

BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

BOARD FOR PROFESSIONAL  
ENGINEERS

v.

RONALD JOSEPH KELLY,  
*Respondent*

Agency Case No.: 12-PE-23

\* \* \* \* \*

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Board for Professional Engineers ("Board") as the result of the Board reviewing Ronald Joseph Kelly'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 review of the application, the Respondent's failure to produce proof of any PDHs earned during the prior biennial licensing term and prior to the application for renewal, and a 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 05-20683, and the subject matter of this Complaint.
2. The Maryland Professional Engineers Act ("Act"), codified at Md. Code Ann., Business Occupations and Professions Article ("Bus. Occ. & Prof."), §§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:

- (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 license online on October 28, 2022 for a two-year period beginning October 28, 2022 and ending December 27, 2024. When the Respondent applied for license renewal, the Respondent did not submit any of the required PDHs. The Respondent was immediately notified by the Board that he must comply with an audit of his continuing education (CE). The notification required that the Respondent submit evidence that he had complied with his CE requirements within thirty (30) days, or by November 27, 2022.
5. When the Respondent did not respond to the Board's notification by November 27, 2022, the Board sent a second notification on November 29, 2022.
6. In response to the second notification, the Respondent e-mailed the Board's staff on December 21, 2022 and attached certificates for CE earned after October 28, 2022 – not during the prior biennial licensing term - as follows:

Program	Provider	Date	PDHs
Brick Veneer/Steel Stud Wall Design	PDHOnline.com	12/21/22	4
Cold Form Steel X-Brace Design	PDHOnline.com	12/20/22	4
Design Short Span Steel Bridges	PDHOnline.com	12/20/22	3
An Overview of Cold-Formed Steel Structures	PDHOnline.com	12/20/22	2
Slab-on-Grade Reinforcing Design	PDHOnline.com	12/20/22	1
Basement Wall Repair Using Grip-Tite Wall Anchors	PDHOnline.com	12/20/22	2
Maryland Laws and Rules	PDHOnline.com	12/20/22	2
Light Wood-Frame Shaft Wall Detailing for Code Compliance and Constructability	WoodWorks	12/13/22	1.5
		<b>Total</b>	<b>18.5</b>

7. Upon receipt of the Respondent's submission, the Board referred the matter to its Complaint Committee for charges.
8. The Respondent agrees and acknowledges, that by failing to provide the documentation required to establish the completion of the required PDH during his prior biennial licensing term, he has failed to comply with the Board's continuing professional competency requirements.
9. Pursuant to Bus. Occ. & Prof. §14-317(a)(1)(vi), subject to the hearing provisions of §14-319, 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."
10. 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 09.23.06.09(A) by failing to comply with the Board's continuing professional competency requirements and that requires that the Respondent:
  - a. Shall immediately upon 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 (\$1,500) by certified check, cashier's check, or money order;
  - b. Shall within thirty (30) days of executing this Consent Order, complete sixteen (16) allowable PDHs, of which one (1) shall be COMAR 09.23.06.03(B) compliant, and all of which will only be applicable to the license term that ended on October 28, 2022;
  - c. Shall within thirty (30) days of executing this Consent Order, provide documentation to the Board, that the Board in its sole discretion finds satisfactory, and that certifies that the Respondent completed the sixteen (16) PDHs required in the above subparagraph;
  - d. Shall not use, or attempt to use, any of the sixteen (16) PDHs completed pursuant hereto towards any future PDH obligations; and
  - e. Shall mail or deliver the PDH completion documentation referenced above to:

Attn: Executive Director  
Board for Professional Engineers  
Maryland Department of Labor  
1100 N. Eutaw Street, Fifth Floor  
Baltimore, Maryland 21201

11. 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.
12. The Respondent acknowledges and agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
13. 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.
14. The Parties agree that a waiver of any of the rights or duties provided herein must be in writing. Any such waiver constitutes a one-time waiver on a case-by-case basis and not a waiver of this entire agreement or the subject provision(s) unless otherwise explicitly stated in writing.
15. The Parties intend that this Consent Order represents the final expression of the Parties' intent and agreement between the Parties relating to the subject matter of this Consent Order. The Parties further intend that this Consent Order contains all the terms the Parties agreed to on the subject matter of this Consent Order, and intend for this Consent Order to replace all the Parties' previous discussions, understandings, and agreements relating to the subject matter.
16. The Respondent hereby agrees and acknowledges that the Respondent is entering this Consent Order knowingly, voluntarily, and freely, and after having had the opportunity to consult with private counsel prior to entering this Consent Order.
17. The Parties acknowledge and agree that this Consent Order will serve as the final resolution of Complaint No. 12-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 13 DAY OF September, 2023, BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:**

- I. **ORDERED** that the Respondent violated that the Respondent violated COMAR 09.23.06.09(A); and it is further
- II. **ORDERED** that the Respondent shall immediately upon 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 (\$1,500) by certified check, cashier's check, or money order; and it is further

- III. **ORDERED** that the Respondent shall within thirty (30) days of executing this Consent Order, complete sixteen (16) allowable PDHs, of which one (1) shall be COMAR 09.23.06.03(B) compliant, and all of which will only be applicable to the license term that ended on October 28, 2022; and it is further
- IV. **ORDERED** that the Respondent shall within thirty (30) days of executing this Consent Order, provide documentation to the Board, that the Board in its sole discretion finds satisfactory, and that certifies that the Respondent completed the sixteen (16) PDHs required in the above subparagraph; and it is further
- V. **ORDERED** that the Respondent shall not use, or attempt to use, any of the sixteen (16) PDHs completed pursuant hereto towards any future PDH obligations; and it is further
- VI. **ORDERED** that the Respondent shall mail or deliver the PDH completion documentation ordered herein to: Attn: Executive Director, Board for Professional Engineers, Maryland Department of Labor, 1100 N. Eutaw Street, Fifth Floor, Baltimore, Maryland 21201; and it is further
- VII. **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
- VIII. **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
- IX. **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
- X. **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.

**MARYLAND BOARD FOR  
PROFESSIONAL ENGINEERS  
SIGNATURE ON FILE**

 Sallye E. Perrin, P.E., Chair

AGREED:

SIGNATURE ON FILE

8/22/23  
Date

Ronald Joseph Kelly

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