

BEFORE THE STATE BOARD FOR PROFESSIONAL ENGINEERS

**STATE BOARD FOR PROFESSIONAL
ENGINEERS**

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**BEFORE THE STATE BOARD
FOR PROFESSIONAL ENGINEERS**

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v.

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CASE NO.: 16-PE-03

AARON M. BODENSCHATZ

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RESPONDENT

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CONSENT ORDER

This matter comes before the State Board for Professional Engineers (the "Board") based upon the application of Aaron M. Bodenschatz (the "Respondent") to reinstate his professional engineer's license which expired on April 20, 2015. An audit of the Respondent's continuing education credits revealed that he had not fulfilled the Board's CPC requirement for renewal. Prior to a hearing being scheduled in the matter, the Board and the Respondent decided to resolve this matter by consent and agree to the execution of this Consent Order as the final settlement of this case.

IT IS STIPULATED BY THE PARTIES THAT:

1. The Respondent was licensed by the Board to practice engineering in the State under License No. 37066. The Respondent's license to practice expired on April 20, 2015.
2. The Respondent applied to reinstate his expired license on April 21, 2015. On the renewal/reinstatement application, the Respondent was required to certify that he had completed the 24 hours of continuing professional competency credits (CPCs) in order to be eligible for the reinstatement or renewal of his license.
3. At the time of his application for reinstatement, a random audit was conducted by the Board of the Respondent's CPC credits. The audit revealed that the Respondent had not fulfilled the requirement of 24 professional development hours or PDHs prior to applying to renew the license and reporting on the application that he met the Board's continuing education requirement.
4. Pursuant to the Boards regulations contained in the Code of Maryland Regulations ("COMAR") at 09.23.06.03, a licensee must have taken a minimum of 18 PDH units in a Category A program, and 6 PDH units in a Category B program in order to renew or reinstate a license.
5. The failure of the Respondent to complete the CPC requirements prior to applying for reinstatement or renewal of his license is a violation of Title 14, Section 14-317(a)(1)(vi) of

the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.23.06.03A.

6. Upon notice of the audit, the Respondent obtained the necessary PDH units in order to comply with the CPC requirement for reinstatement of the license.

7. The Respondent agrees to pay a civil penalty in the amount of Seven Hundred Dollars (\$700.00) in connection with a violation of COMAR 09.23.06.03 and Section 14-317(a)(1)(vi) for making the certification regarding CPC on his application prior to obtaining all of the required credits.

8. The Respondent understands that prior to the Board taking administrative action against him for an apparent violation, he has a right to have charges issued against him and a formal hearing before the Board at which time he would have the opportunity to present a defense to the charges. The Respondent agrees to waive the right to the issuance of a statement of charges and a formal hearing on the charges.

9. The Respondent agrees to this Consent Order willingly and voluntarily and after having had the opportunity to consult with a private attorney regarding the terms.

10. The Respondent agrees that if he fails to comply with the terms of this Consent Order, the Respondent's professional engineer's license will immediately be suspended by the Board, without a hearing on the suspension, and that the suspension will continue until the Respondent evidences compliance with the terms of the Consent Order.

11. The Respondent and the Board understand that this Consent Order will serve as the Final Order in this matter and be a part of the Respondent's licensing record maintained by the Board. The Board's records and publications will reflect the terms of the Consent Order.

12. The Respondent agrees to abide by the provisions of the Maryland Professional Engineers Act, Title 14, BOP Article, Sections 14-101 *et seq.*, and the provisions contained in COMAR at 09.23.06., regarding the Continuing Professional Competency Requirements.

BASED ON THE STIPULATIONS OF THIS CONSENT ORDER AND THE FACTS AND CIRCUMSTANCES OF THIS MATTER, IT IS THIS 30th day of November 2015, BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS, ORDERED:

1. That the Respondent has violated Section 14-317(a)(1)(vi) Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.23.06.03A;

2. That the Respondent shall pay a civil penalty of Seven Hundred Dollars (\$700.00) in connection with the violations within 30 days of the date of this Consent Order;

3. That should the Respondent fail to pay the civil penalty within 30 days of the date of the Consent Order, the Respondent's license will be immediately suspended, without a hearing on the

suspension, and remain suspended until the Respondent evidences that he has complied with the terms of the Consent Order; and,

4. That, in consideration of the terms and conditions of this Consent Order, the Board approves the application for the reinstatement of the Respondent's professional engineer's license; and

5. That this Consent Order shall serve as the Final Order in this matter and that the records of the Board shall reflect the terms of this Consent Order.

Signatures on File

—
Aaron M. Bodenschatz, Respondent

Signatures on File

Chairman
STATE BOARD FOR PROFESSIONAL ENGINEERS