

BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

**BOARD FOR PROFESSIONAL
ENGINEERS**

v.

SCOTT KEITH EDELMAN,
Respondent

Agency Case No.: 42-PE-23

* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Board for Professional Engineers ("Board") as the result of the Board conducting a random audit of Scott Keith Edelman's ("Respondent") license renewal application to determine if the Respondent met the Board's license renewal professional development hour ("PDH") requirements in accordance with the Maryland Professional Engineers Act ("Act"), Md. Code Ann. Bus. Occ. & Prof. ("BOP") §§14-101 to 602, and related regulations, Code of Maryland Regulations ("COMAR") 09.23.01.01 to 09.23.06.15. As a result of the audit and subsequent investigation, the Board initiated a Complaint against Respondent. To resolve that Complaint, the Board and the Respondent (collectively "Parties") have agreed to enter into this Settlement Agreement and Consent Order ("Consent Order"). The Parties agree and stipulate as follows:

1. At all relevant times the Board had, and continues to have, jurisdiction over the subject matter and the Respondent, License Registration Number 05-17213.
2. The Act 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 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. COMAR 09.23.06.04 identifies what constitutes a qualifying program and provides at subpart C. that “[t]he determination of whether the activity constitutes a qualifying activity is within the discretion of the Board.”

5. Further, COMAR 09.23.06.08(A)(1) provides that “[t]he responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.”

6. The Respondent’s most recent prior license period began on November 16, 2020 and expired on January 13, 2023.

7. On December 8, 2022, the Respondent applied for a license renewal certifying that Respondent had completed the required 16 PDHs by the application date. The Board approved the renewal of Respondent’s license based upon Respondent’s certification.

8. When the Respondent submitted the renewal application, the Board initiated a random audit to confirm that the Respondent had completed the PDH requirements. The Board then requested that the Respondent provide documentation for the PDHs that the Respondent had certified completing.

9. To satisfy the audit, the Respondent needed to evidence PDHs completed between November 11, 2020 and December 8, 2022, in addition to evidencing any carry-forward credits claimed from the prior license term.

10. In response to the audit, on February 9, 2023 the Respondent submitted course completion certificates from NASFMA 2022 reflecting 12 PDHs completed during the audit timeframe.

11. On June 27, 2023, the Board opened a Complaint against the Respondent based on his failure to complete 4 of the required PDHs during the prior renewal period.

12. On August 16, 2023, the Respondent submitted an additional certificate from ASFPM 2022 reflecting 12 PDHs completed during the audit timeframe and explained he had also completed an AECOM required ethics training for 1.6 PDHs.

13. After review of the additional submissions, the Board determined that the AECOM required ethics training Respondent completed does not meet the requirements in COMAR 09.23.06.03B.

14. Pursuant to Bus. Occ. & Prof. §14-317(a)(1)(vi), and subject to the hearing provisions of BOP §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...”

15. The Respondent agrees and admits that the Respondent violated Bus. Occ. & Prof. §14-317(a)(1)(vi) by failing to comply with COMAR 09.23.06.03B during the license term ending on January 13, 2023.

16. 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.”

17. The Respondent upon learning that the AECOM Ethics Course was not acceptable on August 16, 2023 took an ethics course worth 3 PDHs and supplied the certificate on August 16, 2023. One PDH of the ethics course can be applied to the previous year and another PDH can be applied to 2024 licensing.

18. To resolve this matter, the Respondent hereby admits to a finding that the Respondent violated Bus. Occ. & Prof. §14-317(a)(1)(vi) by violating COMAR 09.23.06.03(A), and consents to the Board entering a reflective Order requiring that:

- a. Respondent shall pay to the Board a civil monetary penalty in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) by certified check, cashier's check, or money order made payable to the “Maryland Board for Professional Engineers” within thirty (30) days of signing this Consent Order.

19. The Respondent agrees that should Respondent fail to pay the civil monetary penalty as agreed herein, the Board shall automatically suspend the Respondent's license without a hearing, and that the suspension shall continue until the Respondent provides satisfactory evidence to the Board that Respondent has fully complied with this Consent Order's terms.

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

21. By entering this Consent Order, the Respondent waives the right to have the administrative 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 all other proceedings before the Board or its designee on this matter, and to all rights to appeal from this Consent Order to any court of competent jurisdiction.

22. The Parties agree that a waiver of any of the rights or duties provided herein must be explicit and in writing, and that any waiver constitutes a one-time waiver on a case-by-case basis and not a waiver of this entire Consent Order or the subject provision(s).

23. The Parties agree no provision of this Consent Order shall be interpreted for or against any Party by reason that said Party, or their legal representative, drafted all or any part hereof.

24. The Parties agree that this Consent Order represents the final expression of their intent and agreement relating to the subject matter of this Consent Order. The Parties further agree 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.

25. The Respondent hereby agrees and acknowledges that the Respondent enters this Consent Order knowingly, voluntarily, and intelligently having read this Consent Order in full and after either having consulted with or after having had the opportunity to consult with private counsel.

26. The Parties agree and acknowledge that this Consent Order shall serve as the final resolution of Complaint No. 42-PE-23 serve as the Final Order in this matter, be a part of the Respondent's record the Board maintains, and that the Board's records and publications shall reflect the Consent Order's terms.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 19 DAY OF October, 2023, BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:

ORDERED that the Respondent violated Bus. Occ. & Prof. § 14-317(a)(1)(vi); and it is further

ORDERED that by certified check, cashier's check, or money order made payable to the "Maryland Board for Professional Engineers" within thirty (30) days of signing this Consent Order the Respondent shall pay to the Board a civil monetary penalty of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500); and it is further

ORDERED that if the Respondent fails to comply with the terms of this Consent Order, the Board will immediately and automatically suspend Respondent's license without a hearing, 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

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 Consent Order shall constitute the Board's Final Order and the Board may consider this 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 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 Consent Order.

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

Chair

AGREED:

SIGNATURE ON FILE

Oct 9, 2023

Date

Scott Keith Edelman, Respondent