

IN THE MATTER OF the *Surveyors Act*, R.S.O. 1990,
Chapter S.29, as amended

AND IN THE MATTER OF Eric Salzer, O.L.S.

AND IN THE MATTER OF a Disciplinary Hearing
of the Discipline Committee of the Association of
Ontario Land Surveyors held in accordance with
Sections 26 and 27 of the said Act

SUMMARY OF THE DECISION OF THE DISCIPLINE PANEL

A discipline hearing into allegations of misconduct by Eric Salzer, O.L.S., proceeded before a Panel of the Discipline Committee on January 27, 2020. The Association and Mr. Salzer jointly advised the Panel that Mr. Salzer was prepared to plead guilty to certain allegations; the parties had prepared an Agreed Statement of Facts as well as a Joint Submission on Order with respect to the penalty they proposed the Panel should accept.

The Statement of Facts provided facts regarding the complaint made by the Registrar, Kevin Wahba, O.L.S. Those facts can be summarized as follows.

The Facts

The allegations against Mr. Salzer arose out of the time it took to complete plans regarding changes to a condominium's exterior landscape and parking areas. This was a file accepted by Mr. Salzer's former partner against Mr. Salzer's advice. His partner retired without having completed the work and Mr. Salzer, for both professional and personal reasons struggled to complete the required work. Notwithstanding these circumstances, the delay was of about 6 years, which was unacceptable. Mr. Salzer pleaded guilty to the charge of professional misconduct arising out of this delay, and the AOLS withdrew an allegation of incompetence. The incompetence allegation was withdrawn because, by the time of the Hearing Mr. Salzer had completed every aspect of the work required by him and it was awaiting final approval for

registration. There was an agreed statement of facts provided jointly by the parties to the Panel setting out these and other facts, and on the basis of those facts the Panel accepted Mr. Salzer's guilty plea to the allegations of professional misconduct. With respect to the appropriate penalty, the parties also provided the Panel with a Joint Submission on a proposed penalty.

Mr. Salzer's guilty plea

Mr. Salzer was found to have breached Sections 33(2)(a), 33(2)(b), 33(2)(e), 35(2), 35(3), 35(7), 35(18) and 35(21) of the Surveyors Act, R.R.O. 1990, Regulation 1026.

On the basis of the agreed facts the Panel accepted Mr. Salzer's guilty plea.

Penalty

The Panel accepted the Joint Submission after confirming that the parties would agree to a small clarification. The penalty imposed by the Panel including that clarification was:

- a reprimand by the Panel to be recorded in the register;
- a suspension of 6 months to be deferred provided Mr. Salzer complies with the remaining terms of the Order;
- the completion of any remaining work required to successfully register the plan;
- certain terms, conditions and limitations on Mr. Salzer's licence, being:
 - o Mr. Salzer is to practice in consultation with a Monitor (a current or retired OLS accepted by the Registrar);
 - o To cooperate fully with the Monitor;
 - o To implement any reasonable (in the opinion of the Registrar) recommendations made by the Monitor;

- o To make best efforts to ensure that the Monitor provides monthly reports regarding Mr. Salzer's practice to the registrar;
- o To reimburse the AOLS for the cost of the Monitor;
- Costs of the discipline hearing in the amount of \$6,000 to be paid in no more than 12 equal monthly instalments;
- Publication of a summary of the decision and reasons in the Quarterly, in InSight, and on the AOLS website.