



DRAFT Minutes

The One-Hundredth and Second meeting of the Enforcement Committee held on
Thursday February 4, 2021 at 1:30 p.m., Virtual Meeting

Present: Joe Adams, P.Eng. (Chair)
Gordon Ip, P.Eng. (Vice-Chair)
Tomiwa Olukiyesi, P.Eng.
Stephen Georgas, LLB., P.Eng.
Desmond Lau, P.Eng.
Indra Maharjan, P. Eng.
Juwairia Obaid, P.Eng.
Parisa Bahrami, P.Eng.
Tommy Sin, P.Eng.
Zahra Sadeghigivi, P.Eng.

Staff: Cliff Knox, P.Eng. (Manager, Enforcement)
Steven Haddock (Enforcement and Advisory Officer)
Ashley Gismondi (Enforcement and Outreach Officer)
John Mania (Enforcement and Outreach Officer)
Maria Iannone (Administrative Assistant)

Regrets : Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)

1. Welcome and Call to Order

Mr. Adams called the meeting was to order at 1:32 p.m. with a quorum of seven (7) members. He welcomed everyone to the meeting and introduced new member Zahra Sadeghigivi.

Ms. Bahrami joined the meeting at 1:33 pm.

2. Approval of Agenda

Motion #1: That the Enforcement Committee Agenda, dated February 4, 2021 be approved.

Moved by Tomiwa Olukiyesi, P.Eng., seconded by Gordon Ip, P.Eng.

CARRIED

Mr. Maharjan joined the meeting at 1:36 pm.

3. Report from Chair

Mr. Adams reported that the Volunteer Leadership conference is currently being worked on. The focus appears to be governance.



Mr. Adams reported that he, Mr. Ip, and Mr. Knox are still working on a response to the Vital Signs Survey (VSS) and will have an update at our next meeting.

Mr. Adams suggested that moving forward, subcommittees are asked to provide target completion dates for their assigned work plan items.

4. Consent Agenda

Mr. Adams asked for a motion to approve the Consent Agenda, including receipt of information items and approval of the draft minutes for the November 10, 2020 meeting.

Motion #2: That the contents of the consent Agenda and the November 10, 2020 draft minutes be approved or received as submitted.

Moved by Stephen Georgas, P. Eng. seconded by Gordon Ip, P.Eng.

CARRIED

5. Staff Update

Mr. Knox informed the committee that Ashley Gismondi has returned from parental leave and John Mania will remain with the Enforcement department until April 2nd. Mr. Knox noted that he will also be continuing his assignment with the Licensing and Registration Division until April 2nd.

Mr. Knox reported that PEO received several letters asking about the OSPE article on forged seals, and a number of letters relating to missed notifications for renewals of C of A registrations.

Mr. Knox remarked that registration for a Notarius digital signature became available on January 18th and there were 30 registrations in the first two weeks. He explained that the digital signature a voluntary registration that can be used to provide authentication of electronic documents. It is not the equivalent of an electronic seal and doesn't have any characteristics that involve enforcement of our Act.

Mr. Ip asked why there is so much concern on authenticity of the digital seal. Mr. Knox replied that electronic seals aren't well-defined and PEO has lagged in terms of adopting a clear standard. He noted that it's mentioned in the Use of Seal guideline and there's a proposed amendment to the Regulation that may provide some clarification.

Ms. Olukiyesi asked how the public knows that the signature is authentic and how does PEO enforce it. Mr. Knox explained that the digital signature can be checked in the PDF file metadata, using a PDF reader. He noted that the digital signature can be combined with an electronic seal to make it an authenticatable signed seal.

Ms. Olukiyesi asked how the public knows what a sealed document should look like. Mr. Knox commented that PEO provides information on the form and content of a seal and how to know if a document is sealed by an engineer.

Mr. Lau joined the meeting at 1:58 pm.

Mr. Adams suggested that the issue of informing the public on identifying fraudulent seals could be a work plan item for the committee. Mr. Adams noted that sealing of 3-D solid models is also a concern. The overall issue relating to seals needs to be identified and then develop a position on how to move forward. He concluded that the fraudulent use of seals is an enforcement issue.

Mr. Knox suggested to introduce the committee members to new member, Zahra Sadeghigivi.



6. Work Plan- Policy Issue Policy Issue 2017-A: Outreach Using Social Media

Mr. Mania reported that the subcommittee had not met since the last ENF meeting. He met with Communications Manager, Duff McCutcheon during the summer to discuss expectations on content, rotation and which social media should be used for outreach messages. It was suggested that the subcommittee could be stood down and have the ongoing outreach operationalized by staff.

There was discussion on whether an additional meeting was needed before standing down the subcommittee and there was general agreement to have a final meeting to document what would be taken on by staff.

Action #1: The subcommittee will have a final meeting to identify specific deliverables for PEO Communications.

7. Work Plan – Policy Issue 2018-A: Examples of Engineering Practice

Mr. Adams reported that the bridge design example is ready to send out for consultation to stakeholder committees.

Mr. Knox presented a mock-up of the bridge design example to demonstrate how it might be presented online as an interactive version.

Mr. Adams commented that the other three examples need to be finalized. These would be sent out to the Experience Requirements Committee (ERC), Academic Requirements Committee (ARC) and Professional Standards Committee (PSC) to request feedback on the content. The feedback would be incorporated to refine the practice example that are sent to Communications to implement as an interactive model.

Ms. Obaid and Mr. Ip asked about the revisions that are needed to complete their practice examples. Mr. Knox noted that there were some gaps in the information, and that it would be helpful to condense some of the details.

