

STATE BOARD  
FOR PROFESSIONAL ENGINEERS

v.

FRANCIS J. KERNAN JR.

Respondent

\* \* \* \* \*

\* Before the  
\* State Board for Professional  
\* Engineers

\* Agency Case No.: 17-PE-26

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**CONSENT ORDER**

This matter comes before the State Board for Professional Engineers (the “Board”) as the result of an audit of the Continuing Professional Competency (“CPC”) requirements conducted by the Board in connection with the 2016 reinstatement application of Francis J. Kernan Jr. (“Respondent”) license no. 05-30337. As a means of resolving this matter, the Board and the Respondent have agreed to enter into this Consent Order, and agree and stipulate to the following:

1. The Respondent’s professional engineer’s license expired on July 12, 2016.
2. The Respondent submitted an application for the reinstatement of his expired license on July 19, 2016.
3. Pursuant to Section 14-315, Business Occupations and Professions Article, Maryland Annotated Code, and 09.23.06 of the Code of Maryland Regulations (“COMAR”) the Respondent was required to complete 24 hours of continuing education prior to applying for reinstatement of his license on July 19, 2016.
4. On July 19, 2016, the Respondent was notified that he was the subject of an audit of his CPC hours and was required to provide certificates of completion of the hours to the Board within 30 days of the date of the audit.

5. The audit revealed that the Respondent failed to complete the minimum number of required CPC hours before submitting his application for reinstatement but certified on his application that the CPC requirement had been fulfilled.
6. The Respondent's failure to obtain all the required CPC hours before submitting his application for reinstatement is in violation of Section 14-315 of the Business Occupations and Professions Article, Maryland Annotated Code, and COMAR 09.23.06.
7. The Respondent agrees to pay a fine in the amount of seven hundred dollars (\$700) for failing to complete the CPC requirements before submitting his application for reinstatement.
8. The Respondent agrees to pay the fine with acceptance of this Consent Order.
9. The Respondent agrees to complete 24 hours of continuing education acceptable to the Board, including 1 hour of professional engineering ethics within 30 days of this Consent Order.
10. The Respondent agrees to provide to the Board the original certificates or transcripts showing completion of the continuing education within 30 days of acceptance of this Consent Order.
11. The Respondent waives the right to the issuance of a statement of charges and a formal hearing on the charges in this matter and where the Respondent would have the opportunity to present a defense to the charges of a violation of Section 14-315 of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.23.06.

12. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, the Respondent'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 Consent Order.

13. 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 that is maintained by the Board. The Board's records and publications will reflect the terms of the Consent Order.

**WHEREFORE, based on these stipulations and agreements, it is hereby this**

8<sup>th</sup> day of December, 2016, **ORDERED** by the State Board for

**Professional Engineers:**

- I. **That** the Respondent has violated Section 14-317(a)(1)(vi) of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.23.06.03 for failing to meet the minimum requirements of CPC before submitting his application for reinstatement;
- II. **That** the Respondent shall pay a fine of seven hundred dollars (\$700) in connection with the violation upon acceptance of this Consent Order;
- III. **That** the Board shall reinstate Respondent's professional engineer's license upon execution of this Consent Order and payment of the fine;
- IV. **That** the Respondent shall complete 24 hours of continuing educating acceptable to the Board, including 1 hour of professional engineering ethics, and provide to the

Board original certificates or transcripts verifying completion of the continuing education within thirty (30) days of the acceptance of this Consent Order;

V. **That** in the event the terms and conditions of this Consent Order are not met by the Respondent, the Board shall immediately suspend the Respondent's professional engineer's license, without a hearing on the suspension, and that the suspension will continue until such time as the Respondent evidences compliance with the terms of this Consent Order; and,

VI. **That** the records of the Board shall reflect that this matter was resolved with this Consent Order.

Signature on file

Francis J. Kernan Jr., Respondent

12/2/16  
Date

Signature on file

Chairman, State Board for U  
Professional Engineers

12/8/16  
Date