

Practice Note: Is Anyone Else Using Your Seal?

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In 1993, a Winnipeg heating and air conditioning contractor installed an air handling system in a restaurant according to specifications and drawings that had been prepared and sealed by a professional engineer. In 1994, the contractor attempted to secure work for a second restaurant and had been requested to provide construction drawings. Drawings were submitted by the contractor bearing a "counterfeit seal" copied from the earlier drawing. The professional engineer who sealed the 1993 drawing had no knowledge of the 1994 project. This matter was reported to the member and the Association through the diligence of other members of the Association.

At the request of the Association, this matter was investigated by the Winnipeg Police Service. The employee of the contractor who admitted transferring and altering the date on the 1993 seal was identified and the Department of Justice was notified. The Crown, in a letter to the Association, declined to prosecute the individual and suggested that the person may be in breach of The Engineering Profession Act and advised the APEM that it may wish to commence a prosecution under this Act.

The Act allows for prosecution of the individual if he or she holds himself or herself out to be an engineer - something the individual did not do. The individual did admit to transferring the seal and signature, which would be a basis for a charge of forgery. He was not prosecuted because the Summary Convictions Act specifies a time limitation for the prosecution under the Criminal Code, which had been exceeded.

THIS MATTER IS BEING BROUGHT TO THE ATTENTION OF THE MEMBERSHIP TO CAUTION MEMBERS TO TAKE EXTREME CARE TO ENSURE THAT THEIR SEALS ARE NOT USED FRAUDULENTLY, AND TO NOTIFY THE ASSOCIATION IMMEDIATELY IF THERE IS A CONCERN OF FRAUDULENT USE OF THE SEAL.