

BEFORE THE MARYLAND STATE BOARD FOR PROFESSIONAL ENGINEERS

**STATE BOARD FOR PROFESSIONAL
ENGINEERS**

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v.

CASE No. 24-PE-23

RICHARD CHARLES BARRIOS,
Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter came before the Maryland State Board for Professional Engineers (“Board”) based on the application by the Respondent, RICHARD CHARLES BARRIOS (“Respondent”), to reinstate professional engineer license registration number 05-19499, which expired on January 5, 2022. The Board initiated a complaint against the Respondent alleging that the Respondent signed and sealed two projects in Maryland while unlicensed. 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”)(codified at Title 14 of the Business Occupations & Professions Article (“BOP”) of the Maryland Annotated Code) 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* BOP §14-314(c).
3. The Board licenses Respondent as a professional engineer, license registration number 05-19499 (“license”). On December 2, 2019, the Board issued a license to the Respondent that expired on January 5, 2022. The Respondent did not apply to renew the license before the expiration date.
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 the Act at 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 27, 2022, the Board received the Respondent's application to reinstate and renew the expired license.

6. Pursuant to the Board's consideration of the Respondent's reinstatement request, the Board instructed the Respondent to provide documentation regarding all projects that he signed and sealed in Maryland since his license expired.

7. In response to the Board's inquiry, the Respondent provided documentation that he signed and sealed, as a licensed engineer, two (2) sets of engineering drawings for projects in Maryland after his license expired. Specifically, on October 18, 2022, Respondent signed and sealed engineering drawings for a project at Arundel High School, 1001 Annapolis Road, Gambrills, Maryland and for a project at Glen Burnie High School, 7550 Baltimore Annapolis Boulevard, Glen Burnie, Maryland.

8. To resolve this matter, the Respondent admits, and consents to the entry of an Order finding, that by signing and sealing two sets of engineering drawings after the Respondent's license expired, the Respondent violated the Act at BOP §§14-317(a)(1)(vii) and 14-504(b) which 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 §14-402² of this title, with the name or seal of the individual.

9. 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 six hundred dollars (\$600.00). 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 money order payable to the Maryland State Board for Professional Engineers.

10. 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.

11. The Respondent agrees that this Consent Order fully and finally resolves Case No. 24-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 10th DAY OF January, 2024:

ORDERED that by signing and sealing two (2) documents after Respondent's professional engineer license registration 05-19499 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 six hundred dollars (\$600.00) in accordance with paragraph 9 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.

² See footnote 1.

**MARYLAND STATE BOARD FOR
PROFESSIONAL ENGINEERS**

By: **SIGNATURE ON FILE**

Phairnerson /

AGREED:

Date

12/18/2023

SIGNATURE ON FILE

Richard Charles Barrios, Respondent