

**BEFORE THE STATE BOARD FOR PROFESSIONAL ENGINEERS**

STATE BOARD FOR PROFESSIONAL ENGINEERS \*  
V. \* CASE No. 37-PE-2023  
KENNETH A. WATTERS, II \*  
2053 West Woodbine Road \*  
Airville, PA 17302 \*  
Respondent  
\* \* \* \* \* \* \* \* \* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter came before the State of Maryland Board for Professional Engineers (“Board”) based on Respondent Kenneth A. Watters, II (“Respondent”) March 21, 2023 application to reinstate his professional engineer license registration number 05-25802 that had expired on January 31, 2023. The Respondent reported to the Board that after the Respondent’s license expired on January 31, 2023, the Respondent continued to sign and seal projects, an activity that violates the Maryland Professional Engineers’ Act (“Act”), Md. Code Ann., Bus. Occ. & Prof. (“BOP”), Title 14. The Board determined that administrative charges against the Respondent are appropriate and the matter should proceed to a formal hearing.

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 which are 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 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* BOP §14-314(c).
- 3. The Respondent is a Maryland licensed professional engineer, license registration number 05-25802. The Board originally issued a license to the Respondent on or about January 31, 2001. On January 31, 2021, the Board issued a license to the Respondent that expired on January 31, 2023. The Respondent did not submit a renewal application and pay the required renewal fee to the Board before that license expired.

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,<sup>1</sup> with the name or seal of the individual. *See* BOP 14-504(b).

5. The Respondent signed and sealed the following fifteen (15) projects after the Respondent's license expired on January 31, 2023:

- (1) 02/02/2023 - Signed and Sealed Multi-Story Residential Building Stair Submittal for Prime Builder Services  
Job Location: 5614 New Design Road, Frederick Maryland  
KW #: 23-001 Job Name: **Crestwood Manor**
- (2) 02/03/2023 - Signed and Sealed Residential Structural Calculations Report for Conits Group INC.  
Job Location: 300 Warren Street, Havre De Grace, MD 21078  
KW #: 23-005 Job Name: **Conits Group INC.**
- (3) 02/10/2023 – Signed and Sealed Construction Drawings for Levin/Brown & Associates, Inc.  
Job Location: Some Street USA, Baltimore MD 21236  
KW #: 22-051 Name: **Eric Weinstein Residence**
- (4) 02/23/2023 - Signed and Sealed Light Commercial Stair Submittal for Modu-Tech  
Job Location: 609 Baltimore Avenue, Towson, MD 21204  
KW #: 22-098 Job Name: **Prologue Public Outreach Center**
- (5) 03/09/2023 - Signed and Sealed General Conformance Letter for Will Garneau Residence  
Job Location: 1426 John Street, Baltimore, MD 21217  
KW #: 22-107 Job Name: **Garneau Res.**
- (6) 03/09/2023 - Signed and Sealed House Addition Plans for New Edge Contractors  
Job Location: 6013 Bauman Drive, Elkridge, MD 21075  
KW #: 23-011 Job Name: **Davis Res.**
- (7) 03/13/2023 - Signed and Sealed Truss Alteration Report for Triangle Liquor  
Job Location: 1600 Conowingo Road, Rising Sun, MD 17315  
KW #: 23-008 Job Name: **Triangle Liquor**
- (8) 03/16/2023 - Signed and Sealed Residential Building Stair Submittal for Bruce L. Jones Contractor Co.  
Job Location: Mount Villa Parkway, Ellicott City, MD 21043  
KW #: 22-126 Job Name: **Villa Apartments**

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

- (9) 03/16/2023 - Signed and Sealed Calculations Report for Horizon Homes LLC.  
Job Location: 1984 Albert Rill Road, Hampstead, MD 21074  
KW #: 23-036 Job Name: **Miller Res.**
- (10) 03/17/2023 - Signed and Sealed Calculations Report for The Residences of White Marsh LLC.  
Job Location: Bucks School House Road District, White Marsh, MD 21237  
KW #: 23-020 Job Name: **The Residences of White Marsh LLC.**
- (11) 03/20/2023 - Signed and Sealed Strut Design Plans for Steam Collaborative LLC.  
Job Location: Children's National 4500 Forbes Blvd, Lanham, MD 20706  
KW #: 22-109 Job Name: **Children's National**
- (12) 03/24/2023 - Signed and Sealed Truss Alteration Report for Building Works LTD.  
Job Location: 515 Leister Church Road, Westminster, MD 21157  
KW #: 23-046 Job Name: **515 Leister Church Road**
- (13) 03/30/2023 - Signed and Sealed Structural Calculations Report for K&A Contracting  
Job Location: 1610 West Old Liberty Road, Sykesville, MD 21784  
KW #: 23-015 Job Name: **1610 West Old Liberty Road**
- (14) 04/03/2023 - Signed and Sealed Stair Calculations Report for Burkentine & Sons Builders  
Job Location: 41 Wtrr Lane, Westminster, MD 21158  
KW #: 23-021 Job Name: **Abbey Place**
- (15) 04/05/2023 - Signed and Sealed Truss Alteration Report for Paragon Construction  
Job Location: 1850 Pleasantville Road, Forest Hill, MD 21050  
KW #: 23-051 Job Name: **Paragon Construction**

6. On March 21, 2023, the Respondent submitted an application to the Board to reinstate and renew his expired license. The Board selected the Respondent for a random audit to confirm compliance with continuing education requirements. In response to the audit, on March 23, 2023, the Respondent provided proof of completion of the required continuing education requirements.

7. On or about April 13, 2023, the Respondent reported that he had signed and sealed fifteen (15) projects after his license expired on January 31, 2023.

8. The Respondent admits, and consents to the entry of an Order finding, that by signing and sealing fifteen (15) projects after the expiration of his license, the Respondent violated BOP §§14-317(a)(1)(vii) and 14-504(b), which 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,<sup>2</sup> with the name or seal of the individual.

9. The Respondent acknowledges the Board’s authority to impose a penalty of up to \$5000 for each violation or up to \$75,000.

10. Upon consideration of the seriousness of the violations, the harm caused by the violations, the good faith of the Respondent, and any history of previous violations by the Respondent, in connection with the Respondent’s violations of BOP §§14-317(a)(1)(vii) and 14-504(b), the Board agrees to accept a civil penalty in the amount of seventeen hundred dollars (\$1700.00) to resolve this matter without a hearing.

11. The Respondent agrees to pay the \$1700.00 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 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.**

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<sup>2</sup> See footnote 1.

12. 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 into 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.

13. The Respondent agrees that this Consent Order fully and finally resolves Case No. 37-PE-2023, 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 5<sup>TH</sup> DAY OF JUNE, 2023:**

**ORDERED** that by signing and sealing fifteen (15) projects after the Respondent's professional engineer license registration number 05-20546 expired on January 31, 2023, 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 seventeen hundred dollars (\$1700.00) in accordance with paragraph 11 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.

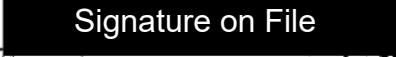
**STATE BOARD FOR PROFESSIONAL ENGINEERS**

By:   
Chairperson

AGREED:

Date

6/5/23

  
Kenneth A. Watters, II, Respondent