



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

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

and

IN THE MATTER OF AMTINDER SINGH BADIAL, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T22-070

CONSENT ORDER

Background

1. On September 28, 2023, the Association of Professional Engineers and Geoscientists of British Columbia, doing business as Engineers and Geoscientists BC, issued a Citation to Amtinder Singh Badial, P.Eng. pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”).
2. While the allegations set out in the Citation are made under the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”), the EGA was repealed and replaced by the PGA on February 5, 2021, and the procedures established by the PGA and the current Bylaws of Engineers and Geoscientists BC will be followed as far as they can be adapted to the proceeding related to the allegations set out in the Citation.
3. Engineers and Geoscientists BC and Mr. Badial now wish to resolve this matter by consent pursuant to section 73(2) of the PGA in order to avoid the need for a disciplinary hearing.

Admissions

4. Mr. Badial admits to the allegations set out in the Citation, namely that he demonstrated unprofessional conduct by:

- a. Failing to comply with the *Occupational Health and Safety Regulation*, B.C. Reg. 296/97, ss. 20.26.3, 20.47(2) and/or 20.48 (the “*Regulation*”), and/or the Engineers and Geoscientists BC Annual Equipment Inspection and Certification Guidelines when he conducted an inspection of a truck-mounted concrete pump S/N JXR38-4.16-636 (the “*Concrete Pump*”) on December 24, 2020, (the “*Inspection*”), when he knew or ought to have known that he was not qualified to carry out aspects of the Inspection without qualified supervision.
- b. Failing to ensure repair of the Concrete Pump following the Inspection was to the standard expected of a reasonably competent engineer and/or in accordance with good engineering practice by:
 - i. Incorrectly identifying the weld repair required of the Concrete Pump’s turning column (the “*Repair*”), which he identified as plate-to-plate instead of plate-to-shaft;
 - ii. Undertaking professional responsibility for supervision of the Repair, in circumstances where he knew or ought to have known that he was not sufficiently qualified to supervise and certify the welding for the Repair;
 - iii. Failing to take sufficient steps to determine the cause of the deficiency necessitating the Repair;
 - iv. Failing to determine and/or document the material grade of the components requiring the Repair;
 - v. Failing to determine or communicate the appropriate welding process for the Repair;
 - vi. Failing to ensure that written instructions were provided for the Repair, either by ensuring that the personnel who would be performing the Repair (the “*Welding Personnel*”) had access to repair instructions obtained from the original equipment manufacturer; or by providing written repair instructions to the Welding Personnel;
 - vii. Failing to confirm that the repair facility was qualified to carry out the Repair, either by confirming the qualifications of the Welding Personnel; or by confirming that the repair facility had an appropriate welding procedure for the Repair; and/or
 - viii. Failing to confirm that the Repair had been completed in accordance with any applicable repair instructions.
- c. Signing and sealing a Concrete Pump Engineering Inspection report for the Concrete Pump, dated December 31, 2020 (the “*Inspection Report*”), when he knew or ought to have known that the Inspection Report did not meet the

standard expected of a reasonably competent engineer. Specifically, the Inspection Report contained false or misleading statements to the effect that:

- i. The deficiencies noted in the Inspection Report were “re-inspected with satisfactory results”; and
 - ii. He had been provided with the Concrete Pump Log as part of the Inspection.
- d. Signing and sealing the Inspection Report, and representing that the Concrete Pump met the requirements of the *Regulation* and CSA-Z151-09 in circumstances where he
 - i. Failed to ensure that the component(s) repaired during the Repair either met or exceeded the original manufacturer’s specifications, or were certified by a professional engineer, as required by s. 20.48(2) of the *Regulation*; and/or
 - ii. Failed to ensure that any post-maintenance testing was completed after the Repair, as required by s. 5.4.4 of CSA Z151-09.
5. The conduct set out above at paragraphs 4 (a)-(d) is contrary to Principle 1 of the Code of Ethics of Engineers and Geoscientists of BC, created pursuant to the *EGA* (the “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.
6. The conduct set out above at paragraphs 4 (a)-(d) is contrary to Principle 2 of the Code of Ethics, as it stood at the time, which required that members and licensees undertake and accept responsibility for professional assignments only when qualified by training or experience.
7. The conduct set out above at paragraphs 4 (c) and (d) is contrary to Principle 3 of the 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.
8. The admissions made in this consent order are made for the purposes of this proceeding only and not for the purposes of any other proceeding.

