



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 AMTINDER SINGH BADIAL, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T22-070

CITATION

TO: Amtinder Singh Badial, P.Eng.



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 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 The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA* on February 5, 2021.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 in this Citation are made under the *EGA*, 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 this proceeding.

AND TAKE NOTICE that the allegations against you are that:

1. You have demonstrated unprofessional conduct, or in the alternative, negligence 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 you 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 you knew or ought to have

known that you were not qualified to carry out aspects of the Inspection without qualified supervision.

- b. Failing to consider whether you were required to certify the Concrete Pump as safe for use in accordance with s. 20.48(3) of the *Regulation*, in light of repairs and/or modifications made to the Concrete Pump prior to the Inspection.
- c. 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 you identified as plate-to-plate instead of plate-to-shaft;
 - (ii) Undertaking professional responsibility for supervision of the Repair, in circumstances where you knew or ought to have known that you were not sufficiently qualified to supervise and certify the welding for the Repair;
 - (iii) Failing to inspect the Concrete Pump Log, despite having knowledge that, in addition to the Repair, a section of the boom of the Concrete Pump had been replaced prior to the Inspection;
 - (iv) Failing to take sufficient steps to determine the cause of the deficiency necessitating the Repair;
 - (v) Failing to determine and/or document the material grade of the components requiring the Repair;
 - (vi) Failing to determine or communicate the appropriate welding process for the Repair;
 - (vii) 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;
 - (viii) Failing to confirm that the repair facility, Alliance Concrete Pumps, was qualified to carry out the Repair, either by confirming the qualifications of the Welding Personnel; or by confirming that Alliance Concrete Pumps had an appropriate welding procedure for the Repair; and/or
 - (ix) Failing to confirm that the Repair had been completed in accordance with any applicable repair instructions.

- d. Signing and sealing a Concrete Pump Engineering Inspection report for the Concrete Pump, dated December 31, 2020 (the "Inspection Report"), when you 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:
- (i) Failed to include:
 - 1. The identify of the inspector or the inspector's qualifications;
 - 2. Any reference to s. 20.48 of the *Regulation*;
 - 3. Details regarding the severity, structural significance, or criticality of the identified deficiencies;
 - 4. A description of the repairs completed and the name of the person(s) who performed the repairs; and
 - (ii) Contained false or misleading statements to the effect that:
 - 1. The deficiencies noted in the Inspection Report were "re-inspected with satisfactory results";
 - 2. You had been provided with the Concrete Pump Log as part of the Inspection; and
 - 3. The Concrete Pump met the requirements of s. 20.47 of the *Regulation* and CSA Z151-09.
- e. 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 you:
- (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.
2. The conduct set out above at paragraphs 1 (a)-(e) 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.

3. The conduct set out above at paragraphs 1 (a)-(e) 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.
4. The conduct set out above at paragraphs 1 (d) and (e) 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.

AND FURTHER TAKE NOTICE that you, Amtinder Singh Badial, 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 section 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 section 78 of the *PGA*, in the event you fail to attend or remain in attendance at a discipline hearing under section 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 28 day of September, 2023.

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

<original signed by>

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