

**FOLLOW- UP DISCIPLINARY NOTICE
ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF
BRITISH COLUMBIA**

**Removal of Peer Review Requirement for
Richard (Dick) Bartel, P.Eng., Coldstream, BC**

Mr. Bartel entered into a Consent Order dated November 16, 2012, with the Discipline Committee Review Panel in lieu of proceeding to a disciplinary hearing. Paragraph (e) of the Consent Order required Mr. Bartel's services relating to wastewater treatment and disposal systems peer reviewed for a period of one year.

Subsequently, the Discipline Committee Review Panel received an acceptable final report from Mr. Bartel's peer reviewer. The Discipline Committee Review Panel then confirmed that Mr. Bartel was no longer required to have peer reviews and is relieved of this requirement on his license to practice engineering effective January 21, 2014.

The Discipline Committee Review Panel also confirmed that pursuant to paragraph (c) of the Consent Order, Mr. Bartel's practice remains restricted by the condition that he not undertake any hydrogeological services or provide any hydrogeological advice.

The full Consent Order is attached to this Notice. Paragraphs (b), (d), (e) and (f) are no longer in effect.

**IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT
R.S.B.C., 1996, c. 116, as amended**

- and -

IN THE MATTER OF RICHARD BARTEL, P.Eng.

CONSENT ORDER

Dated for reference November 16, 2012.

WHEREAS Richard Bartel, P.Eng. ("Mr. Bartel"), was served with a Notice of Inquiry dated July 26, 2012 that contained the following allegation:

AND TAKE NOTICE that the allegation against you is that contrary to the Act, you have demonstrated unprofessional conduct by your design of one or more of the following sewerage systems within the 30 metre setback required from a water supply well or a source of drinking water when you did not have the required competence in the field of hydrogeology (or geotechnical engineering pre June 29, 2010) to confirm that this encroachment would not likely cause a health hazard:

1. [REDACTED] Tulameen, B.C.;
2. [REDACTED] 70 Mile House, B.C.;
3. [REDACTED] Lumby, B.C.;
4. [REDACTED], Tulameen, B.C.;
5. [REDACTED], Malakwa, B.C.; and
6. [REDACTED], Lone Butte, B.C.

AND WHEREAS the Association of Professional Engineers and Geoscientists of British Columbia ("Association") and Mr. Bartel wish to resolve this matter by consent in order to avoid the need for a disciplinary inquiry.

AND WHEREAS Mr. Bartel admits the allegation in the Notice of Inquiry.

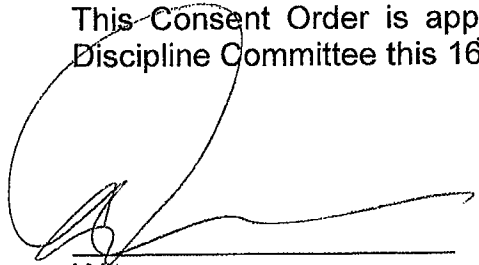
THEREFORE by consent, this Order is hereby made, pursuant to the *Act*, specifically s. 32.1.

- (a) Mr. Bartel is hereby reprimanded;
- ~~(b) Mr. Bartel shall pay the Association's legal costs, including disbursements and taxes, in this matter up to the reference date of this Consent Order, in the amount of \$5,000.00. Such costs will be payable within 60 days of the reference date of this Consent Order;~~
- (c) Mr. Bartel's practice will be restricted by the condition that Mr. Bartel will not undertake any hydrogeological services, nor provide any hydrogeological advice;
- ~~(d) Mr. Bartel will be the subject of a general practice review by the Practice Review Committee, at his own expense. The estimated cost of the practice review is \$2,250.00 plus taxes and expenses. Mr. Bartel may also be the subject of a technical practice review if so required by the Practice Review Committee. The practice reviews must be completed by November 30, 2013 unless additional time is required by the Practice Review Committee, in which case the deadline for the completion of the practice reviews may be extended, at the discretion of the Practice Review Committee, to March 30, 2014;~~
- ~~(e) Mr. Bartel shall have his services relating to wastewater treatment and disposal systems, started after the reference date of this Order, peer reviewed by a professional engineer approved in writing and in advance by the Registrar of the Association in accordance with the Council Policy on Discipline Committee Ordered Peer Reviews (the "Peer Reviewer"). The requirement for peer reviews shall continue for at least a period of twelve months from the date of approval of the Peer Reviewer. The cost of the Peer Reviewer shall be borne by Mr. Bartel. The Peer Reviewer shall report in writing to the Registrar of the Association on the reviews every three months and shall report in writing to the Association's Discipline Committee at the conclusion of the twelve month period providing an opinion on whether Mr. Bartel requires continuing peer reviews and for how long. The cost for all Peer Reviewer reports shall be borne by Mr. Bartel. Mr. Bartel shall provide to the Peer Reviewer regular updates to his wastewater treatment and disposal systems project list during the peer review period;~~
- ~~(f) If a peer reviewer is not appointed in accordance with paragraph (e) by December 17, 2012, or if the services of the Peer Reviewer cease for any reason, Mr. Bartel shall transfer all his existing wastewater treatment and disposal projects to another professional engineer approved in writing and in advance by the Registrar;~~
- (g) Mr. Bartel shall at any time be at liberty to apply to the Association to lift the practice restrictions set out in paragraphs (c) and (e) of this Consent Order upon his providing to the Association's Discipline Committee proof that he has successfully completed further training and education in hydrogeology and wastewater treatment and disposal systems that is acceptable to the Association's Discipline Committee, who may grant the application with or without further conditions or reject the application; and
- (h) If Mr. Bartel fails to comply with any of conditions (b),(c) (d) (e) or (f) of this

Consent Order, his membership in the Association shall be suspended until every default has been remedied in accordance with the terms of this Consent Order.

This Consent Order has the same force and effect as an Order made under section 33(2) of the *Act* and may be dealt with under section 34 of the *Act* if conditions in the Consent Order are not met.

This Consent Order is approved and accepted by Mr. Bartel and a member of the Discipline Committee this 16th day of November, 2012.



Witness

DAVID WHITELAW
MEDIATOR



Richard Bartel, P.Eng.



Roy Wares, P.Eng.
Chair, Discipline Committee