



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

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

and

IN THE MATTER OF KENNETH JOHN MADDOX (LICENSE #17860)

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T21-036

**CONSENT ORDER**

**Background**

1. On April 1, 2024, the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued a Citation to Kenneth John Maddox, pursuant to subsection 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “*PGA*”).
2. In October 2016, Mr. Maddox was retained to design a lock block retaining wall (the “Retaining Wall”) at a residential property in Prince George, BC (the “Project”). Mr. Maddox was the sole engineer involved in the Project.
3. On January 3, 2023, Mr. Maddox resigned his registration with Engineers and Geoscientists BC.
4. Engineers and Geoscientists BC and Mr. Maddox now wish to resolve this matter by way of a Consent Order pursuant to subsection 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
5. Mr. Maddox consents to the disposition set out below.

**Legislation**

6. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C 1996, c.116 (the “*EGA*”) was repealed and replaced by the *PGA*.

7. The conduct in question occurred when the *EGA* was in force. As a result, Engineers and Geoscientists BC has considered Mr. Maddox's conduct pursuant to the *EGA* and the Bylaws and Code of Ethics under the *EGA*. While Mr. Maddox's conduct is considered under the *EGA*, pursuant to subsections 35(2) and 36(1) of the *Interpretation Act*, R.S.B.C 1996, c.238, this matter proceeds procedurally under the *PGA*.

### **Admissions**

8. Mr. Maddox admits that he demonstrated unprofessional conduct contrary to the *EGA* when, in an authenticated December 16, 2016 letter to the builder of the Retaining Wall, he provided the authenticated design and construction notes for the Retaining Wall in circumstances where he designed the Retaining Wall:
  - a. without obtaining or reviewing any applicable geotechnical load data relevant to the design; and
  - b. without performing any design calculations.
9. Mr. Maddox admits that he demonstrated unprofessional conduct contrary to the *EGA* when in a Schedule B Letter of Assurance dated December 21, 2016 (the "Schedule B LOA"), that he authenticated, he assured the City of Prince George that his structural design of the Retaining Wall substantially complied with the British Columbia Building Code 2012 (the "2012 BCBC") and other applicable enactments in circumstances where he designed the Retaining Wall:
  - a. without obtaining or reviewing any applicable geotechnical load data relevant to the design; and
  - b. without performing any design calculations.
10. Mr. Maddox admits that he demonstrated unprofessional conduct contrary to the *EGA* when in a Schedule C-B Letter of Assurance dated April 10, 2017, that he authenticated, he assured the City of Prince George that:
  - a. he had fulfilled his obligations for field review as outlined in Subsection 2.2.7.3, Division C of the 2012 BCBC and in the Schedule B LOA; and
  - b. the structural components of the Retaining Wall substantially complied in all material respects with his design for the Retaining Wall submitted in support of the application for a building permit for the Retaining Wall;

in circumstances where those statements were not true as he had not fulfilled the applicable field review obligations, and as the Retaining Wall as-built did not comply with his design for the Retaining Wall, particulars of which include that the Retaining Wall as-built:

  - i. did not use the vertical lock-block footprint specified in his design;

- ii. did not use a benched lock block at the top of the Retaining Wall as specified in his design;
  - iii. used unsuitable native fill which was not free draining; and
  - iv. did not include a “clay seal” as specified in his design.
- 11. Mr. Maddox admits that he demonstrated unprofessional conduct contrary to the EGA when in a letter sent on April 10, 2017 to the builder and copied to the City of Prince George he stated that during construction he attended site to “insure [sic] the wall followed the intent of the Design” and he stated that the Retaining Wall design changed slightly with his approval including that backfilling was completed with  $\frac{3}{4}$ ” crushed gravel in circumstances where:
  - a.  $\frac{3}{4}$ ” crushed gravel backfill was not the only backfill used;
  - b. the Retaining Wall did not use the vertical lock-block footprint which he had specified;
  - c. a benched lock block specified in his design at the top of the Retaining Wall was not installed; and
  - d. a “clay-seal” was not installed contrary to his design.
- 12. Mr. Maddox admits that contrary to the EGA and in breach of Bylaw 14(b) of the Bylaws of Engineers and Geoscientists BC, as amended October 2014, he failed to establish and maintain documented quality management processes for his design and review of the Retaining Wall since he failed:
  - a. to document field reviews during construction of the Retaining Wall; and
  - b. to have his structural design for the Retaining Wall reviewed by an independent member or licensee having appropriate experience in designing similar structures, or at all, or to document such reviews.

### **Disposition**

- 13. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
- 14. Mr. Maddox’s registration with Engineers and Geoscientists BC is cancelled. Mr. Maddox agrees not to re-apply for registration with Engineers and Geoscientists BC at any time in the future.
- 15. Mr. Maddox will pay \$2,000 to Engineers and Geoscientists BC as a contribution towards the legal and investigative costs incurred in this matter.

**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 of this Consent Order will be published in print and electronic publications, including public communications.
- 17. This Consent Order has the same force and effect as an Order made under section 75(6) of the *PGA*.
- 18. Mr. Maddox agrees that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and he has had the opportunity to obtain independent legal advice regarding the content of this Consent Order.
- 19. Mr. Maddox and Engineers and Geoscientists BC agree that this Consent Order may be executed in counterparts and be delivered as an electronic document

This Consent Order is approved and accepted by Mr. Maddox and the members of the Discipline Resolution Panel of Engineers and Geoscientists BC this 4th day of February, 2025.

<original signed by>  
\_\_\_\_\_  
Kenneth John Maddox

<original signed by>  
\_\_\_\_\_  
Signature of Witness

J Sadgrove  
\_\_\_\_\_  
Name of Witness

<original signed by>  
\_\_\_\_\_  
Neil Cumming, FACI, FEC, P.Eng.  
Member, Discipline Resolution Panel

<original signed by>  
\_\_\_\_\_  
Colin Smith, P.Eng., FCAE, FEC, FGC  
Member, Discipline Resolution Panel

<original signed by>  
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Reshmeena Lalani, CPA, CA  
Member, Discipline Resolution Panel