relevant sections of Regulation 941 made under the Act:

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 reason-

ably be regarded as interfering in a professional engineering relationship;

"negligence" means an act or an 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. R.R.O. 1990, Reg. 941, s. 72(1); O. Reg. 657/00, s. 1(1).

(2) For the purposes of the Act and this Regulation,

"professional misconduct" means:

- (a) negligence;
- (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) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public;
- (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;
- (e) signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner;
- (f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation

proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work;

- (g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics;
- (h) undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience;
- (i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client and, in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:
  1. accepting compensation in any form for a particular service from more than one party;
  2. submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer;
  3. participating in the supply of material or equipment to be used by the employer or client of the practitioner;
  4. contracting in the practitioner's own right to perform professional engineering services for other than the practitioner's employer;
  5. expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests.

- (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;
- (k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, limited licence, temporary licence, or certificate;
- (l) failure to supply documents or information requested by an investigator acting under section 34 of the Act;
- (m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations;
- (n) harassment. R.R.O. 1990, Reg. 941, s. 72(2); O. Reg. 657/00, s. 1(2).

It is important to realize that a single act that meets the definition of professional misconduct under the Act or regulation may be sufficient to result in disciplinary action. Penalties for professional misconduct are listed in section 28(4) of the Act and may include a reprimand, passing examinations, practice inspections, licence restrictions, licence suspension, payment of costs, publication of names and/or licence revocation.

## Penalty powers

### The Discipline Committee holds certain powers under the *Professional Engineers Act* when determining appropriate disciplinary actions.

Section 28(4) of the *Professional Engineers Act* details the powers of the Discipline Committee when a licence holder or Certificate of Authorization (C of A) holder has been found guilty of professional misconduct or incompetence. The goal of the disciplinary penalty is not punishment and retribution, but rather to protect the public interest, maintain high professional standards and preserve public confidence in the profession.

The primary principles driving the penalty decision are deterrence and rehabilitation. Deterrence works at two levels: specific deterrence to the licence or C of A holder to ensure that acts of misconduct will not be repeated, and general deterrence to the profession as a whole so that everyone is aware of the type of penalty that awaits those who err in a similar fashion. Rehabilitation is intended to eliminate the potential for a recurrence of the misconduct by addressing deficient engineering skills or other circumstances that, in the opinion of the discipline panel, can be corrected through proactive means.

In determining an appropriate penalty, the discipline panel must have regard to the nature and seriousness of the misconduct. Mitigating factors, such as remorse and/or cooperation with PEO's investigation, as well as aggravating factors,

such as repeated misconduct and/or the harm caused by the misconduct, must also be considered by the discipline panel.

The following is the text of section 28(4) of the Act:

#### **Powers of Discipline Committee**

28(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order:

- (a) revoke the licence of the member or the certificate of authorization, temporary licence, provisional licence or limited licence of the holder;
- (b) suspend the licence of the member or the certificate of authorization, temporary licence, provisional licence or limited licence of the holder for a stated period, not exceeding 24 months;
- (c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of professional engineering to the extent specified in the undertaking;
- (d) impose terms, conditions or limitations on the licence or certificate

of authorization, temporary licence, provisional licence or limited licence, of the member or holder, including, but not limited to, the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;

- (e) impose specific restrictions on the licence or certificate of authorization, temporary licence, provisional licence or limited licence, including, but not limited to,
  - (i) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to engage in the practice of professional engineering only under the personal supervision and direction of a member;
  - (ii) requiring the member to not alone engage in the practice of professional engineering;
  - (iii) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to accept periodic inspections by the committee or its delegate of documents and records in the possession or under the control of the member or the holder in connection with the practice of professional engineering;
  - (iv) requiring the member or the holder of the certificate of authorization, temporary licence,

provisional licence or limited licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in such form, as the Discipline Committee may specify.

- (f) require that the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;
- (g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist, consulting engineer or otherwise;
- (h) impose such fine as the Discipline Committee considers appropriate, to a maximum of \$5,000, to be paid by the member of the Association or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (i) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in detail or in summary and either with or without including the name of the member or holder in the official publication of the Association, and in such other manner or medium as the Discipline Committee considers appropriate in the particular case;
- (j) fix and impose costs to be paid by the member or the holder to the Association;
- (k) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as the Discipline Committee may specify, including but not limited to,
  - (i) the successful completion by the member or the holder of the temporary licence, provisional licence or limited licence of a particular course or courses of study;
  - (ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap, in respect of which the penalty was imposed, has been overcome,

or any combination of them. 2001, c. 9, Sched. B, s. 11 (38).

## Regulation 941/90 amended effective September 1, 2007

At its meeting on June 22, 2007, PEO Council approved amendments to Regulation 941/90 made under the *Professional Engineers Act*. Following approval by Cabinet, the Regulation amendments were filed with the Registrar of Regulations as O.Reg. 402/07 on July 26, 2007, and came into force on September 1, 2007.

The amended sections are shown below. To access the complete Regulation 941/90, please visit [www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_900941\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900941_e.htm).

### Section 56

- 56.(1) The Council shall designate as a consulting engineer every applicant for the designation who,
- (a) is a Member;
  - (b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in Canada;
  - (c) has, since becoming a Member, had five or more years of professional engineering experience that is satisfactory to the Council; and
  - (d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to

subsection (2). R.R.O. 1990, Reg. 941, s. 56(1); O.Reg. 402/07, s. 1.

- (2) The Council may exempt an applicant from any of the examinations mentioned in clause (1)(d) where the Council is of the opinion that the applicant has appropriate qualifications. R.R.O. 1990, Reg. 941, s. 56(2)

### Section 57

- 57.(1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation. R.R.O. 1990, Reg. 941, s. 57(1).
- (2) The Council shall designate as a consulting engineer every applicant who,
    - (a) is a Member;
    - (b) is currently engaged in the independent practice of professional engineering in Canada; and
    - (c) has, during the five years since the date of issue of the applicant's most recent designation as a consulting engineer, had professional engineering experience satisfactory to the Council. R.R.O. 1990, Reg. 941, s. 57(2); O.Reg. 402/07, s. 2.