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

AND

IN THE MATTER OF JAMES ANDREW RUSSELL, P.ENG. (LICENCE #: 44111)

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T24-021

CONSENT ORDER

Background

1. On March 18, 2026, pursuant to section 66(1) of the *Professional Governance Act,* S.B.C. 2018, c. 47 (the "*PGA*"), the appointed Investigators of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued an investigation report (the "Report") regarding Mr. James Andrew Russell, P.Eng. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the Bylaws of Engineers and Geoscientists BC (the "Bylaws").

2. The Report concerns Mr. Russell's work on three dams at [redacted] near Parksville, BC (the "[redacted] Dams") and the [redacted] Pond Dam located in Victoria, BC.

3. Regarding the [redacted] Dams, Mr. Russell authenticated a dam safety review report dated January 5, 2022 (the "[redacted] DSR"), and reviewed a technical letter titled "Proposed Downstream Improvements – Spillway and Berm Construction" dated May 19, 2023 (the "[redacted] Technical Letter").

4. For the [redacted] Pond Dam, Mr. Russell reviewed a report titled "Downstream Consequences Assessment for [redacted] Dam – D730105-01", dated August 20, 2024 (the "[redacted] Report") that was prepared by another Registrant. Mr. Russell's review was noted to constitute a Type 1 Independent Review of the [redacted] Report.

5. On March 26, 2026, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve Mr. Russell's matter by means of a Consent Order.

6. Engineers and Geoscientists BC and Mr. Russell wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.

7. Mr. Russell consents to the disposition set out below.

Admissions

8. Mr. Russell admits that he committed professional misconduct contrary to the *PGA* in relation to the engineering services he provided on the [redacted] DSR. In particular, Mr. Russell admits that he:

    a. authenticated the [redacted] DSR without adequate professional experience to undertake legislated dam safety reviews ("Dam Safety Reviews");

    b. provided inadequate technical analysis in the [redacted] DSR, including by failing to include:

        i. clear discussion and rationale of the potential consequences of failure categories related to the [redacted] Dams;

        ii. the appropriate inflow design flood;

        iii. complete hydrotechnical, geotechnical, and seismic analyses in accordance with applicable guidelines; and

        iv. sufficient discussion of the potential for internal erosion, including consideration of the presence of mature vegetation on the [redacted] Dams;

    c. failed to thoroughly investigate the soil conditions present at the project site and used inappropriate soil testing methodologies and screening tools for the investigation;

    d. applied his professional seal to the [redacted] DSR that was also

authenticated by another registrant without specifying the extent of his responsibility for the work completed;

e. failed to complete and document a risk assessment of the [redacted] DSR, contrary to section 7.3.6 of the Bylaws;

f. failed to obtain an independent review of the [redacted] DSR, contrary to section 7.3.6 of the Bylaws; and

g. failed to create and retain appropriate project documentation, contrary to section 7.3.2 of the Bylaws.

9. Regarding the [redacted] Technical Letter, Mr. Russell admits that he committed professional misconduct by failing to:

a. ensure that a risk assessment had been completed for the project, contrary to section 7.3.6 of the Bylaws;

b. obtain an independent review of the [redacted] Technical Letter, contrary to section 7.3.6 of the Bylaws; and

c. create and retain adequate and appropriate project documentation, contrary to section 7.3.2 of the Bylaws.

10. Mr. Russell admits that the conduct set out at paragraphs 8 and 9 is contrary to section 7.3.1 of the Bylaws, which states that a professional registrant must have regard for applicable standards, policies, plans and practices established by the government or by Engineers and Geoscientists BC.

11. The conduct set out at paragraphs 8 and 9 is also contrary to certain principles of the Engineers and Geoscientists BC Code of Ethics, attached as Schedule A to the Bylaws (the "Code of Ethics"), namely:

a. Principle 1, which requires that registrants must hold paramount the safety, health and welfare of the public, the protection of the environment and the promotion of health and safety in the workplace.

b. Principle 2, which requires that registrants must practice only in those fields where training and ability make the registrant professionally competent.

c. Principle 3, which requires registrants to have regard for the common law and any applicable enactments, federal enactments or enactments of another province.

d. Principle 4, which requires that registrants must have regard for applicable standards, policies, plans and practices established by the government or Engineers and Geoscientists BC.

e. Principle 11, which requires that registrants clearly identify each registrant who has contributed professional work, including recommendations, reports, statements or opinions.

f. Principle 12, which requires that registrants undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession.

