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Chair and CEO Report

We may be just over one month into the new year, but 2019 is already a year with some key accomplishments.

The past several weeks have provided a great snapshot of some of the many functions that PEGNL takes part in.

January marked the first time in over four years that a complaint reached the discipline tribunal stage. While the Complaints Authorization Committee often resolves allegations prior to requiring a tribunal hearing, there are times where the nature or details of the complaint requires this stage.

The hearing in question took place on January 21 and 22, and the details surrounding the tribunal's decision will be made public once available.

The tribunal was made up of three members from our Disciplinary Panel. The panel met this month for training and includes license holders and government-appointed members. Three new individuals have joined the panel for a total of 16 members, who can be called upon when needed to form a tribunal to hear & review evidence and make a ruling on a complaint.

2019 has also been quickly active for several of our committees. Our Endowment Committee has some exciting news regarding annual bursaries and our National Engineering and Geoscience Month Committee has been working hard to bring even more events to the calendar. Work of both of these committees is featured on page 5.

The past several weeks have seen the near-completion of the license renewal process for 2019. Our license holder numbers over the past year increased by about 1% to over 5,300. An in-depth report of registration statistics will be available in our 2018 Annual Report this spring.

In early February, PEGNL attended a 30 by 30 champions meeting where individuals from regulators and educational institutions across the country took part in planning and idea-sharing for achieving the goal of having females comprise at least 30% of new license holders by 2030.

Looking ahead, we are now accepting nominations for the next Board Election. The PEGNL Board, comprised of elected and government-appointed members directs the organization in the public interest. There are three vacancies being filled. You can find the nomination form [HERE](#) and "Information for Prospective Directors" and other board information [HERE](#).

Thank you for reading. We hope your 2019 has gotten off to a great start as well!

Darlene Spracklin-Reid, P. Eng.
Chair



Geoff Emberley
MBA, P. Eng., FEC
CEO & Registrar



Discipline Case Study

In May of 2018, the PEGNL Complaints Authorization Committee (CAC) considered allegations of conduct deserving of sanction in the form of breaches of the Code of Ethics against two professional engineers and a Permit to Practice Holder (the Respondents). The allegations arose in relation to a structural evaluation that was commissioned by a Town and conducted on a commercial/industrial building owned by the Complainant (the subject property). The building was assessed as being unsafe and the Town subsequently issued a demolition order on the basis of that assessment. As the building owner (the Complainant) had denied access to the building interior, the assessment was based upon an exterior inspection only. The Complainant alleged that the Respondents (the engineering consulting firm, one of the firm's owners and the structural engineer completing the work) should not have undertaken the assignment because they were in a conflict of interest due to the proximity of the subject property to the home of the firm's owner and due to the fact they did not have access to the building interior which would be required for a valid assessment. The Complaints Authorization Committee made the following determinations in relation to the allegations:

Allegations against the consulting firm owner (Respondent 1):

The firm owner has a bias and should not have agreed to the firm undertaking the work.

Given the distance between the properties and the presence of other commercial and industrial buildings in the area, the Committee was of the view that there were not reasonable grounds to believe Respondent 1's property was subject to any particular concern in relation to the existence or condition of the Complainant's property and the Complainant had not offered any evidence as to how Respondent 1 would stand to benefit from demolition of the property.

The Committee considered whether Respondent 1 had a duty to disclose the proximity of their home to the Complainant's property. In the view of the Committee, any actual or perceived conflict of interest that Respondent 1 might have had in accepting this engagement, arising from the proximity of their home to the subject property, was tenuous and, if the Town was unaware of that proximity, the lack of disclosure would not rise to a serious contravention of the Code of Ethics (per clause 2.1 (b) of the Code of Ethics).

The Complainant, other than their assertion the Structural Evaluation Report was erroneous, did not provide any evidence that would support or indicate that the assumptions and conclusions expressed in that Report were biased or could be perceived so.

The Committee found that there were no reasonable grounds to support this aspect of the Allegation.

Since no access to the interior of the building was provided, the firm owner should not have agreed to the firm accepting the work assignment.

The Committee's review of the Structural Evaluation Report did not disclose any observations, assumptions or conclusions that, on their face and in the absence of any evidence to the contrary having been provided by the Complainant, appeared unreasonable. The Committee noted that the Complainant did not provide any evidence of incorrect assumptions or errors having been made in the Report. The Report appeared to the Committee to be, on its face, based on reasonable assumptions, professional experience, sound engineering judgement, and documented best practice. The Report clearly stated that it was based on external observation only, and contained a disclaimer that the Report's conclusion could be changed if access was granted to the building.

The client was fully aware that access to the building would not be possible and agreed to proceed with the engagement despite this restriction. As the conditions under which the engagement would be taken were fully disclosed to the client, and the Report was completed by an experienced engineer and in a manner consistent with best practice, the Committee found that there were no reasonable grounds to support this aspect of the Allegation.

