



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT*, S.B.C. 2018,
CHAPTER 47 (the “PGA”)

and

IN THE MATTER OF PETER GORDON KOVACIK, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T18-024

CITATION

TO: Peter Gordon Kovacik, P.Eng.
c/o Kova Engineering
Unit 101 – 18635 52nd Avenue
Surrey, BC. V3S 8E5

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, will meet virtually via Zoom Video Conferencing hosted by Charest Reporting, on a date to be determined, for the purpose of conducting a discipline hearing pursuant to the PGA. The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”) was repealed and replaced by the PGA on February 5, 2021. While allegations herein are made under the EGA, the proceeding against Peter Gordon Kovacik, P.Eng., commenced by this Citation is brought under and in conformity with the PGA, so far as it may be done consistently with the PGA, and the procedure established by the PGA will be followed as far as it can be adapted in this proceeding.

AND TAKE NOTICE that the allegations against you are that:

1. You have demonstrated unprofessional conduct, incompetence, or negligence by:

- a. Failing to comply with *Occupational Health and Safety Regulation*, B.C. Reg. 296/97 ss. 14.2 and 14.77 (the “Regulations”), when you did not ensure the welding on a set of Pecco S35/S212 crane anchor stools (the “Anchor Stools”) at [REDACTED], Surrey, British Columbia (the “Project”), was carried out in accordance with CSA W59 and CSA 47.1 or equivalent standards as required by CSA Z248-2004 pursuant to the *Regulations*;
 - b. Failing to comply with CSA W47.1 standards as required by CSA Z248-2004 pursuant to the *Regulations* when you failed to test the welding consumable used for the Project, as is required for material not certified by the Canadian Welding Bureau; and
 - c. Signing and sealing an inspection report dated August 8, 2017 recommending the Anchor Stools for service:
 - i. when the Anchor Stools were not serviceable;
 - ii. when the weld repairs had not been completed;
 - iii. without referencing a recognized standard or a documented equivalent; and
 - iv. when you knew or ought to have known that the fabricator was not certified by CWB and you took no steps to mitigate this issue.
2. The conduct set out above at paragraphs 1(a) – (c) was contrary to section 14(b) of the Engineers and Geoscientists BC Bylaws, as it stood at the time, which required that members and licensees shall establish and maintain documented quality management processes for their practices, which shall include, as a minimum:
- (2) regular, documented checks of engineering and geoscience work using a written quality control process appropriate to the risk associated with the work.
3. The conduct set out above at paragraphs 1(a) – (c) was contrary to Principle 1 of the Engineers and Geoscientists BC Code of Ethics, as it stood at the time, which required that members and licensees hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.
4. The conduct set out above at paragraphs 1(a) – (c) was contrary to Principle 3 of the Engineers and Geoscientists BC Code of Ethics, as it stood at the time, which required that members and licensees provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction.
5. The conduct set out above at paragraphs 1(a) – (c) was contrary to Principle 6 of the Engineers and Geoscientists BC Code of Ethics, as it stood at the time,

which required that members and licensees keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their associates.

AND FURTHER TAKE NOTICE that you, Peter Gordon Kovacik, P.Eng., have the right, at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee pursuant to s. 79 of the PGA, and you or your counsel shall have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegations

AND FURTHER TAKE NOTICE that, pursuant to s. 78 of the PGA, in the event you fail to attend or remain in attendance at a discipline hearing under s. 75 of the PGA, the Panel of the Discipline Committee may, if satisfied that you have been notified of the hearing, proceed with the hearing in your absence and make any order that the discipline committee or panel could have made in your presence.

DATED this 27 day of May, 2021.

The Investigation Committee of the Engineers
and Geoscientists of the Province of British
Columbia

<original signed by>

Per: Peter Helland, P.Eng.
Chair, Investigation Committee