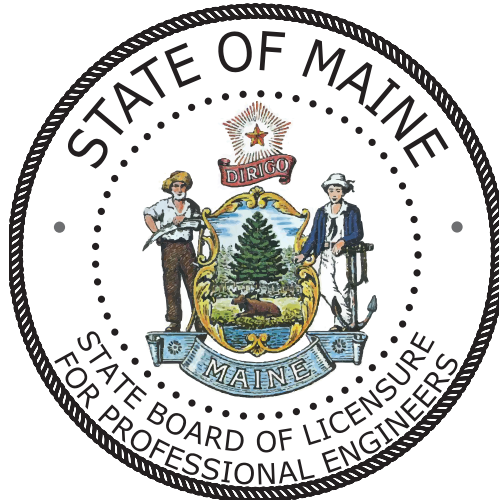


Title 3 § 956. Program Evaluation Report



STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS

Submitted to the

COMMITTEE ON
INNOVATION, DEVELOPMENT,
ECONOMIC ADVANCEMENT AND BUSINESS

November 2019

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A. Enabling or authorizing law

The State Board of Licensure for Professional Engineers (Board) was established by the Legislature in 1935 through the enactment of RL. 1935, chapter 189. The Board is currently authorized under Title 32, Chapter 19 Maine Revised Statutes Annotated (32 M.R.S.A. Section 1251 through Section 1362).

The explicit mission of the Board is to safeguard the life, health and property of the public through the regulation of the practice of engineering in Maine. The Board fulfills this mission by establishing and maintaining professional standards and by verifying the qualifications of anyone practicing or offering to practice the profession of engineering in Maine.

In addition, the Board is governed by The Maine Administrative Procedures Act, 5 M.R.S.A. Chapter 375 and other relevant chapters in Title 5 and Title 10.

There are currently no known federal mandates related to professional engineering licensure.

B. Program Description

Under its enabling statute the Board is authorized to examine applicants and certify Engineer-Interns or license Professional Engineers who meet qualifications; to renew licenses upon payment of specified fees; to maintain a roster of all licensed professional engineers; to make rules not inconsistent with state laws relating to professional engineers; and to investigate complaints of alleged violations of such laws and rules, conduct hearings, subpoena witnesses and institute disciplinary action as warranted.

Every state and possession of the United States has a similar board that licenses and regulates professional engineers. Coordination with other state boards occurs through membership in the National Council of Examiners for Engineering and Surveying (NCEES) and board member and staff participation in NCEES committee work as well as regional and national meetings. NCEES designs and administers the national examinations in engineering.

Through NCEES, Maine has a voice in the creation and modification of Model Laws and Rules, and in shaping policy nationally and internationally regarding professional engineering licensure. NCEES was established by state licensing boards in 1920 with the goal of increasing licensure mobility, and through establishing standardized testing and licensure requirements, and the recognition of consistent accreditation and certification, professional engineers licensed in Maine have their qualifications recognized and can receive licensure in other jurisdictions.

Licensure of Professional Engineers (32 M.R.S.A. Section 1352-A)

As of November 1, 2019, there are 6,729 professional engineers licensed in Maine. Of that total, 1,989, or slightly less than 30%, are Maine residents. Most of the non-resident professional engineers are from within the United States and Canada.

During FY 2019, the Board licensed 397 professional engineers. Of those, 77 were first-time

licensees who qualified for initial professional engineer licensure after passing the PE examination here in Maine. Most initial licensure candidates are graduates of engineering programs in Maine and are resident or employed in Maine.

There were 320 professional engineers licensed in Maine after first being licensed in other jurisdictions. Of those applicants, 309 submitted an NCEES Record with their application and received an expedited approval process because their credentials have been reviewed and verified in advance by NCEES.

When an application is received by the Board, the staff compiles all documentation consisting of verification of licensure (for applicants who are licensed in other jurisdictions), letters of reference, verification of engineering work experience, verification of education, and verification of required examinations passed. Once the documentation is assembled, each application is reviewed twice to determine that it complies with the requirements for licensure, and applicants are notified of licensure decisions.

All Maine PE licenses expire on the last day of each odd-numbered year. Renewal is completed online through the InforME online licensure renewal system and automatically updates the ALMS system.

