



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 KENNETH JOHN MADDOX, P.ENG. (RESIGNED)
ENGINEERS AND GEOSCIENTISTS BC FILE NO. T21-036

CITATION

TO: Kenneth John Maddox, P.Eng. (Resigned)

[REDACTED]
[REDACTED]

TAKE NOTICE that a Panel of the Discipline Committee of the Association of 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 The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA* on February 5, 2021.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 the allegations herein 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 in connection with the property at [REDACTED], Prince George, BC (the “Property”), in respect of which you were engaged for the design of a gravity, lock-block retaining wall (the “Retaining Wall”), the allegations against you are that you acted contrary to the *EGA* as follows:

1. You demonstrated unprofessional conduct contrary to the *EGA* when in a sealed December 16, 2016 letter to the builder of the Retaining Wall, you provided the sealed design and construction notes for the Retaining Wall in circumstances where:
 - a. you designed the Retaining Wall:
 - i. without obtaining or reviewing any applicable geotechnical load data relevant to the design;
 - ii. without performing any design calculations; and
 - iii. in reliance on undocumented assumptions regarding geotechnical conditions;
 - b. you lacked sufficient experience or knowledge in the area of geotechnical engineering.
2. You demonstrated unprofessional conduct contrary to the *EGA* when in a Schedule B Letter of Assurance dated December 21, 2016 (the "Schedule B LOA") that you authenticated, you assured the City of Prince George that your structural design of the Retaining Wall substantially complied with the British Columbia Building Code 2012 (the "BCBC") and other applicable enactments in circumstances where you designed the Retaining Wall:
 - a. without obtaining or reviewing any applicable geotechnical load data relevant to the design;
 - b. without performing any design calculations; and
 - c. in reliance on undocumented assumptions regarding geotechnical conditions.
3. You demonstrated unprofessional conduct contrary to the *EGA* when in a Schedule C-B Letter of Assurance dated April 10, 2017 that you sealed you assured the City of Prince George that:
 - a. you had fulfilled obligations for field review as outlined in Subsection 2.2.7.3, Division C of the BCBC and in the Schedule B LOA that you previously submitted to the City of Prince George; and
 - b. the structural components of the Retaining Wall substantially complied in all material respects with your 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 you had not fulfilled the applicable field review obligations and the Retaining Wall as-

built did not comply with your design for the Retaining Wall, particulars of which include that the Retaining Wall as-built:

- i. did not use the vertical lock-block footprint which you had specified;
 - ii. did not use a benched lock block at the top of the Retaining Wall as specified in your design;
 - iii. was not constructed to the specified batter of 7:1;
 - iv. did not use the free draining compacted fill which you specified; and
 - v. a “clay-seal” was not installed contrary to your design.
4. You 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 you stated that during construction you attended site to “insure [*sic*] the wall followed the intent of the Design” and you stated that the Retaining Wall design changed slightly with your 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 you had specified;
 - c. a benched lock block specified in your design at the top of the Retaining Wall was not installed;
 - d. the Retaining Wall was not constructed to the specified batter of 7:1 which you had specified; and
 - e. a “clay-seal” was not installed contrary to your design
5. Contrary to the *EGA* and in breach of Bylaw 14(b) of the APEGBC Bylaws as amended October 2014 (the “Bylaws”), you failed to establish and maintain documented quality management processes for your design and review of the Retaining Wall since you failed:
- a. to retain complete project documentation for the Retaining Wall, including relevant correspondence, data, design revisions, field revisions, quality assurance documents, or other relevant engineering documents for the minimum required period of 10 years;
 - b. to perform regular, documented checks of your engineering work in respect of the Retaining Wall using a written quality control process, or at all;

- c. to document field reviews during construction of the Retaining Wall; and
- d. to have your 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.

AND FURTHER TAKE NOTICE that you, Kenneth John Maddox, P.Eng. (Resigned), have the right, at your own expense, to be represented by legal counsel at the hearing by the Panel of the Discipline Committee pursuant to s. 79 of the *PGA*, and you or your legal counsel will 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 s. 78 of the *PGA*, in the event you fail to attend or remain in attendance at a discipline hearing held under s. 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 Panel of the Discipline Committee could have made in your presence.

DATED this 1st day of April, 2024.

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