Mr. Adams suggested that the subcommittee meet in 2-3 weeks, to allow time for individual subcommittee members to update their respective models. He would like to have a semi-finished product to send to ERC, ARC and PSC for the initial consultation.

Action #2: The subcommittee members are to update their models and finalize them at their next meeting.

Ms. Obaid and Mr. Maharjan excused themselves from the remainder of the meeting.

8. Work Plan – Policy Issue 2020-A Emerging Technologies

Mr. Ip reported that the subcommittee had an initial meeting to discuss how to define emerging technologies and what is the impact to enforcement issues. He will try to draft a scope to discuss at the next subcommittee meeting.

Mr. Knox suggested that Ms. Sadeghigivi could sit in as an observer for a subcommittee meeting.

Ms. Sadeghigivi asked how we are going to identify all emerging technologies. Mr. Knox replied that the intent is to have a way to identify emerging technologies. Mr. Adams commented that this would fall back to how the emerging technologies fit the definition of professional engineering and whether there is any enforcement issue.

Action #3: Mr. Ip to prepare a draft scope and set up a subcommittee meeting within the next 3 weeks.



9. Work Plan – Policy Issue 2020-B Public Protection for Entrepreneurial Activities

Mr. Georgas reported that the subcommittee met in mid-December. He noted that PEO may not have jurisdiction unless the entrepreneurial activities involve practice of professional engineering. From this starting point, PEO can act if there's a practice offense or a title offense.

Mr. Knox commented that main enforcement concern is whether the activity involves professional engineering and who is taking responsibility for the work being done by unlicensed persons.

Mr. Georgas commented that if the activity of a start-up companies is primarily to provide engineering services, then a licensed supervisor is needed. If the activity involves product design and development, and public safety is not an issue for the end product, PEO may not have jurisdiction. If the activity requires engineering supervision, we may want to identify how the supervisor is protected from a liability perspective.

Mr. Ip suggested that the focus might be on independent organizations that don't need a CofA because they don't provide service to the public, but which may be involved in product design on behalf of another organization.

Ms. Olukiyesi asked if an outcome-based approach we should be taken to address these issues. Mr. Adams remarked that this might need an outcome-based regulator and that PEO should consider an outcome-based approach rather than a prescriptive approach. Mr. Adams will provide some background information on outcome-based regulation to forward to the subcommittee.

Action #4: Mr. Adams is to forward information on outcome-based regulation to Mr. Knox for distribution.

Mr. Knox asked when the subcommittee would have its next meeting. Mr. Georgas replied that they should meet in the next 2-3 weeks and asked if there were other volunteers for the subcommittee. Ms. Sadeghigivi agreed to help with the subcommittee.

Action #5: Mr. Georgas send an email to subcommittee members to call a meeting in the next two weeks.

10. Other Business

Mr. Adams commented that OSPE has made comments about PEO's performance with respect to an issue involving fraudulent seals. He and Mr. Georgas feel that this is an enforcement item. Mr. Georgas added that PEO's dealings with OSPE is a separate issue.

Mr. Adams asked when PEO became aware of the fraudulent seal issue. Mr. Knox replied that PEO was informed of the matter in December 2019 but is not at liberty to discuss the details. OSPE did not ask PEO to provide comment or verify the information before publishing their article.

Mr. Georgas expressed concern that OSPE published the article without consulting PEO.

Ms. Olukiyesi asked about how the committee is informed about enforcement matters. Mr. Knox responded that the committee is informed of matters that are in the public domain and receives statistics on active cases.

Mr. Adams asked if there is a written process that is followed enforcement by enforcement staff. Mr. Knox responded that staff has a Policy and Procedure Manual and it was recently updated. He provided an overview of processes that are followed. Mr. Haddock noted that PEO has limited ability to get information from third parties.



Mr. Adams asked if a report on active and closed files could be provided for each meeting. The rationale is that this would allow the committee to identify issues to be addressed by enforcement policy. Mr. Knox confirmed that a report can be provided starting with the next meeting.

Mr. Adams asked if there was any value in having the committee provide comments on the policy and procedures manual. Mr. Haddock noted that the manual involves mostly operational decisions rather than policy decisions.

Ms. Sadeghigivi asked how PEO warns potential victims about violations of the Act or the Regulations. Mr. Knox commented that PEO can't warn the public unless there's a conviction. Once there is a conviction, PEO can inform and educate Building Officials and members of the public and publish details on our website.

Mr. Adams asked if PEO could issue a notice that there's an investigation. Mr. Knox commented that a regulator can announce an investigation on someone it has jurisdiction over, but this doesn't extend to persons it doesn't regulate.

Mr. Adams asked about related coverage by the CBC and how PEO handles that situation. Mr. Knox noted that CBC is a news agency and realized it could ask only certain questions. It is difficult to hold OSPE accountable when PEO has no direct jurisdiction over them.

Mr. Georgas suggested that PEO's legal counsel prepare a letter to send to OSPE. Mr. Knox commented that there has already been discussion on this with senior management.

Mr. Adams asked if the committee should send a memo to both OSPE and PEO to resolve their differences. There was general agreement that it wasn't the committee's place to do this. Mr. Knox commented that the topic will likely be a discussion point at this year's AGM.

11. Attendance

All Committee members were in attendance.

12. Next Meeting

Mr. Knox suggested the next meeting of the full committee would be the week of April 19th, 2021.

Action # 6: Maria to send out a Doodle poll for potential dates in April 2021.

13. Adjournment

Motion # 3: To adjourn the meeting at 4:23 pm.

Moved by Tomiwa Olukiyesi, P.Eng.

J. Adams, P.Eng. - Chair

Date 21/05/26

M. Iannone – Secretary

Maria Iannone

Date 21/05/26