

BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

BOARD FOR PROFESSIONAL
ENGINEERS

*

Case No.: 08-PE-23

*

v.

*

MIKE MANTUA,

Respondent.

*

* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter arose from a complaint filed on or about August 1, 2022 by John O'Connor, PE Lic. Reg. No. 05-30264 ("Mr. O'Connor") with the Maryland Board for Professional Engineers ("Board") (Complaint No. 02-PE-23). Mr. O'Connor alleged that George Moehrle Masonry, Inc. duplicated and affixed his Professional Engineer's seal ("PE seal") onto a structural drawing absent Mr. O'Connor's knowledge or authorization. The Board investigated Mr. O'Connor's complaint. Based on the investigation, on or about November 3, 2022 the Board opened Complaint No. 08-PE-23 against Mike Mantua, Senior Operations Manager with George Moehrle Masonry, Inc. ("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 September 27, 2022, the Board received Complaint No. 02-PE-23 from John O'Connor, a licensed professional engineer, Lic. Reg. No. 05-30264 alleging that George Moehrle Masonry, Inc. had duplicated and affixed his PE seal onto structural drawings without his knowledge or authorization.
3. George Moehrle Masonry, Inc. employs the Respondent as its Senior Operations Manager.
4. The Board conducted an investigation of Mr. O'Connor's complaint. During an interview with the Board's investigator, the Respondent admitted that while supervising the building of Hillsmere Elementary School in Anne Arundel County, Maryland ("Hillsmere project"), along with approximately thirteen (13) other unrelated projects, he became aware that structural drawings that contained new calculations for the Hillsmere project required an engineer's stamp. The Respondent instructed Assistant Project Manager Glen Feldstein ("Mr. Feldstein") to affix Mr. O'Connor's PE seal to the structural drawings. Mr. Feldstein followed the

Respondent's instructions. The Respondent further advised the Board's investigator that he had disciplined Mr. Feldstein by issuing a written warning on July 22, 2022. The Respondent took full responsibility for his actions.

5. During an interview with the Board's investigator, Mr. Feldstein confirmed that based on the Respondent's instructions he duplicated Mr. O'Connor's PE seal from a .pdf file and affixed it on the Hillsmere project structural drawings. Mr. Feldstein took full responsibility for his actions.

6. Based on the investigation, on November 3, 2022 the Board opened Complaint No. 08-PE-23 against the Respondent and determined the Respondent's actions warrant administrative charges.

7. Based on the above described facts, the Respondent acknowledges and admits that his actions violated BOP §§ 14-503 and 14-504, which provide:

14-503. Using license of another; impersonating professional engineer.

A person may not:

- (1) Use or attempt to use the license of another individual; or
- (2) Impersonate another individual who holds a license.

14-504. Endorsement of documents.

- (a) Unauthorized persons. – Other than a professional engineer who obtains a seal as authorized under this title, a person may not use or attempt to use a seal.

* * *

8. 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 DOLLAR (\$1,000) civil monetary penalty to the Board by certified check, cashier's check, or money order made payable to the Maryland Board for Professional Engineers, and
- b. The Respondent refrain from using or attempting to use the license of another individual and refrain using or attempting to use a professional engineer's seal.

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

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

11. 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.

12. 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.

13. The Parties acknowledge and agree that this Consent Order serves as the final resolution of Complaint No. 08-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 1 DAY OF MAY, 2023 BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:

ORDERED that the Respondent violated BOP §§ 14-503 and 14-504; 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 (\$1,000) civil monetary penalty to the Board; and it is further


ORDERED that the Respondent shall refrain from using or attempting to use the license of another individual and will not use or attempt to use a professional engineer's seal; 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

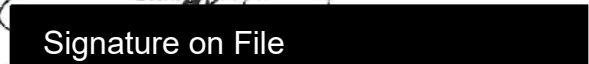
By:  Signature on File

Chairperson

AGREED:

5/1/23

Date

 Signature on File

Mike Mantua, Respondent