

BEFORE THE STATE BOARD FOR PROFESSIONAL ENGINEERS

STATE BOARD FOR PROFESSIONAL ENGINEERS *

V. *

CASE No. 42-PE-23

COLLIN C. OATMAN,

Respondent *

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter came before the State of Maryland Board for Professional Engineers ("Board") based on Respondent Collin C. Oatman's ("Respondent") March 12, 2023 application to reinstate the Respondent's professional engineer license registration number 05-54748, which had expired on August 5, 2021. The Board initiated a complaint against the Respondent on June 8, 2023 alleging that the Respondent signed and sealed a project in Maryland after the Respondent's license expired on August 5, 2021, and also determined that the Respondent's acts or omissions warrant administrative charges. 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(e).

3. On August 5, 2019, the Board issued a license to the Respondent that expired on August 5, 2021. The Respondent did not apply to renew that license before the expiration date. On March 12, 2023 the Board received an application from the Respondent seeking to reinstate and renew the license and issued the Respondent a license that expired on August 5, 2023.

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-02,¹ with the name or seal of the individual. See BOP 14-504(b).

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

5. On December 12, 2022, Respondent signed and sealed documents related to a Maryland project although on that date the Respondent did not hold a current Maryland license.

6. On May 5, 2023, the Respondent notified the Board that he allowed the license to expire on August 5, 2021 because he did not believe he would have further need to hold a Maryland license. The Respondent further explained that when the Respondent received a Maryland project on December 8, 2022, the Respondent accessed the Maryland Department of Labor's website to apply for reinstatement and renewal of the Respondent's Maryland license and believed the Board had reinstated and renewed the license. The Respondent further explained that the Respondent discovered on March 10, 2023 that the Board had not renewed and reinstated the expired license on December 8, 2022 as the Respondent believed.

7. To resolve this matter, the Respondent admits, and consents to the entry of an Order finding, that by signing and sealing a document related to a Maryland project 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,² 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 THREE HUNDRED DOLLARS (\$300.00). 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

² See footnote 1.

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. 41-PE-23, 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 15th DAY OF AUGUST, 2023:

ORDERED that by signing and sealing a document after Respondent's professional engineer license registration 05-54748 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,

ORDERED that in connection with the violation the Respondent shall pay a civil penalty of THREE HUNDRED DOLLARS (\$300.00) in accordance with paragraph 8 of this Consent Order, and it is further

ORDERED that the Respondent has expressly waived 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; and it is further

ORDERED that the Board's records and publications shall reflect the violation and the civil penalty imposed on the Respondent.

STATE BOARD FOR PROFESSIONAL ENGINEERS
SIGNATURE ON FILE

By: _____
Chairperson
SIGNATURE ON FILE

AGREED:

2023-08-15
Date

Collin C. Oatman, Respondent