

ensure there would be no recurrence, the suspension demonstrates to PEO members that quality control is important, and that PEO takes the matter seriously given that there was an injury as a result of the matter. Counsel for the association stated that steps were taken in 2013 by the member to put in place quality control measures within his practice before the complaint was registered.

Counsel for the member concurred with counsel for the association on mitigating factors stating that McCormick did not find any other problems with the machines and as such it was considered to be an isolated case. Counsel for the member stated that there was very little risk of a re-offense; the member has continued with his continuing education program and has new quality assurance measures in place and untaken by the holder. He also stated that the conduct of the member shows responsiveness and acceptance of responsibility by all subsequent actions prior to and following the filing of the complaint.

#### **PENALTY DECISION**

The panel accepted the Joint Submission as to Penalty and concluded that the proposed penalty is reasonable and in the public interest. The member and holder co-operated with the association and by

agreeing to the facts and proposed penalty, have accepted responsibility for their actions and avoided unnecessary expense to the association.

Accordingly, the panel ordered:

- a. Pursuant to s. 28(4)(f) of the act, Gomes shall be reprimanded, and the fact of the reprimand shall be recorded on the register for a period of eight (8) months;
- b. Pursuant to s. 28(4)(f) of the act, the holder shall receive an oral reprimand and the fact of the reprimand shall not be recorded on the register;
- c. Pursuant to s. 28(4)(b) of the act, Gomes' licence shall be suspended for a period of one (1) week, commencing on December 13, 2015;
- d. The finding and order of the Discipline Committee shall be published in summary form under s. 28(4)(i) of the act (the summary). The summary shall be published with reference to Gomes' name but without reference to the holder's name; and
- e. There shall be no order as to costs.

#### **REPRIMAND**

Following the member's and holder's waiving their right to appeal, the panel administered the reprimand immediately following the conclusion of the hearing.

The Decision and Reasons was signed on March 22, 2016 by panel chair Anne Poschmann, P.Eng., on behalf of the members of the Discipline panel: Santosh Gupta, P.Eng., Rebecca Huang, LLB, LLM, Patrick Quinn, P.Eng., and Rob Willson, P.Eng.

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### **WOODBRIIDGE AREA CONTRACTOR FINED \$5,000 FOR UNAUTHORIZED USE OF A PROFESSIONAL ENGINEER'S SEAL**

On September 15, 2017, Dole Contracting Inc. of Woodbridge, Ontario, was convicted of breaching the *Professional Engineers Act* by the Ontario Court of Justice and fined \$5,000 for use of a professional engineer's seal.

Dole was retained as the contractor for a building retrofit in Toronto in April 2015, and was working under the supervision of the project architect. As part of the project, Dole was responsible for the demolition of a non-loadbearing cinder block partition wall. Dole was required to install temporary shoring, for which a professional engineer was needed to prepare drawings and review its installation. The partition wall was demolished without temporary shoring or the involvement of a professional engineer.

A Dole employee submitted two letters to the project architect stating the temporary shoring had been installed and had been reviewed by a professional engineer. These letters bore a professional engineer's seal without the affected professional engineer's knowledge or consent.

Dole was convicted of two offences relating to use of the seal.

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