

BEFORE THE STATE OF MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

BOARD FOR PROFESSIONAL  
ENGINEERS

v.

RAZVAN COSTIN NAE,  
*Respondent*

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Agency Case No.: 17-PE-23

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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 Razvan Constin Nae’s (“Respondent”) license renewal application to determine if the Respondent met the Board’s license renewal professional development hour (“PDH”) requirements in accord with the Maryland Professional Engineers Act (“Act”), codified at Md. Code Ann. Business Occupations and Professions Article (“BUS. OCC. & PROF.”) §§ 14-101 to 602, and related regulations, codified at 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. To resolve that Complaint, the Board and Respondent (collectively “Parties”) have agreed to enter into this Settlement Agreement and Consent Order (“Consent Order”), and agree and stipulate as follows:

1. At all relevant times the Board had, and continues to have, jurisdiction over the subject matter of this Complaint and Respondent, who holds a license issued by the Board to practice engineering (“license”) under number 05-38938.
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. Respondent’s most recent prior license period began on January 6, 2021, and expired on January 16, 2023.
7. On November 28, 2022, Respondent applied for a license renewal and certified having completed the required PDHs as of that application date. The Board approved the renewal based upon that certification.
8. When Respondent submitted the renewal application, the Board initiated a random audit to confirm that Respondent had completed the PDH requirements. The Board then requested that Respondent provide documentation for the PDHs that Respondent had certified completing.
9. To satisfy the audit, Respondent needed to evidence 16 PDHs completed between January 6, 2021 and November 28, 2022, in addition to evidencing any carry-forward credits claimed from the prior license term.
10. In response to the audit, on November 28, 2022 Respondent submitted course completion certificates for PDHs purportedly completely during the audit timeframe. The Board reviewed the documentation Respondent submitted and determined Respondent did not meet the requirements for renewal as he had submitted proof of completing only 4 PDHs acceptable to the Board and needed an additional 12 PDHs to meet the requirement. By letter dated January 11, 2023, the Board required Respondent to submit the PDHs earned

since Respondent's last renewal. On January 23, 2023, Respondent submitted additional documentation.

11. The Board allowed PDHs Respondent submitted as follows:

Provider	Course Title	Date	Allowed	Earned After Renewal
Vector	Introduction to Net Zero Buildings	1/22/2023		2
Vector	Ethics	1/22/2023		1
Vector	Critical Facilities – Emergency Electric Power	1/22/2023		2
Vector	2020 NEC Changes	1/22/2023		2
Kohler	Generator 102	8/10/2022	1	
Kohler	Codes & Standards Applicable to Generator Sets	6/8/2022	1	
Kohler	Generator 101	2/16/2022	1	
Kohler	Sizing 101	3/9/2022	1	
GHT	Future of MEP	4/2/2022	1	
GHT	Project Management Meeting	1/12/2022	1	
GHT	Electrical Characteristics	7/27/2022	1	
GHT	Relational vs Transactional PM Approach	12/8/2021	1	
GHT	Basics of DOAS	4/6/2022	1	
GHT	MEP Section Head Training	5/18/2022	1	
		<b>Total</b>	<b>10</b>	<b>7</b>

12. In its discretion, the Board did not allow the 7 PDHs that were earned after Respondent submitted his renewal application on November 28, 2022.
13. On February 9, 2023, the Board opened a Complaint against Respondent based on his failure to complete 6 of the required 16 PDHs during the prior renewal period.
14. Pursuant to Bus. Occ. & Prof. § 14-317(a)(1)(vi), and subject to the hearing provisions of § 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. Respondent agrees and admits to a 6 PDH deficiency and that Respondent violated Bus. Occ. & Prof. § 14-317(a)(1)(vi) by failing to meet the PDH requirements for the license term ending on January 16, 2023, as required by COMAR 09.23.06.03(A).
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. To resolve this matter, Respondent hereby admits to a finding that 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. Within thirty (30) days of signing this Consent Order, 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."
  - b. Respondent shall not use or attempt to use for any future license renewal, any of the 7 PDHs submitted to the Board on January 23, 2023 that Respondent completed after submitting his renewal application on November 28, 2022.
18. Respondent agrees and acknowledges that failure to pay the civil monetary penalty as agreed herein shall result in the immediate and automatic suspension of Respondent's license without a hearing, and that the suspension shall continue until Respondent has provided evidence satisfactory to the Board that evidences full compliance with this Consent Order's terms.
19. Respondent agrees and acknowledges that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
20. By entering this Consent Order, Respondent in relation to this matter waives the right to have 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.
21. 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).
22. 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.
23. 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.
24. Respondent hereby agrees and acknowledges that 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.

25. The Parties agree and acknowledge that this Consent Order shall serve as the final resolution of Complaint No. 17-PE-23, serve as the Final Order in this matter, be a part of Respondent's record that is maintained by the Board, and that the Board's records and publications shall reflect the Consent Order's terms.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 3 DAY OF May, 2023, BY THE STATE BOARD FOR PROFESSIONAL ENGINEERS HEREBY:**

- I. **ORDERED** that Respondent violated Bus. Occ. & Prof. § 14-317(a)(1)(vi); and it is further
- II. **ORDERED** that within thirty (30) days of signing this Consent Order, 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"; and it is further
- III. **ORDERED** that Respondent shall not use or attempt to use for any future license renewal, any of the 7 PDHs submitted to the Board on January 23, 2023 that Respondent completed after submitting his renewal application on November 28, 2022; and it is further
- IV. **ORDERED** that if Respondent fails to comply with the terms of this Consent Order, Respondent's license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that Respondent has evidenced compliance with the Consent Order's terms; and it is further
- V. **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
- VI. **ORDERED** that this document shall constitute a Final Order of the Board, 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
- VII. **ORDERED** that the Board's records and publications shall reflect that Respondent and the Board resolved this matter through this Consent Order.

MARYLAND BOARD FOR  
PROFESSIONAL ENGINEERS

By

Signature on File

Chair

AGREED:

5/3/2023

Date

Signature on File

Razvăn Constantin Nae, P.E., Respondent