

BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

**BOARD FOR PROFESSIONAL
ENGINEERS**

v.

ALFRED B. CRAIG,
Respondent

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* Agency Case No.: 16-PE-23
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SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Board for Professional Engineers ("Board") as the result of the Board conducting a random audit of Alfred Craig's ("Respondent") license renewal application to determine if the Respondent met the Board's license renewal professional development hour ("PDH") requirements. As a result of the random audit and subsequent investigation, the Board initiated a Complaint. To resolve that Complaint, the Board and the Respondent (collectively "Parties") have agreed to enter into this Settlement Agreement and Consent Order ("Consent Order"), and agree and stipulate as follows:

1. At all times relevant to the Complaint, the Board had jurisdiction over the Respondent, who holds a license issued by the Board to practice engineering ("license") under number 05-18134, and the subject matter of this Complaint.
2. The Maryland Professional Engineers Act ("Act"), codified at Business Occupations and Professions Article ("Bus. Occ. & Prof."), Annotated Code of Maryland §§ 14-101 to 602, provides at Bus. Occ. & Prof. § 14-314(f) that "[t]he Board shall adopt regulations to require a demonstration of continuing professional competency for a licensee as a condition of renewal of a license..."
3. The Board adopted and promulgated such regulations at Code of Maryland Regulations ("COMAR") 09.23.01 to .06, and COMAR 09.23.06.03 sets forth specific requirements as follows:

.03 Requirements

A. A licensee shall complete a minimum of 16 PDH units earned from the participation in and completion of qualifying programs described in Regulation .04 of this chapter as a condition of license renewal in each individual biennial licensing term.

B. A minimum of 1 PDH unit in each individual biennial licensing term shall be earned from the participation in and the completion of qualifying programs with content areas related to the following:

RESPONDENT COPY 2 ORIGINAL

(1) The awareness of ethical concerns and conflicts related to the practice of engineering;

(2) An enhanced familiarity with the code of conduct for professional engineers;

(3) An understanding of standards of practice or care related to the practice of engineering; or

(4) Laws and regulations applicable to the practice of engineering in Maryland.

C. A maximum of 8 PDH units earned in excess of 16 units that are required for a license renewal during the licensing term can be carried forward to apply as credit toward the next individual licensing term.

- 4. The Respondent renewed his Maryland license on December 13, 2022. Immediately following that renewal, he was notified he must comply with an audit of his continuing education (CE). The notification required that he submit evidence that he has complied with the CE requirements within 30 days, January 12, 2023.**
- 5. The Respondent did respond to the audit on January 12, 2023. Licensee submitted 0 hours. Respondent earned 20 hours after his renewal.**
- 6. The Respondent maintains that at least 16 hours were properly earned during 2022; however, Respondent does not have records sufficient to demonstrate 16 hours to the Board's satisfaction. The Respondent agrees and acknowledges that the Respondent violated the Board's PDH requirements by failing to maintain sufficient records to demonstrate certification of completion of the required PDHs.**
- 7. Pursuant to Bus. Occ. & Prof. § 14-317(a)(1)(vi), subject to the hearing provisions of § 14319, the Board may reprimand a licensee, suspend a license, or revoke a license if "the applicant or licensee violates any regulation adopted by the Board..." Pursuant to Bus. Occ. & Prof. § 14-317(a)(2)(i) "[i]nstead 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."**
- 8. Respondent submitted documents to prove completion of 50 PDHs for 2022. However, thus far, the Board has rejected much of the PDHs submitted by Respondent for failure to meet PDH criteria. The Respondent has been able to compile records acceptable to the Board for only 7.5 PDHs for 2022, which is not a sufficient amount of PDHs to satisfy the PDH requirement. To resolve this matter, the Respondent hereby admits to a finding, and consents to the Board entering a reflective Order, that the Respondent violated COMAR 09.23.06.03(A) by failing to provide proof of completion of the PDH requirement for the relevant license term; and requiring that the Respondent:
 - a. Shall within five business days of executing this Consent Order pay a civil monetary penalty made payable to the "Maryland Board for Professional Engineers" in the****

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amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500) by certified check, cashier's check, or money order;

9. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms.
0. The Respondent acknowledges and agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
1. By entering this Consent Order the Respondent, in relation to this matter, expressly waives the right to have charges reduced to writing, to an administrative hearing before the Board or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to any and all other proceedings before the Board or its designee on this matter, and to any rights to appeal from this Consent Order to any court of competent jurisdiction.
2. The Respondent acknowledges and agrees that the Respondent is entering this Consent Order freely, voluntarily, and after having had the opportunity to seek advice of counsel.
3. The Parties acknowledge and agree that this Consent Order will serve as the final resolution of Complaint No. 16-PE-23, serve as the Final Order in this matter, be a part of the Respondent's record that is maintained by the Board, and that the Board's records and publications will reflect the terms of the Consent Order.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 5th DAY OF October, 2023, BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:

- I. **ORDERED** that the Respondent violated COMAR 09.23.06.03(A) by failing to maintain sufficient records to demonstrate certification of completion of 16 PDH hours to the Board's satisfaction; and it is further
- II. **ORDERED** that the Respondent shall within five business days of executing this Consent Order pay a civil monetary penalty made payable to the "Maryland Board for Professional Engineers" in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500) by certified check, cashier's check, or money order; and it is further
- III. **ORDERED** that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms; and it is further
- IV. **ORDERED** that unless otherwise specified in this Consent Order, each provision herein shall remain in effect and enforceable as herein agreed unless the Board in writing stays, modifies, terminates, or suspends it; and it is further

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V. ORDERED that this document shall constitute a Final Order of the Board, and the Board may consider this Settlement Agreement and Consent Order and the facts set forth herein in connection with, and in deciding, any subsequent action or proceeding before the Board, and

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that this Settlement Agreement and Consent Order may, if relevant, be admitted into evidence in any matter before the Board, its designee, and/or any court; and it is further

VI. ORDERED that the Board's records and publications shall reflect that the Respondent and the Board resolved this matter through this Settlement Agreement and Consent Order.

SIGNATURE ON FILE

Alfred B. Craig, Jr., Respondent

9/14/23
Date

SIGNATURE ON FILE

Sallye E. Perrin, Chair
Maryland Board for Professional Engineers

10/05/2023

Date

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