Allegations against the structural engineer (Respondent 2):

The structural engineer was aware that Respondent 1 lived across the street from the subject party and should have refused to conduct the work based on the potential for perceived bias.

Given the distance between the properties and the presence of other commercial and industrial buildings in the area, the Committee was of the view that there were not reasonable grounds to believe that the Respondent 1's property was subject to any particular concern in relation to the existence or condition of the Complainant's property.

The Committee found that there were no reasonable grounds to support this aspect of the Allegation.

The structural engineer prepared an erroneous report based upon incorrect assumptions about the building structure. Since access was not provided to the interior of the building, the structural engineer did not know how it was constructed and should not have prepared the report without having seen the inside.

The Committee found in respect of this aspect of the Allegation:

- that while access to the building interior would have provided additional information for a more complete building assessment, in circumstances where such access was denied, it was not contrary to professional standards to proceed with an assessment based on exterior observations only, provided the report was qualified accordingly;

- that the Professional Engineers Ontario guideline, "Structural Condition Assessment of Existing Buildings and Designated Structures Guideline" used by Respondent 2 was an appropriate guideline to use in the circumstance;

- that the assessment methodology conformed with the standard of professional practice expected of a civil/structural engineer (stating assumptions, recording observations etc.) and that the report clearly stated that the assessment was limited to visual observations of the building exterior only; and

- that the Respondent had been employed in various capacities as a structural engineer for more than 18 years and possessed the requisite experience and credentials to make reasonable assumptions based on external observations only and to be considered competent to arrive at the conclusions arrived at.

Allegations against the engineering consulting firm (Respondent 3)

Under the PEGNL rules and regulations pertaining to members, business must be carried out with the code of ethics of PEGNL and the provincial act. In the case of the report prepared on the subject property this was not adhered to because of the fact Respondent 1 lives across the road from the building and is in or can be perceived to be in a conflict of interest and is unable to deliver an unbiased report.

Under the PEGNL rules and regulations the organization is professionally responsible for the integrity of all stamped documents generated from completed work. Therefore Respondent 3 is ultimately responsible for allowing a report to be published where there are major issues with conflict of interests and where the engineer should not have accepted the work in the first place due to the obvious potential for conflict. Also Respondent 2 could not render a professional assessment of the structure without access to the inside of the building, thus providing an erroneous report to the Town and rendering harm to the Complainant.

The Committee notes that essentially the same allegations being made against Respondent 3 were also made in the related allegations against Respondents 1 and 2, and were dismissed as against both of them.

The Committee is of the view that the Complainant's allegations against Respondent 3 present no additional evidence nor raise any additional issues not already addressed by the Committee in its decisions in the related allegations against Respondents 1 and 2.

With respect to all allegations of the Complainant against all three Respondents, the Complaints Authorization Committee is of the opinion that there are not reasonable grounds to believe that any of the Respondents engaged in conduct deserving of sanction. In accordance with subsection 24(2) of the Engineers and Geoscientists Act, the allegations were dismissed by the Committee.



in the news

Our news section brings highlights of what is happening across the country and the globe in engineering and geoscience. As well, it provides an opportunity to recognize the contributions and achievements of license holders and students of the province.

People in the News

Kim Keating, P. Eng., received the *Community Builder Volunteer of the Year* award from the St. John's Board of Trade.

Read more [here](#).

Dr. Claude Daley, P. Eng., FEC, received the *Dr. Kenneth S. M. Davidson Medal* from the Society of Naval Architects and Marine Engineers.

Story can be found [here](#).

The Marine Institute hosted their annual model boat race which gave local students a chance to apply naval engineering technology principles in a fun team challenge.

Read more [here](#).

M. Abis Abbas, Term 3 Mechanical Engineering Student at MUN wrote a guest article for the Telegram about the Canadian oil sector.

Read the article [here](#).

Industry News

The Canadian Council of Ministers of the Environment released their *Strategy on Zero Plastic Waste*.

You can read it [here](#).

The Harvard Business Review suggests mindfulness can help engineers solve problems.

Article [here](#).

CIM Magazine takes a look at the exploration industry and examines the hurdles of increased spending in Canada.

Read more [here](#).

The Insurance Bureau of Canada released a report on reducing flood risk through conservation and restoration of natural infrastructure.

You can read the report [here](#).

PEGNL Distributes Annual Bursaries

In January, PEGNL distributed bursaries to Memorial University students in Engineering and Earth Sciences. A grand total of \$22,500 was awarded to 15 students.

Recipients were selected by the PEGNL Endowment Committee. In addition to selecting the annual recipients of our bursaries, the committee also manages and reviews the performance of the fund.

"We are proud to help the province's future geoscientists and engineers cover the costs of their education," says Geoff Emberley, P. Eng., CEO and Registrar for PEGNL and staff liaison for the Endowment Committee. "Giving out these scholarships is a yearly highlight for PEGNL, and we are thankful to the committee members and Memorial University staff for their efforts in making it happen."

If you would like more information on the PEGNL Endowment Fund or are interested in making a donation, please contact main@pegnl.ca or call (709) 753-7714.



Above: Geoff Emberley, P. Eng., CEO and Registrar for PEGNL (second from left) and Darlene Spracklin-Reid, P. Eng., Board Chair for PEGNL (far right) present bursaries to MUN Earth Sciences students. Dr. John Hanchar, P. Geo., Head of Earth Sciences at MUN and ex-officio PEGNL Board Member (far left) was also in attendance.

Below: Frank Davis, P. Eng., Chair of PEGNL's Endowment Committee (far right), and Emberley, (far left) present bursaries to MUN Engineering students.



NEGM Activities Announced

March is National Engineering and Geoscience Month (NEGM) and PEGNL has some great activities planned!

On March 2, we will hold our 28th Annual Bridge Building Competition at the Johnson Geo Centre. The competition sees Junior High students bring bridges they built from popsicle sticks and school glue and have them judged and then broken to see how much weight they can hold. (Last year's winner took 1.7 tonnes!) Learn more [HERE](#). To register visit our website [HERE](#).

We will also be hosting a family engineering and geoscience day at the Avalon Mall on the 23rd of the month. Fun, interactive and interesting STEM (Science, Technology, Engineering and Math) ideas will be on display to educate people of all ages of the varied facets of the professions.

As well, we have recently partnered with Women in Resource Development Corporation (WRDC) to increase mentors for programs that bring STEM to young girls. We hope to bring female engineers and geoscientists to classrooms around the province during NEGM and beyond. For more information click [HERE](#).

New License Holders

Since our last issue of *illuminate*, the people below have become licensed with PEGNL.

Sunday Adeshina Adedigba, E.I.T.	Jake Gram, P. Eng.	Brian Perkins, P. Eng.
Chidi Agbahara, P. Eng.	Martin Grignon, P. Eng.	Guy Pho Thuan Pham, P. Eng.
Ali Aluzri, P. Eng.	Mohsin Taqi Hashmi, E.I.T.	Dr. Faramarz Rahiminia, P. Eng.
Mitchell Anderson, E.I.T.	Zia-Ui Hassan, P. Eng.	Tim Ricard, P. Eng.
Heather Andrews, E.I.T.	Nathan Hutchens, E.I.T.	Caroline Rivest, P. Eng.
Qaiser Aziz, P. Eng.	Ivan Izebokhae, E.I.T.	Mark Ross, P. Geo.
Joshua Banfield, E.I.T.	Julian Johnson, G.I.T.	Sarah Ryan, G.I.T.
Nicholas Beaudry, P. Eng.	James Johnston, P. Eng.	Mohamed Essam Said, E.I.T.
Steven Bohrn, P. Eng.	Catherine Kelly, E.I.T.	Carl Schofield, P. Eng.
David Bonin, P. Eng.	Chadd Kennedy, E.I.T.	Dr. Jalil Shadbahr, P. Eng.
Caileigh Callahan, E.I.T.	Kedarnath Krishnankutty Nair, E.I.T.	James Shears, Eng. L.
Eduardo Luiz Carvalho Jr., P. Eng.	Dominique Langevin, P. Eng.	Matthew Sheaves, E.I.T.
Alexandre Chauvette, P. Eng.	Allan Lariviere, P. Geo.	James Peter Simpson, P. Eng.
Stephen Collins, E.I.T.	Steven Lawrence, E.I.T.	Julia Skinner, E.I.T.
Rebecca Costello, E.I.T.	Mario Lepage, P. Eng.	Jordi Slaney, E.I.T.
Alison Crawford, P. Eng.	Cassandra Loveless, E.I.T.	Rachel Smith, G.I.T.
Hannah Crompton, E.I.T.	Heather Mallory, P. Eng.	Matthew Stewart, P. Geo.
Shelly Cunningham, P. Eng.	Adam Mallory, P. Eng.	Michelle Sutton, E.I.T.
Victor Dalley, E.I.T.	Joshua Manuel, P. Eng.	Alexandre Tessier, P. Eng.
Amar Das, P. Eng.	Benjamin McGuigan, P. Eng.	Brittany Traverse, E.I.T.
Aaron Elderkin, P. Eng.	Peter Mercer, P. Geo.	Jonathan Turner, P. Eng.
Mahmoud El-Naggar, E.I.T.	Gabriella Murrin, P. Eng.	Brad Warren, E.I.T.
Scott Frerichs, P. Eng.	Dwayne Noonan, Eng. L.	Nikita Wells, E.I.T.
Danielle Gear, E.I.T.	Margaret Noseworthy, E.I.T.	Trevor Wickie, P. Eng.
Claude Germain, P. Eng.	William Nurse, E.I.T.	Nicola Wiig, P. Eng.
Rory Glen, P. Eng.	Jean-Francois Paris, P. Eng.	Matthew Williams, E.I.T.
Nigel Goldup, P. Eng.	Luke Parrott, E.I.T.	Min Zhang, E.I.T.
	William Robert Parsons, P. Eng.	