



BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

BOARD FOR PROFESSIONAL ENGINEERS

v.

**FITZROY JERRY BERTRAND,
D/B/A REAL ESTATE SURVEYORS &
DEVELOPERS LLC**

Respondent

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Agency Case No.: 18-PE-18

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SETTLEMENT AGREEMENT AND CONSENT ORDER

On September 18, 2017 the Maryland Board for Professional Engineers (“Board”) initiated a Complaint against Fitzroy Jerry Bertrand (“Respondent”) for allegedly violating the Maryland Professional Engineers Act (“Act”), codified at Business Occupations and Professions Article (“Bus. Occ. & Prof.”), Annotated Code of Maryland §§ 14-101, *et seq.* The Complaint alleged that the Respondent violated the Act by practicing engineering without a license and by practicing engineering through a firm without a permit. After subsequent investigation, the Board determined that administrative charges against the Respondent were appropriate, and to resolve this matter without an administrative hearing, the Board and the Respondent (collectively “Parties”) have agreed to enter this Settlement Agreement and Consent Order (“Consent Order”).

The Parties hereby agree and stipulate as follows:

1. At all times relevant to the matters set forth herein, the Respondent was neither licensed by the Board to practice, attempt to practice, or to offer to practice engineering nor did the Respondent possess a permit issued by the Board to operate a business through which engineering services are performed or offered.
2. At all times relevant hereto the Board had, and continues to have, jurisdiction over all relevant subject matter and persons related to this Complaint.
3. On or about September 23, 2015, the Respondent through his business, Real Estate Surveyors & Developers LLC, entered a contract to provide engineering services to Preddie and Associates, and those services included the creation of an “Existing Condition Plan”, a “Site & Utility Plan per PG County requirements”, a “Sediment & Erosion Control Plan”, and a “Storm Water Management Plan & Calculations” for a property located at 4111 Danville Road, Brandywine, MD.
4. That in his October 11, 2017 response to the Complaint, the Respondent explained and provided supporting documentation evidencing that a Board licensed professional engineer, Mahesh Adhikari (PE #37638), provided the agreed upon engineering services through Bhuma Engineering, LLC.

5. That despite a Board licensed professional engineer providing the engineering services, the Respondent needed to possess a permit to provide, or to offer to provide, the engineering services that he contracted to provide through Real Estate Surveyors & Developers LLC on or about September 23, 2015.

6. Based on the above described facts, the Respondent acknowledges and admits that his actions violated Bus. Occ. & Prof. § 14-501.1, which provides as follows:

§ 14-501.1. Practicing without permit – Corporation, partnership, or limited liability company

Except for a professional engineer who operates a business as a sole practitioner, a person may not operate a business through which engineering services are performed or offered to be performed unless:

(1) the business is a corporation, partnership, or limited liability company; and

(2) the corporation, partnership, or limited liability company holds a permit issued by the Board.

7. To resolve this matter, the Respondent agrees and consents to the Board entering an Order requiring that:

a. The Respondent immediately pay a ONE THOUSAND DOLLAR (\$1,000) civil monetary penalty to the Board by certified check, cashier's check, or money order made payable to the "Maryland Board for Professional Engineers"; and

b. That the Respondent will refrain from operating any business in Maryland through which engineering services are performed or offered to be performed unless and until the Respondent becomes authorized by the Board to do so.

8. The Respondent acknowledges and agrees that in all future relevant activities he will abide by the provisions of the Act and applicable regulations.

9. The Respondent acknowledges and agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.

10. 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.

11. The Respondent acknowledges and agrees that he is entering into this Consent Order freely, knowingly, and voluntarily and after having had the opportunity to seek advice of counsel.

12. The Parties acknowledge and agree that this Consent Order will serve as the final resolution of Complaint No. 18-PE-18, 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 18th DAY OF December 2018, BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:

- I. **ORDERED** that the Respondent violated Bus. Occ. & Prof. § 14-501.1; and it is further
- II. **ORDERED** that the Respondent shall immediately pay a ONE THOUSAND DOLLAR (\$1,000) civil monetary penalty to the Board by certified check, cashier's check, or money order made payable to the "Maryland Board for Professional Engineers"; and it is further
- III. **ORDERED** that the Respondent shall refrain from operating any business in Maryland through which engineering services are performed or offered to be performed unless and until the Respondent becomes authorized by the Board to do so; 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
- 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 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.

AGREED

Fitzroy Jerry Bertrand, Respondent

Date

12/18/2018

Original Signed

Original Signed

Steven a. Arndt, P.E., Chair
Maryland Board for Professional Engineers

Date

12-18-18