

BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

**BOARD FOR PROFESSIONAL
ENGINEERS**

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Case No.: 34-PE-23

v.

FRANK ROSCOE,
Respondent.

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SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter arose from a complaint filed by Sharon L. Cohen (“Complainant”) with the Maryland Board for Professional Engineers (“Board”) on or about May 24, 2023 (Complaint No. 34-PE-23). The complaint alleges that Mr. Frank Roscoe (“Respondent”) a professional engineer in Maryland with Registration No. 05-11028, provided faulty documentation and professional services, and ultimately did not demonstrate the standard of care expected under Maryland laws and regulations. The Board investigated the complaint. Based on the investigation, the Board opened Complaint No. 34-PE-23 against Respondent alleging the Respondent violated the Maryland Professional Engineers Act (“Act”), Md. Code Ann., Bus. Occ. & Prof. (“BOP”), §§ 14-101, *et seq.* warranting administrative charges. To resolve this matter without a formal administrative hearing, the Board and the Respondent (collectively “Parties”) enter this Settlement Agreement and Consent Order (“Consent Order”) to provide for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interest of the people of the State of Maryland. The Parties hereby agree and stipulate as follows:

1. At all relevant times, the Board has had jurisdiction over the subject matter and the Respondent.
2. On or about May 24, 2023 the Board received Complaint No. 34-PE-23 from Complainant alleging that Respondent did not exercise due standard of care under Maryland laws and regulations. The Board opened an investigation based on the complaint.
3. Complainant hired Respondent, and Respondent’s company Integrity Structural Engineering, in 2020 to develop plans for the construction of a 6 foot high retaining wall on Complainant’s property.
4. On May 7, 2022, the retaining wall constructed on Complainant's property based on Respondent’s specifications collapsed.
5. It is alleged that Respondent’s measurements in their diagram of the retaining wall were inaccurate. Furthermore, allegations suggest that Respondent’s specifications for the retaining wall lacked sufficient footings, and the posts indicated by Respondent in their

specifications did not provide the required support for the retaining wall. Ultimately leading to the retaining wall's collapse.

6. Based on the investigation, the Board determined the Respondent's actions warrant administrative charges.

7. Based on the above-described facts, the Respondent acknowledges and admits that his actions violated Bus. Occ. & Prof. §14-317(a)(1)(iv), Code of Maryland Regulations (COMAR) 09.23.03.01.01 and 09.23.03.03.03, which provide:

MD Code, BOP §14-317(a)(1)(iv)

(a)(1) 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:

(iv) the applicant or licensee is guilty of gross negligence, incompetence, or misconduct while practicing engineering;

COMAR 09.23.03.01.01 Responsibility to the Public

A licensee shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the licensee's professional judgement is overruled under circumstances when the safety, health, property, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences.

COMAR 09.23.03.03.03 Competency for Assignments Undertaken or Approved.

A. In practicing engineering, a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skills which are ordinarily applied by professional engineers of good standing, practicing in the same field of engineering.

B. A licensee may undertake to perform engineering assignments only when qualified to do so by education or experience, or both, in the specific field of engineering involved.

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8. 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."

9. 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 FIVE HUNDRED (\$1,500) civil monetary penalty to the Board by certified check, cashier's check, or money order made payable to the "Maryland Board for Professional Engineers,"

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

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

12. By entering this Consent Order the Respondent expressly waives the right to have the 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.

13. 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.

14. The Parties acknowledge and agree that this Consent Order serves as the final resolution of Complaint No. 34-PE-23, serves as the Final Order in this matter, 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 _____ DAY OF _____, 2024 BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:

ORDERED that the Respondent violated Bus. Occ. & Prof. §§ 14-317(a)(1)(iv), COMAR 09.23.03.01.01 and 09.23.03.03.03; and it is further

ORDERED that the Respondent, by certified check, cashier's check, or money order made payable to the "Maryland Board for Professional Engineers" shall immediately pay a ONE THOUSAND DOLLAR FIVE HUNDRED (\$1,500) civil monetary penalty to the Board; and it is further

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

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

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.

STATE BOARD FOR PROFESSIONAL ENGINEERS

Signature-on-File

By:

[Redacted Signature]

Chairperson

AGREED:

11/14/24
Date

Signature -on-File

[Redacted Signature]

Frank Roscoe, Respondent



\$ 1,500.00

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