

## CONSENT ORDER

This order is issued by a panel of the discipline committee, pursuant to Section 27(4) of the *Foresters Act* and following acceptance of a proposal tendered by a member under ABCFP Bylaw 13.41.

Between

**Association of BC Forest Professionals** ("ABCFP")

and

**Robert John KENDALL** ("KENDALL")

### Background

1. KENDALL has been licensed as a Registered Professional Forester ("RPF") since 1993;
2. Since 1998, KENDALL has been self-employed;
3. In November of 2017, a logging contractor working for KENDALL on private land on Vancouver Island requested that a professional biologist visit the site. The contractor was concerned about the harvesting and road construction that was occurring in the riparian zone adjacent to a salmon-bearing channel and that a documented riparian assessment was not available;
4. On December 6, 2017, the ABCFP received a complaint (#2017-06) regarding KENDALL's role as the forest operations manager responsible for the harvesting;
5. Following an investigation, on January 18, 2019 the ABCFP issued a notice of a pending citation to KENDALL pursuant to section 22(1)(c) and 24(4)(a) of the *Foresters Act*, SBC 2003, c 19 alleging that in his capacity as site foreman, KENDALL contravened multiple bylaws of the ABCFP.

## **Admissions**

6. KENDALL admits that he:
  - a) Failed to ensure that logging operations were conducted only with a completed Riparian Assessment, pursuant to ABCFP Bylaw 11.3.1;
  - b) Attempted to practice not fully within his skill set and expertise, pursuant to ABCFP Bylaw 11.3.7;
  - c) Expressed his opinion based on inadequate knowledge and experience, pursuant to Bylaw 11.3.9; and,
  - d) Failed to only accept those assignments for which he was qualified (or to see assistance from knowledgeable peers of specialist whenever a field of practice is outside the member's competence), pursuant to ABCFP Bylaw 11.5.4.

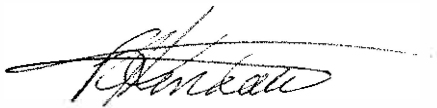
## **Disposition**

7. KENDALL consents to a panel of the Discipline Committee making the following orders under section 27(4) of the Foresters Act:
  - a) That KENDALL commits to no longer oversee or be responsible for planning and harvesting forestry operations in British Columbia, including private and crown land.
  - b) That KENDALL will complete a workshop or module on floodplain and riparian management, acceptable to the ABCFP and within twelve months of the date of this order.
8. KENDALL consents to the publication by the ABCFP on the ABCFP's website and newsletter of the facts in this case, including the full text or summary of a consent order.
9. KENDALL agrees to have his name and the details of the settlement published in a discipline digest.

10. The ABCFP and KENDALL each acknowledge that they have read this document and fully understood the terms of this settlement and voluntarily enter into this agreement for the purposes of making a full and final compromise and settlement of all claims and proceedings arising out of or related to the Complaint;

11. The ABCFP and KENDALL understand that they each have the right to seek independent legal advice and have been encouraged to seek same before signing this agreement.

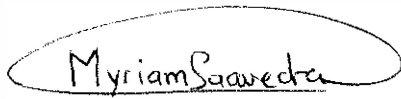
This order is approved and accepted by Mr. KENDALL and the members of the discipline committee panel, effective this 23rd day of May, 2019



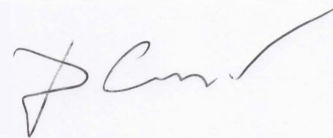
Robert John KENDALL, RPF #2759



Ian JH Brown, RPF  
Chair, discipline panel



Witness



Jim Crover, RPF (Ret)  
Member, discipline panel



Wendy Royle, Lay member  
discipline pane