

**BEFORE THE STATE BOARD FOR PROFESSIONAL ENGINEERS**

**STATE BOARD FOR PROFESSIONAL ENGINEERS \* \***

**V. \* CASE No. 06-PB-24**

**PHILIP A. BURTNER**

**Respondent \* \***

**\* \* \* \* \***

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter came before the State of Maryland Board for Professional Engineers ("Board") based on Respondent Philip Burtner's ("Respondent") August 25, 2023 application to reinstate professional engineer license registration number 05-2317, which expired on July 25, 2021. The Board initiated a complaint against the Respondent on October 4, 2023 alleging that the Respondent signed and sealed several projects in Maryland while unlicensed. The Board also determined that the Respondent's acts and omissions warrant administrative charges, and the matter should proceed to a hearing. To resolve this matter without a formal hearing the Board and the Respondent (collectively "the parties") have agreed to enter into this Consent Order and Settlement Agreement ("Consent Order") to provide for the imposition of disciplinary measures which are fair and equitable in these circumstances and consistent with the best interest of the people of the State of Maryland. The parties agree and stipulate as follows:

1. At all times relevant the Board has had jurisdiction over the Respondent and the subject matter.
2. The Maryland Professional Engineers Act ("Act") provides that before a professional engineer's license expires, a licensee periodically may renew the license for an additional 2-year term if the licensee: is otherwise entitled to be licensed; pays to the Board a licensee fee set by the Board; and submits to the Board a renewal application on the form that the Board provides. See Md. Code Ann., Bus. Occ. & Prof. ("BOP"), §14-314(c).
3. The Board licenses Respondent as a professional engineer, license registration number 05-2317 ("license"). On August 19, 2019, the Board issued a license to the Respondent that expired on July 25, 2021.
4. Under the Act, while the license of an individual is suspended, revoked, or expired, a person may not endorse a document, as provided under BOP §14-4A-02,<sup>1</sup> with the name or seal of the individual. See BOP 14-504(b).

<sup>1</sup> Section 1, ch. 613, Acts 2013, redesignated former §§14-402 and 14-403 of this Article as Subtitle 4A Miscellaneous.

5. Documentation has been received by the Board that shows Respondent signed and sealed project designs after the expiration of his license on the following dates, at times multiple projects on the same date:

- 8/19/2021, Site No. 7HCH453A
- 10/22/2021, Site No. 7BAC242A
- 11/17/2021, Site No. 7WAN179A
- 12/13/2021, Site No. 7HCH510A
- 1/25/2022, Site No. 7BAN572K
- 1/26/2022, Site No. 7BAN660B
- 1/27/2022, Site No. 7BAN581A
- 2/16/2022, Site No. 7WAS718A
- 3/17/2022 (X2), Site Nos. 7SAL174A, 7SAL195A
- 4/6/2022, Site No. 7WAS079B
- 4/12/2022 (X3), Site Nos. 7BAS036A, 7CMB025A, 7HCH014A
- 4/14/2022, Site No. 7BAC002A
- 4/25/2022, Site No. 7BAN766A
- 4/26/2022, Site No. 7WAS221C
- 5/5/2022, Site No. 7CMB078A
- 5/11/2022, Site No. 7SAL175A
- 5/20/2022, Site No. 7SAL009A

6. On August 25, 2023, the Board received the Respondent's application to reinstate and renew the expired license. The Respondent also notified the Board and provided documentation that indicates that after the Respondent's license expired on July 25, 2021, the Respondent signed and sealed twenty (20) projects.

7. To resolve this matter, the Respondent admits, and consents to the entry of an Order finding, that by signing and sealing a document after the Respondent's license expired, the Respondent violated the Maryland Professional Engineers Act, Bus. Occ. & Prof., §§14-317(a)(1)(vii) and 14-504(b) that provide:

**§ 14-317. Denial, suspension, or revocation of license—Grounds.**

(a)(1) *In general.* —Subject to the hearing provisions of § 14-319 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if:

(vii) the applicant or licensee violates any provision of this title.

(2)(i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding \$5,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

1. the seriousness of the violation;
2. the harm caused by the violation;
3. the good faith of the licensee; and
4. any history of previous violations by the licensee.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

**§14-504. Endorsement of Documents.**

(b) *Revoked, suspended, or expired license.* — While the license of an individual is suspended, revoked, or expired, a person may not endorse a document, as provided under §14-402 of this title,<sup>2</sup> with the name or seal of the individual.

8. In connection with the Respondent's violation of BOP §§14-317(a)(1)(vii) and 14-504(b); the Respondent agrees to pay, and the Board agrees to accept, a civil penalty in the amount of five thousand dollars (\$5000.00). The Respondent agrees to pay the civil penalty within thirty (30) days of the date of this Consent Order by certified check, cashier's check, or money order payable to the Maryland Board for Professional Engineers. The Respondent shall mail the check to the Maryland Board for Professional Engineers, Division of Occupational and Professional Licensing, Maryland Department of Labor, 1100 N. Eutaw Street, Fifth Floor, Baltimore, Maryland 21201.

9. The Respondent agrees that he enters this Consent Order knowingly, freely, and voluntarily, having had the opportunity to consult with an attorney at his own expense and of his own choosing. By entering this Consent Order, the Respondent expressly waives the right to an administrative hearing pursuant to BOP §14-319, any further proceedings before the Board to which the Respondent may be entitled in this matter, and any rights to appeal from this Consent Order and Settlement Agreement to any court of competent jurisdiction.

10. The Respondent agrees that this Consent Order fully and finally resolves Case No. 06-PE-24, constitutes the Board's Final Order, and the Board may enforce this Consent Order as a Final Order. The Respondent acknowledges that the Board's records and publications will reflect the violation and the civil penalty imposed on the Respondent.

**BASED UPON THE STIPULATIONS AND AGREEMENTS DESCRIBED ABOVE, IT IS THIS 27 DAY OF November, 2023:**

**ORDERED** that by signing and sealing a document after Respondent's professional engineer license registration 05-23172 expired, the Respondent violated the Maryland Professional Engineers Act, Md. Code Ann., Bus. Occ. & Prof., §§14-317(a)(1)(vii) and 14-504(b), and it is further,

<sup>2</sup> See footnote 1.