Disposition

9. By consent, this Consent Order is made pursuant to section 73(2) of the *PGA*.
10. Mr. Badial’s registration with Engineers and Geoscientists BC is suspended for a period of six months commencing on December 24, 2024 (the “Suspension Period”).

11. Before the end of the Suspension Period, Mr. Badial must provide written proof to Engineers and Geoscientists BC that he has, at his own expense successfully completed the Professional Engineering and Geoscience Practice in BC Online Seminar.
12. Upon expiry of the Suspension Period, Mr. Badial will be subject to direct supervision by a professional engineer who is a registrant of Engineers and Geoscientists BC (the "Supervising Professional"), and who is approved in writing and in advance by the Registrar of Engineers and Geoscientists BC (the "Registrar"). The Supervising Professional must provide "direct supervision" as that term is defined in the *Quality Management Guides – Guide to the Standard for Direct Supervision (Version 2.0 – February 17, 2021)*, in respect of all engineering work performed by Mr. Badial (the "Direct Supervision"), subject to the following conditions:
 - a. The Direct Supervision will commence at the conclusion of the Suspension Period and after the approval of the Supervising Professional by the Registrar. The Direct Supervision must continue for a period of four months and for an adequate number of projects, as determined by the Supervising Professional.
 - b. The Supervising Professional must provide to Engineers and Geoscientists BC a written report regarding Mr. Badial's performance at the two-month mark of the Direct Supervision period.
 - c. At the conclusion of the Direct Supervision period set out in paragraph 12 (a), the Supervising Professional must provide to Engineers and Geoscientists BC a written report regarding Mr. Badial's performance and an opinion regarding whether Mr. Badial requires a further period of direct supervision.
 - d. If the Supervising Professional is of the opinion that Mr. Badial requires further direct supervision, the Direct Supervision will continue for an additional period of three months (the "Extended Direct Supervision").
 - e. At the conclusion of the Extended Direct Supervision set out in paragraph 12(d), the Supervising Professional must provide a written report regarding Mr. Badial's performance.
 - f. The costs of the Supervising Professional providing the Direct Supervision and the Extended Direct Supervision, if applicable, and preparing the reports referenced above, will be borne by Mr. Badial.
13. Six months after the conclusion of the Direct Supervision, Mr. Badial will undergo a practice review conducted by Engineers and Geoscientists BC (the "Practice Review"), at his own expense. The precise timing and process of the Practice Review will be determined by the Audit and Practice Review Committee.

- 14. Mr. Badial will pay \$12,500 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution toward the legal costs incurred in this matter.
- 15. In the event that Mr. Badial 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

- 16. The full text of this Consent Order will be published on the website of Engineers and Geoscientists BC, and a summary will be published in print and electronic publications, including in public communications. This Consent Order has the same force and effect as an order made under section 75 of the *PGA*.
- 17. Mr. Badial has received independent legal advice regarding the content of this Consent Order.
- 18. Mr. Badial and Engineers and Geoscientists BC agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

This Consent Order is approved and accepted by Mr. Badial and the members of the Discipline Resolution Panel this 19 day of December, 2024.

<original signed by>

 Amtinder Singh Badial, P. Eng.

<original signed by>

 Signature of Witness

Parween Mander

 Name of Witness

<original signed by>

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

<original signed by>

 Upul Atukorala, P. Eng.
 Member, Discipline Resolution Panel

<original signed by>

 Pierre Gallant, Retired Architect, AIBC
 Member, Discipline Resolution Panel