

licence. The panel finds that the protection of the public is best achieved by the revocation of Sinha's licence.

The panel was advised by email dated March 3, 2016 that Sinha had advised that he is now retired. The panel finds that the need to ensure the protection of the public outweighs any interest that the member may have had in continuing to hold a licence. The panel, therefore, finds that, in the circumstances, it is appropriate to exercise its power pursuant to subsection 28(4)(a) of the PEA to revoke Sinha's licence.

With respect to costs, the panel has granted the association's request in full. The panel notes that the costs awarded represent approximately a third of the association's actual expenditure in this matter. One of the key factors in awarding costs was Sinha's apparent disregard for the Discipline Committee's process. He was fully aware of the hearing of this matter. Nonetheless, he did not appear at the hearing, nor did he plead guilty. Instead, he made submissions by email only, which, in the absence of sworn testimony and an opportunity to ask questions, were of little value to the panel or the discipline process.

Accordingly, the association presented its case in Sinha's absence. This expense could have, and should have, been avoided. Given that these costs were incurred entirely as a result of Sinha's actions, the panel finds that the requested \$10,000 award is appropriate in the circumstances.

Bruce Clarida, P.Eng., FEC, signed this Decision and Reasons on Penalty for the decision as chair of this discipline panel and on behalf of the members of the discipline panel: James Amson, P.Eng., Ishwar Bhatia, P.Eng., David Germain, JD, and Charles M. Kidd, P.Eng.

## SUMMARY OF DECISION AND REASONS: SANDRO P. SOSCIA, P.ENG., AND SOSCIA ENGINEERING LTD.

In the matter of a hearing under the *Professional Engineers Act, R.S.O. 1990, c. P.28*; and in the matter of a complaint regarding the conduct of SANDRO P. SOSCIA, P.ENG., a member of the Association of Professional Engineers of Ontario and SOSCIA ENGINEERING LTD., a holder of a Certificate of Authorization.

This matter came to a hearing before a panel of the Discipline Committee on August 2, 2012. The Association of Professional Engineers of Ontario was represented by Leah Price. The member (Soscia) and the holder (Soscia Engineering Ltd.) were represented by M. Gosia Bawolska. Sean McFarling provided independent legal advice to the panel.

The parties entered into an Agreed Statement of Facts, and the member and the holder admitted the allegations of professional misconduct set out in the Agreed Statement of Facts.

The member was the president of Soscia Engineering Ltd. (the holder), an engineering firm that held a Certificate of Authorization under the *Professional Engineers Act*. The member was the responsible professional in the application for the Certificate of Authorization. The member entered into an agreement with a client to provide engineering services for a set of structural drawings for a foundation permit for a five-storey residential development with an underground parking garage. The owner applied for a foundation permit with the drawings.

The city did not issue a permit due to a lack of information on this first set of drawings, including the location of existing services and foundation-bearing elevations. The owner was asked to provide a

complete set of structural and architectural drawings for review.

Unbeknownst to the member, the owner had proceeded to pour footings and start erecting the concrete block foundation. The city issued an Order to Comply, and a Stop Work Order.

The member signed and sealed a second set of foundation drawings for the owner. The member had told the owner that the drawings were preliminary, but the drawings were not so marked.

The city engaged another structural engineer to review this second set of drawings. He determined the footings were undersized, and noted other deficiencies and omissions as well.

The member issued a third set of signed and sealed drawings for submission to the city.

After the complaint against the member was received by PEO, an independent professional engineer reviewed all three sets of drawings. The design

loads were incorrect in the first two sets, allowable bearing capacities were not clearly noted, and bearing elevations were not marked. All drawings had the same two dates on the seals, regardless of when they were submitted. The lack of detail with respect to the proper soil-bearing capacity and footing location would create a design with undersized footings if placed at the incorrect elevation.

The member, on behalf of himself and the holder, admitted the allegations contained in the Agreed Statement of Facts. The panel conducted a plea inquiry and was satisfied that the admissions were voluntary, informed and unequivocal.

It was agreed that the drawings and the work carried out by the member and the holder fell below the expected standard of practice for engineering work of this type. It was further agreed that the member and the holder were guilty of professional misconduct, and acted unprofessionally.

The member and the holder had signed and sealed two sets of structural drawings that should have been marked “preliminary” since they were based upon incomplete architectural drawings. These drawings had incorrect design loads, which led to undersized footings. The final third set of drawings did not specify elevations based upon two available geotechnical reports, and the potential existed for undersizing the footings.

The parties agreed on a Joint Submission as to Penalty and Costs. The panel accepted that the proposed penalty in the joint submission was reasonable and in the public interest, and the panel accordingly ordered:

- (a) The member and holder shall be given an oral reprimand, and the fact of the reprimand shall be recorded on the register for a period of six months;
- (b) The member and holders shall submit, within four months of the date of the hearing, a Quality Assurance Plan acceptable to the registrar, and to be thereafter implemented by the member and holder.
- (c) The member and holder shall undergo a series of quality control practice inspections in accordance with the terms of reference.
- (d) A summary of the Decisions and Reasons, with names, will be published in *Engineering Dimensions*.
- (e) There shall be no order as to costs.

The parties waived appeal rights. An oral reprimand was given at the conclusion of the hearing.

This summary of the Decision and Reasons was signed by Michael Wesa, P.Eng., as chair of this discipline panel, and on behalf of the other members of the discipline panel: J.E. Benson, P.Eng., Ishwar Bhatia, P.Eng., Ravi Gupta, P.Eng., and Martha Stauch.

---

## HAMILTON AREA BUSINESS OWNER FINED \$6,000 FOR USE OF A FABRICATED PROFESSIONAL ENGINEER’S SEAL

On November 22, Asif Siddiqui of Milton, Ontario, was convicted of breaching the *Professional Engineers Act* by the Ontario Court of Justice and fined \$6,000 for use of a fabricated professional engineer’s seal.

In March 2015, Siddiqui was undertaking renovations at a SUBWAY restaurant franchise, which he owned through a corporation. Siddiqui submitted a building permit application and a technical drawing bearing a fabricated professional engineer’s seal to the building division at the City of Hamilton. A professional engineer with the building division identified the seal as a forgery and notified the affected professional engineer, who then notified PEO.

His Worship Justice of the Peace Jerry Woloschuk convicted Siddiqui of one offence relating to use of the seal. Despite readily apparent flaws with the seal, and the fact that the drawing did not come directly from the affected professional engineer, Siddiqui failed to exercise due diligence and take steps to verify the seal before submitting the drawing to the building department.

Nick Hambleton, associate counsel, regulatory compliance, represented PEO in this matter. PEO would like to thank the affected professional engineer and several persons involved with the renovations, as well as the Hamilton building department for their co-operation in the investigation.