

**IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT*, S.B.C. 2018,
CHAPTER 47**

and

IN THE MATTER OF RICHARD (DICK) BARTEL, P.ENG.

Engineers and Geoscientists BC File No. T19-059

CONSENT ORDER

Background

1. On January 27, 2021, the Association of Professional Engineers and Geoscientists of the Province of British Columbia also operating as Engineers and Geoscientists BC, issued a Notice of Inquiry to Richard (Dick) Bartel, P. Eng. (“Mr. Bartel”) pursuant to s. 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”).
2. On February 5, 2021, the *EGA* was repealed and replaced by the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “*PGA*”). Pursuant to sections 35(2) and 36(1)(b) and (c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, the proceeding against Mr. Bartel commenced pursuant to the Notice of Inquiry (the “*Proceeding*”) is continued 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 the *Proceeding*.
3. Engineers and Geoscientists BC and Mr. Bartel wish to resolve the matter by consent pursuant to section 73(2) of the *PGA* in order to avoid the need for a disciplinary hearing.

Admissions

4. Mr. Bartel admits the allegations set out in the Notice of Inquiry, namely that he:
 - a. Failed to attend an interview with the Investigation Committee of Engineers and Geoscientists BC regarding [REDACTED] located at [REDACTED], Celista, BC (the “*Project*”), despite requests to do so, including but not limited to those made by the Engineers and Geoscientists BC’s:
 - i. Investigator, by letter dated May 6, 2020;

- ii. Investigator, by email dated May 7, 2020; and
- iii. Investigator, by email dated May 15, 2020.

5. The conduct set out above at paragraphs 4(a) was contrary to s.30(4)(c) of the *EGA* which provided that a member, licensee or certificate holder being investigated must appear, on request, before the committee or subcommittee.

Disposition

- 6. By consent, this Order is made pursuant to section 73(2) of the *PGA*.
- 7. Mr. Bartel will attend an interview with the Investigation Committee within 30 days from the date of this Consent Order.
- 8. Mr. Bartel will pay a fine of \$1,000 to Engineers and Geoscientists BC within 30 days from the date of this Consent Order.
- 9. Mr. Bartel will pay \$2,500 towards Engineers and Geoscientists BC legal and investigation costs within 30 days from the date of this Consent Order.
- 10. In the event that Mr. Bartel fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

- 11. The full text or a summary of this Consent Order will be published by Engineers and Geoscientists BC in print and electronic publications including on the Engineers and Geoscientists BC website.
- 12. This Consent Order has the same force and effect as a determination made under section 75(6) of the *PGA*.
- 13. Mr. Bartel agrees that Engineers and Geoscientists BC has advised him that he should receive independent legal advice regarding this Consent Order and that he has had the benefit of independent legal advice regarding this Consent Order.
- 14. Engineers and Geoscientists BC and Mr. Bartel agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

15. This Consent Order is approved and accepted by Mr. Bartel and the members of the Discipline Resolution Panel this 26 day of March, 2021.

<original signed by>

Richard (Dick) Bartel, P.Eng.

Cheryl King

Name of Witness

<original signed by>

Signature of Witness

<original signed by>

Ron Yaworsky, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Peter Bobrowsky, P.Geo.
Member, Discipline Resolution Panel

<original signed by>

John Taylor-Wilson
Member, Discipline Resolution Panel