

STATE BOARD
FOR PROFESSIONAL ENGINEERS

v.

ARTHUR F. TUCKER

* BEFORE THE STATE BOARD
* FOR PROFESSIONAL ENGINEERS
* CASE NO.: 18-PE-58

CONSENT ORDER

This matter comes before the State Board for Professional Engineers ("the Board") as the result of the renewal application of Arthur F. Tucker ("Respondent"), with License No. 05-32211. Based on an audit performed by the Board of the Respondent's continuing education hours in connection with this application for renewal, the Board initiated this complaint. As a means of resolving the matter, the Board and the Respondent have agreed to enter into this Consent Order, and agree and stipulate to the following:

1. The Respondent applied for the renewal of his professional engineer's license on July 17, 2017. The original expiration date for the license was August 11, 2017. At the time of the application, the Respondent certified that he had completed the hours required for the renewal of his license. The Board approved the renewal application.
2. Upon applying for the renewal of his license, the Respondent was notified of an audit of his continuing education hours or professional development hours ("PDHS"). As part of the audit, the Respondent was asked to provide documentation of the PDHS required for the renewal of his license.
3. In response to the audit, the Respondent provided documentation that he had completed 18 of the 24 PDHS required prior to applying for the license and in support of his application.

4. In order to comply with the continuing education requirements of the Maryland Professional Engineers Act, Sections 14-101 *et seq.*, Business Occupations and Professions Article, Maryland Annotated Code (the "Act") and the Board's regulations contained in the Code of Maryland Regulations ("COMAR") at 09.23.06.03A, the Respondent must have completed 24 PDHs and one PDH in the area of professional ethics. The Respondent did not have all of the required PDHs at the time he applied to renew the license.

5. In order to resolve this matter with the Board, the Respondent acknowledges a violation of the continuing education requirements of the Board and agrees to pay a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00) in connection with the violation. The penalty will be paid in two equal installments, with the first installment of Seven Hundred Fifty Dollars (\$750.00) to be paid at the time the Respondent executes this Consent Order and the second installment to be paid within thirty (30) days thereafter.

6. The Respondent has obtained the additional 6 hours needed, including one hour in the area of professional ethics, towards the 24 PDHs required.

7. The Respondent waives the right to have charges issued against him by the Board in this matter and an administrative hearing on the charges and potential sanctions and at which time the Respondent would have the opportunity to present a defense to the charges of a violation of the Act and the Board's regulations at COMAR 09.23.06.03A.

8. The Respondent enters into this Consent Order freely, voluntarily, and having had the opportunity to consult with counsel.

9. The Respondent agrees that if he fails to comply with the terms of this Consent Order, his professional engineer's license will immediately be suspended by the Board, without a hearing prior to the imposition of the suspension, and that the

suspension will continue until the Board determines that the Respondent has evidenced compliance with the terms of the Consent Order.

10. The Respondent and the Board understand that this Consent Order will serve as the final resolution of this matter.

11. This Consent Order will be part of the Respondent's licensing record maintained by the Board.

WHEREFORE, based on these stipulations and agreements, it is hereby this 22 day of Feb, 2018, ORDERED by the State Board for Professional Engineers:

- I. That the Respondent will abide by the Act in his future practice;
- II. That the Respondent violated the provisions of COMAR 09.23.06.03A;
- III. That the Respondent shall pay a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00) in connection with the violation, and that the penalty will be paid in two equal installments, with the first installment of \$750.00 to be paid upon the execution of this Consent Order by the Respondent and the second installment to be paid within thirty (30) days thereafter;
- IV. That in the event the terms and conditions of this Consent Order are not met by the Respondent, upon written notice by the Board, the Respondent's license will be immediately suspended and remain suspended until such time as the Respondent evidences to the Board that he has complied with the terms of the Order; and
- V. That the records of the Board shall reflect this matter was resolved by the terms of this Consent Order.

Signature on file

Signature on file

Arthur E. Tucker
Respondent

Chairman
State Board for Professional
Engineers

