

FORMER ENGINEERING FIRM AND PRINCIPAL FINED \$10,000 FOR WEBSITE AND SOCIAL MEDIA CONTENT

Emmanuel de Guzman and Falcon Group International Inc. have been convicted of four counts of breaching the *Professional Engineers Act* and fined \$10,000. Falcon Group was found guilty of two counts for offering professional engineering services through its website and using restricted terms, titles and descriptions in a LinkedIn profile without a Certificate of Authorization from Professional Engineers Ontario (PEO). De Guzman, as a director and officer of the corporation, was found guilty of two counts for authorizing, permitting or consenting to the offences. De Guzman has never been licensed as a professional engineer in Ontario. The verdict was made on October 28 by His Worship Justice of the Peace Sunny Ng. The website and LinkedIn profile at issue have since been removed.

A PEO Certificate of Authorization (C of A) allows individuals or firms in Ontario to offer or provide engineering services directly to the public. Falcon Group was licensed as a C of A holder in 2011. After the certificate was revoked by PEO in December 2014, however, the company continued to represent itself as a professional engineering firm through its website and LinkedIn profile.

In January 2016, the Superior Court of Justice ordered Falcon Group to refrain from using the words “engineer,” “engineering,” or any other term, title or description that will lead to the belief that it may provide professional engineering services to the public. De Guzman was similarly ordered to refrain from using the titles “professional engineer,” “P.Eng.” and “engineer.” In June 2016, as Falcon Group and de Guzman had still failed to comply with the *Professional Engineers Act*, PEO laid charges under the *Provincial Offences Act*.

Nick Hambleton, associate counsel, regulatory compliance, represented PEO in this matter.

PEO thanks the professional engineers, architects and organizations that co-operated with its investigation and provided evidence for use in the court proceedings.

WHAT'S IN A NAME? PEO'S RESTRICTIONS ON USING ENGINEERING TERMS IN BUSINESS AND CORPORATE NAMES

By Ashley Gismondi and Steven Haddock

It is perfectly acceptable as a licence holder or applicant to aspire to open your own engineering company. It is also likely that you may wish to use the terms “engineer” or “engineering” in your name when you register or incorporate to highlight your area of expertise and to give the appearance that your business is authorized. Generally, depending on where you register or incorporate, government staff at the provincial or federal level have the discretion to reject a proposed business name with these terms on the grounds that it requires explicit consent to use them. PEO is the gate keeper to granting consent to use these terms, upon satisfying certain conditions. Below are a series of questions to educate members about using engineering terms in their business and corporate names.

Does PEO grant consent to everyone who asks?

PEO will grant permission to use these terms to licence holders who hold, or are eligible to obtain, a Certificate of Authorization (C of A). A C of A is issued by PEO to allow individuals and business entities to offer and provide professional engineering services to the public, and is different from a licence issued to individuals to practise professional engineering, as set out in section 47 of Ontario Regulation 941/90. If an engineering intern (EIT) or applicant requests a C of A, it will be declined. It is also important to be a member in good standing with the association so as to not raise any issues or delay the consent process. PEO will also grant consent to a non-profit corporation where the aims of the organization are consistent with the objectives of PEO.

What if I am a limited engineering licensee (LEL) or licensed engineering technologist (LET)?

PEO will also grant consent for businesses operating under a C of A that is issued to an LEL or an LET; however, the name may not contain the terms “engineer” or “engineering consultant” but instead must contain a term that clearly describes the type of engineering within the limited licence holder’s scope of practice. The word “engineering” is acceptable as long as it is modified by a word that is rationally connected to the LEL or LET’s scope of practice. For example, “ABC Engineering” would get declined but “ABC Automation Engineering” would be acceptable to PEO.

What is the procedure for requesting consent?

Those wishing to obtain consent must provide the following information in a letter, fax or email: