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Chair and CEO Report

As 2019 quickly approaches, so too does the deadline to renew your license.

By now, you should have received a renewal notice either by mail or email. (If you haven't, please let us know). As you complete this process and fill out your Professional Development report, we encourage you to reach out with any questions you may have.

Occasionally there is one question we get that gives us pause: "What do I get for my fees?" On the surface this may seem like an obvious question for any expenditure. When money is spent you want to know the value gotten for it.

However, the answer is as varied and multi-faceted as the professions we regulate.

Primarily, licensure enables a professional the legal ability to practice. Being able to use protected titles & terms and promoting & utilizing expertise in an area are both important components of being licensed. You also receive secondary liability insurance that provides protection in cases of professional issue. (Details on the SPLI Program can be found at this [link](#))

Arguably the most important answer is the things those around you receive. Your family, friends and everyone who calls Newfoundland and Labrador home benefit from regulated professions.

PEGNL's discipline process is open to anyone to report and ensures accountability for those who act or work unethically, elevating the value of the professions in the public eye which makes it easier for you to practice.

Our regulatory framework for registration allows for only those who have met the standards and qualifications to do the work in these fields, and ensures the safety and well-being of the province's population.

Interaction and partnerships with stakeholders such as government and educational institutions allow for key discussions regarding the professions to occur, and to keep the future of engineering and geoscience top of mind.

PEGNL has not raised fees since 2006, and on page 5 you see that we have managed to keep costs lower than other professions and provincial regulators. The license holder fees you pay are of great value not only because they legally enable you to work, but they enable PEGNL to do the work that keeps your very professions well-regulated and publicly trusted.

Darlene Spracklin-Reid, P. Eng.
Chair



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



Discipline Case Study

In January of 2018, the PEGNL Complaints Authorization Committee (CAC) considered allegations of conduct deserving of sanction in the form of professional misconduct against a PEGNL engineer. The allegations arose in relation to services provided by the Respondent to the Complainant related to the development, testing and obtaining regulatory approval for a commercial product. Once the services had been completed, there was a dispute regarding fees owed by the Complainant to the Respondent in relation to said services that was resolved in Small Claims Court, and the CAC understood that the outcome was that there was sufficient value in the Respondent's work to support payment of the invoice for the work. The complainants allegations to PEGNL's disciplinary process, and subsequent rulings, were separate from the Small Claims case.

The CAC dealt with seven separate allegations against the Respondent and made the following determinations:

Allegation 1: Focusing on fee generation rather than advising in the best interests of the client.

The CAC considered that the Complainant and the Respondent had entered into a fixed fee contract, the fees billed were within the agreed-upon fixed fee, the fixed fee did not appear to be unreasonable, and it could not be said that the Respondent did not provide the services contemplated by the contract, even if the Complainant was dissatisfied with the result.

In the view of the CAC, there were no reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction in respect of this allegation.

Allegation 2: Failing to accept client input or constructive criticism of the work.

The CAC noted that engineers are required to ensure the integrity of and to retain responsibility for their professional work product under changing circumstances. The CAC was of the view that engineers, including the Respondent in the context of the service being provided to the Complainant, must have the latitude to exercise their professional judgment as to whether or not to accept client input regarding their professional work product.

In the view of the CAC, there were no reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction in respect of this allegation.

Allegation 3: Becoming argumentative, aggressive and storming out of a meeting in anger.

The CAC felt that there was no evidence that the Respondent had engaged in aggressive verbal abuse or conduct, other than the Complainant's own

characterization of his behaviour as "aggressive". The CAC was of the view that being argumentative or leaving a meeting abruptly as a result of an argument was not, in and of itself, reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction.

Allegation 4: Appropriating confidential commercial and marketing information that they were privy to as part of the Complainant's team and going to market with an alternative, directly competitive system and drawing comparisons with the Complainant's type of system in press advertising:

It was noted that the Complainant acknowledged that the Complainant's product's features and engineering principles are in the public domain, but the Complainant alleged that the Respondent learned of "consumer benefits and marketing nuances" underpinning the commercial viability of the Complainant's product. There was no agreement between the Complainant and the Respondent that governed what could be considered confidential information of the Complainant.

In the view of the CAC, the description of the information by the Complainant as being in the nature of "consumer benefits and marketing nuances" was too vague and general to be implicitly considered, as a matter of professional standards and ethics, confidential client information.

Regarding the allegation that the Respondent was "going to market with an alternative, directly competitive system and drawing comparisons with the Complainant's type of system in press advertising", the CAC considered section 4 of the Code of Ethics. The CAC considered that there was no evidence that the Respondent had been working on a competing project (either for another client or for himself) while also working on the Complainant's project; if he had been, then this could have triggered the disclosure requirement of section 4.

In the absence of a non-competition agreement that restricted the Respondent from being involved in similar projects for a certain period of time following his work on the Complainant's project, the CAC did not consider the Respondent being involved (whether for themselves or for another client) in a new project or promoting a product that might be in competition with that of the Complainant's as being, as a matter of professional standards or ethics, a conflict of interest.

In the view of the CAC, there were no reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction in respect of this allegation.

Allegation 5: Making slanderous statements about the Complainant's company to the Complainant's staff.

The CAC found the Respondent's reported comments to the Complainant's Office Manager to be gratuitously and repeatedly discourteous towards a past client and a member of the past client's staff. The CAC noted that the Respondent did not deny making these statements.

The CAC was of the view that comments such as these about a past client, to a staff member of that past client constituted a breach of Sections 1.2(e) and 2.1 (c) of the PEGNL Code of Ethics, and therefore there were reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction in respect of this allegation.

Allegation 6: Breaching the confidentiality of another client.

The CAC noted that the comments of the Respondent were in relation to court proceedings, which would be expected to be public record, and which in any event did not appear to the CAC to be information in relation to which the Respondent would be expected to have a duty of confidentiality.

In the view of the CAC, there were no reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction in respect of this allegation.

Allegation 7: Posting a negative review on the Complainant's Facebook page.

The CAC was of the view that while the Complainant was a past client of the Respondent when the Facebook posting was made, the Respondent still had some continuing duties to the Complainant as a past client under section 1.2(e) of the Code of Ethics, and to the profession and the public under section 1.2(h) of the Code of Ethics.

The CAC was of the view that criticisms in a public forum such as the Respondent's Facebook posting, particularly ones using subjective and emotionally charged language (e.g. "needlessly expensive") regarding a product in relation to which the Respondent had earlier provided professional services, was not acting in good faith in relation to a client, which in the CAC's view includes past clients.

The CAC was also of the view that to the extent the Respondent may have had valid questions or concerns regarding the performance of a product in relation to which they had provided services, Facebook posts were not the appropriate forum for expressing those views in an objective manner. The CAC was aware that the Respondent would likely be known by many reading the posts to be an engineer, and it would be unlikely that their comments would be considered in the same light as a comment by a member of the general public.

The CAC was of the view that the Facebook posting was a sufficiently serious breach of sections 1.2(e), 1.2(h), and 2.1 (c) of the Code of Ethics, so as to constitute reasonable grounds to believe that the Respondent engaged in conduct deserving of sanction, warranting a caution and counsel.

As a result of its deliberations, the CAC counseled and cautioned the Respondent as follows:

The Respondent shall not, when encountering clients, past clients and their employees in the circumstance where there is or has been a commercial or professional disagreement or "dispute", act in a manner that harms or tends to harm the Profession and specifically is counselled to endeavour to be professional and courteous in all communications and interactions, even in such circumstances.

In the future, when dealing with clients and past clients, the Respondent shall "conduct themselves with equity, fairness, courtesy and good faith" and shall "endeavour to interpret engineering and geoscience issues to the public in an objective and truthful manner" and specifically is cautioned against making negative comments in social media and promotional materials specifically about products of a client or past client where they have provided professional services in relation to those products.



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 our own license holders and the students of the province.

People in the News

Carmichael Polonio, P. Eng. and Abigail Steel, P. Eng., FEC were both appointed to the Provincial Advisory Council on the Status of Women.

Read more [here](#).

Wesley Foote, P. Eng. Has been appointed to the Canada-Newfoundland Offshore Petroleum Board (C-NLOPB).

Story can be found [here](#).

Ian Jordaan, P. Eng. with PEGNL, along with Kevin Hewitt and Robert Frederking, won the 2018 Casimir Gzowski Medal.

The Medal is awarded annually for the best civil engineering paper in surveying, structural engineering or heavy construction.

Sherry Dunsworth, P. Geo. speaks with The Western Star on the future of the gold mining industry in Newfoundland and Labrador. Read the article [here](#).

Industry News

The Government of Newfoundland and Labrador announced *Mining the Future 2030*, a growth plan for mining in the province.

Read more [here](#).

Engineers Canada asks: *When does public opinion conflict with professional responsibility?*

Article [here](#).

The Engineers Canada 2018 National Membership Report has been released. The report presents data from the 2017 calendar year.

Read more [here](#).

The National Academies of Sciences, Engineering and Medicine produced a report that suggests that half of women in engineering schools experience sexual harassment.

Read more [here](#).

The McKinsey Global Institute believes that a third of Canadian workers will lose their jobs to automation and artificial intelligence in the next 15 years.

Click [here](#) to read more.

License Fee Comparisons

PEGNL is proud to provide key deliverables and fulfill the mandate of the organization with a sound economic balance. It has been 12 years since PEGNL last raised fees and we continue to grow our operations and scope, responding to increased numbers of license and permit holders.

Occasionally we review the fees of our fellow regulators, as well as those of other professional organizations in the province, to get a sense of the costs their license holders incur, compared to those of PEGNL.

Below you will see these annual license fee comparisons, listed from highest to lowest cost.

Engineering and Geoscience Regulators

OGQ (Quebec)	565
Geoscientists Nova Scotia	450
Engineers PEI	450
APGO (Ontario)	420
OIQ (Quebec)	400
APEGA (Alberta)	392
APEGM (Manitoba)	381
APEGS (Saskatchewan)	365
EGBC (British Columbia)	356
NAPEG (NWT and Nunavut)	340
APEGNB (New Brunswick)	300
APEY (Yukon)	290
Engineers Nova Scotia	267
PEGNL	246
PEO (Ontario)	220

(Rounded to nearest dollar)

Other Licensed Professions in NL

Medical Doctors	1850
Lawyers	1750
Chartered Professional Accountants	1120
Architects	1005
Nurses	479
Engineers and Geoscientists	246

*(Rounded to nearest dollar. **Does not** include mandatory union or advocacy association fees applicable to other professions)*

CORRECTION Atlantic Salary Survey

In the last issue of illuminate we presented the results of the Atlantic Canadian Salary Survey for Engineers in Geoscientists in the region.

Upon posting the documents, we were notified of an error in the engineering report whereby the graph for the Salary by Year of Graduation and Gender was not fully plotted based on the survey data listed.

The graph presented was only for the last ten years of graduates, for which the salaries for males and females in engineering were relatively similar. Once fully plotted, the graph does show discrepancies between male and female salaries for many earlier years of graduation.

We overlooked the exclusion of the earlier years' data in this graph and would like to apologize for the confusion or misinformation it may have caused.

The new engineering survey report with the updated gender and salary graph can be found [here](#).

New License Holders

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

Justin Abbott, E.I.T.	Robert Fleming, E.I.T.	Aadil Patel, P. Eng.
Alireza Abjadpour, P. Eng.	Mathieu Fontaine, P. Eng.	Jonas Pereira, G.I.T.
Adeola Adegbayi, E.I.T.	Jean-Pierre Frenette, P. Eng.	William Scott Perry, P. Eng.
Olaniyi Adeusi, E.I.T.	Catherine Gauthier, P. Eng.	Rock Pinard, P. Eng.
Mawuli Afenyo, E.I.T.	Dr. David Gauthier, P. Eng./P. Geo.	Milos Posavljak, P. Eng.
Mansoor Ahmad, P. Eng.	Alex Gibbons, E.I.T.	Jesus Prieto Luzardo, P. Eng.
Tyler Alexander, E.I.T.	Michael Gray, P. Eng.	Sarah Pynn, E.I.T.
David Alexandre, E.I.T.	Lawrence Gross Jr., P. Eng.	Michael Rakowski, P. Eng.
Thomas Allshouse, E.I.T.	Jeffrey Haines, G.I.T.	Jessica Rideout, G.I.T.
Mohammad Asif Amin, E.I.T.	Matthew Harrington, P. Geo.	Luke Rixmann, E.I.T.
Mohammed Awad, P. Eng.	Samantha Hayward, G.I.T.	Jessica Roberts, G.I.T.
Elizabeth Baird, G.I.T.	William Horne, P. Eng.	Noli Rosales, P. Eng.
Sanjeev Bansal, P. Eng.	John Kerr, P. Eng.	Douglas Sands, P. Eng.
Philippe Barcelo, P. Eng.	Mohammad Aminul Islam Khan, E.I.T.	Javid Shadbahr, E.I.T.
Charles Alan Barge, P. Eng.	Liam Kiley, P. Eng.	Mathiroban Shanmugalingam, P. Eng.
Louis-Vincent Beaulieu, P. Eng.	Franz Knoll, P. Eng.	Brenda Sharp, P. Geo.
Graham Bolt, G.I.T.	Steven Lannon, E.I.T.	Hamid Shayanfar, E.I.T.
Robert Calon, G.I.T.	Chad Loritz, P. Eng.	Vipin Kumar Singh, P. Eng.
Glenn Campbell G.I.T.	Mark MacCallum, P. Eng.	Mark Somers, P. Eng.
Mark Carney P. Eng.	Christopher MacInnis, P. Geo.	Cody Spurrell, G.I.T.
Nicholas Cherniwchan, P. Eng.	Maziyar Mahmoodi, E.I.T.	Shane Tobin, E.I.T.
Warnakula Costa, P. Eng.	Egle Maksimaviciute, P. Eng.	Robert Tremblay, P. Eng.
David Day, P. Eng.	Michael McCabe, P. Eng.	Nicolas Tremblay, P. Eng.
Rachel Delaney, E.I.T.	Peter McIntyre, P. Geo.	Andrew Truax, G.I.T.
Peter Dueck, P. Geo.	Holly Monaghan, P. Eng.	Ikenna Ude, E.I.T.
Sean O'Neill Eisler, P. Eng.	Etienne Munger, P. Eng.	Brian Willett, P. Geo.
Emediong Job Ekanem, G.I.T.	Robert Munroe, P. Eng.	Jason Wollum, P. Eng.
Abdelhamid El Bakir, P. Eng.	Anthony Nippard, E.I.T.	Zheng Xu, P. Eng.
Andrew Feener, P. Eng.	Seamus O'Brien, E.I.T.	Teajha Young, E.I.T.
	Abdolreza Panahi, P. Eng.	