SUMMARY OF DECISION AND REASONS

On allegations of professional misconduct under the *Professional Engineers Act* (act) regarding the conduct of RICHARD N.A. SAWYER, P.ENG. (Sawyer), a member of the Association of Professional Engineers of Ontario.

A panel of the Discipline Committee of Professional Engineers Ontario (PEO) heard this matter remotely on October 13, 2021, via Zoom. The parties submitted an Agreed Statement of Facts (ASF) and a Joint Submission on Penalty (JSP).

Sawyer was the principal of Sawyer Duncan Engineering Ltd. (SDEL). SDEL's certificate of authorization (C of A) lapsed due to non-payment of fees. PEO wrote to Sawyer and SDEL multiple times requiring SDEL to amend its corporate name to remove the word "engineering" in light of the lapse of its C of A. SDEL also maintained a website in which it continued to hold itself out as being authorized by PEO, which was no longer the case. The above letters demanded that Sawyer and SDEL obtain a new C of A. Sawyer admitted to stamping drawings for another company and doing part-time work for SDEL clients. He said he would renew his C of A but did not do so until after the scheduling of a hearing by the Discipline Committee regarding this matter.

The complaint in this matter contained the above concerns and Sawyer's failure to co-operate with PEO.

Sawyer advised PEO that all inquiries received through his website were being referred to another professional engineer with a valid C of A, and that he did some work for a company called Pioneer Steel. PEO informed Sawyer that he required a C of A for the work he was doing with Pioneer Steel. Sawyer advised that he would get a C of A, take down the website, dissolve the company and provide a written response to the complaint.

Despite repeated requests and written cautions, and while acknowledging PEO's concerns and offering to take remedial action, Sawyer did not take remedial action until after the Discipline Committee hearing was scheduled. At that point, Sawyer applied for a C of A and took down the website.

Sawyer engaged in providing services within the practice of professional engineering and offered to provide such services to the public contrary to section 12(2) of the act, amounting to professional misconduct as per section 72(2)(g) of Regulation 941. Sawyer also failed to co-operate with PEO in a manner that was unprofessional, amounting to professional misconduct as per section 72(2)(j) of Regulation 941.

Sawyer pled guilty to the allegations in the ASF. The panel found that the facts supported the findings of professional misconduct in the ASF and that Sawyer committed those acts.

The panel accepted the penalties in the JSP and so ordered:

a. Pursuant to s. 28(4)(f) of the *Professional Engineers Act*, the member shall be reprimanded, and the fact of the reprimand shall be permanently recorded on the register;

b. Pursuant to s. 28(4)(i) of the *Professional Engineers Act*, a summary of the findings and order of the Discipline Committee shall be published, together with the name of the member, in the official publication of PEO; and

c. Pursuant to s. 28(4)(j) of the *Professional Engineers Act*, the member shall pay costs to PEO in the amount of $2,000.

Warren Turnbull, P.Eng., chair of the discipline panel, signed the Decision and Reasons on November 10, 2021, on behalf of the other panel members: Alisa Chaplick, LLB, and Glenn Richardson, P.Eng.