12. Mr. Russell also admits he demonstrated professional misconduct in relation to the engineering services he provided for the [redacted] Report. In particular, Mr. Russell admits he:

    a. failed to ensure that a risk assessment had been completed for the project, contrary to section 7.3.6 of the Bylaws;

    b. undertook a Type 1 Independent Review of the [redacted] Report without the necessary professional experience and qualifications;

    c. failed to complete the Type 1 Independent Review in accordance with Section 3.6 of Engineers and Geoscientists BC's *Guide to the Standard for Documented Review of High-Risk Professional Activities or Work (Version 1.0)*; and

    d. failed to create and retain appropriate project documentation, contrary to section 7.3.2 of the Bylaws.

13. Mr. Russell admits that the conduct set out at paragraph 12 is contrary to section 7.3.1 of the Bylaws, which states that a professional registrant must have regard for applicable standards, policies, plans and practices established by the government or by Engineers and Geoscientists BC.

14. The conduct set out at paragraph 12 is also contrary to certain principles of the Code of Ethics, namely:

    a. Principle 1, which requires that registrants must hold paramount the safety, health and welfare of the public, the protection of the environment and the promotion of health and safety in the workplace.

    b. Principle 2, which requires that registrants must practice only in those fields where training and ability make the registrant professionally competent.

    c. Principle 4, which requires that registrants must have regard for applicable standards, policies, plans and practices established by the government or Engineers and Geoscientists BC.

d. Principle 12, which requires that registrants undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession.

Disposition

15. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.

16. Mr. Russell's registration with Engineers and Geoscientists BC is suspended for a period of four months commencing on November 6, 2026 (the "Suspension Period").

17. Prior to the end of the Suspension Period, Mr. Russell must provide confirmation to Engineers and Geoscientists BC that he has, at his own expense, completed the following educational courses:

    a. The Professional Engineering and Geoscience Practice in BC Online Seminar, as amended from time to time;

    b. The Engineers and Geoscientists BC Retaining Project Documentation Webinar; and

    c. The Engineers and Geoscientists BC Independent Review of High-Risk Professional Activities or Work Webinar.

18. Upon his return to professional engineering practice following the Suspension Period and the completion of the requirements set out at paragraph 17, Mr. Russell is prohibited from performing engineering work in relation to Dam Safety Reviews (the "Practice Restriction"), except under the direct supervision of a professional engineer who is suitably experienced in dam engineering and who is a registrant of Engineers and Geoscientists BC in good standing (the "Supervising Professional"). The Supervising Professional must be approved in writing and in advance by the Registrar of Engineers and Geoscientists BC. The Supervising Professional must provide "direct supervision" as that term is defined in the Quality Management Guides – *Guide to the Standard for Direct Supervision*, which may be amended from time to time (the "Direct Supervision"). If the Supervising Professional is unable to continue to provide the Direct Supervision at any time in the future, a different Supervising Professional may be appointed upon written approval of the Registrar of Engineers and Geoscientists BC. The Supervising Professional must provide to Engineers and Geoscientists BC a written report regarding Mr. Russell's performance every time Mr. Russell performs engineering work in relation to Dam Safety Reviews during the period of Direct Supervision.

19. The Practice Restriction and the Direct Supervision requirement will remain operative until Engineers and Geoscientists BC confirms in writing receipt and satisfaction of the following:

    a. written confirmation that Mr. Russell has completed, at his own expense, the Canadian Dam Association Dam Safety Review Workshop or equivalent coursework pertaining to Dam Safety Reviews as approved in writing by Engineers and Geoscientists BC; and

    b. a report from the Supervising Professional that Mr. Russell has obtained the minimum experiential qualifications for a Qualified Professional Engineer carrying out Dam Safety Reviews as set out in sections 5.2.1 and 5.2.2 of Engineers and Geoscientists BC's *Professional Practice Guidelines for Legislated Dam Safety Reviews in BC* as may be amended from time to time.

20. Twelve months after the conclusion of the Suspension Period, Mr. Russell agrees to undergo a practice review conducted by the Audit and Practice Review Committee of 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.

21. Mr. Russell will pay $3,000 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution towards the legal and investigative costs incurred in this matter.

22. In the event that Mr. Russell fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be, or will remain, suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of this Consent Order

23. 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.

24. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA.*

25. Mr. Russell agrees that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the opportunity to obtain independent legal advice.

26. Mr. Russell 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. Russell and the Investigation Committee this 5th day of November, 2026.

<original signed by>

James Andrew Russell, P.Eng.

<original signed by>

Name of Witness

<original signed by>

Signature of Witness

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

<original signed by>

Per: Allan Dakin, P.Eng.,
Vice-Chair, Investigation Committee