The online roster is a database of licensees maintained in the ALMS database, publicly accessible through the Board website and updated moment by moment. Licensees can access the database directly to update their contact information, renew their license, and print out copies of their license.

A licensee who has terminated the active practice of engineering may apply for retired status, which allows them to use the credential “PE, Retired” after their name on correspondence. A professional engineer in retired status may not practice engineering or use any credential in any manner that the public could interpret to be the offer of or the practice of professional engineering services.

Certification of Engineer Interns (32 M.R.S.A. Section 1352-A).

An Engineer-Intern Certificate is granted to applicants who provide proof of a four-year degree from an engineering, engineering technology or an allied science program and who have passed the NCEES Fundamentals of Engineering (FE) examination. The FE exam is a computer-based examination administered year-round. In FY 2019, 193 candidates took the FE exam in Maine and 119 received a passing result.

Administration of Examinations (32 M.R.S.A. Sections 1352-A, 1354).

The Board uses NCEES to administer professional examinations. A passing score on the NCEES Fundamentals of Engineering (FE) examination is required to certify as an Engineer-Intern, and a passing score on the NCEES Principles and Practice of Engineering (PE) or Structural Engineering (SE) examination is required for licensure as a Professional Engineer (PE). All jurisdictions use the NCEES examinations, although a few jurisdictions also give a supplemental examination related to localized issues, such as: earthquakes, wind loads, soil issues, and prolonged cold.

Process and Investigate Complaints (32 M.R.S.A. Sections 1256, 1306 and 1356).

Complaints must be signed and in writing and are received from the public, from other licensing boards, and from other licensees. Complaints can be against a licensee for violation of statute or rule or against a non-licensee for unlicensed practice of engineering. Complaints of unlicensed practice are referred to the Office of the Attorney General for disposition. More information and complaint history can be found in APPENDIX A.

Professional Development (32 M.R.S.A. Section 1364).

Legislation passed during the first session of the 121st Legislature requires Licensees to obtain 30 hours of professional development every two years beginning with the licensure biennium ending on December 31, 2005. The Board conducts random audits of renewing licensees to determine compliance with the PDH requirements.

(1) Established priorities

- a. Over several years the highest priority has been performing the function of the Board within the financial challenges imposed by existing fee structure and budget allocations. DAFS figures indicated the budget could not be sustained past FY23.
- b. The Board continues to adopt technology to increase efficiency, reduce paper, streamline application processes, and simplify licensure.
- c. Increase the number of people taking the NCEES Fundamentals of Engineering (FE exam). That number dropped from approximately 400 per year to less than 100 per year when the FE exam moved to computer-based testing in 2014.

(2) Performance measures

- a. The budgets themselves served as the measure and the Board has been able to end most fiscal years with a budget surplus.
- b. The ultimate question is whether the process is simpler for the licensees, which is difficult to quantify; however, applicants report that they find Maine to have less complicated applications and less overall paperwork.
- c. NCEES reports the numbers of individuals taking the FE exam, and the Board reviews those reports.

(3) Assessment by agency

- a. Stopping printing and mailing the roster and newsletter significantly reduced some of the largest costs in the budget. Some of those reductions were offset by initial technology costs, but over time those will pay off with reduced ongoing expenses. The recent fee increase that went into effect on September 8, 2019, will allow the Board to rebuild cash reserves and it is estimated that the cash reserves will reach the desired level of having

one year of operating budget in reserve within five to six years.

- b. The Board has adopted technology to increase efficiency, reduce paper, and streamline application processes. The Board reduced the number of pages in each application; an increasing number of licensees renew online; and the Board is working to create an online initial licensure to reduce the amount of paper handled by staff. A challenge to tracking open application times is the fact that applications tend to arrive piecemeal, with little to no staff control over when an application is completed. Once complete, most applications can be processed within 7-10 days.
- c. The number of individuals taking the Fundamentals of Engineering (FE exam) has climbed to roughly half of the pre-2014 numbers. To help increase those numbers, staff and Board members speak to engineering classes and student groups every year about professional engineering licensure. Some of the engineering departments at UMaine now require the FE exam, which enables the students to use student loan money to cover that expense.

C. Organization and Staffing

The Board is comprised of seven members. The Governor appoints five professional engineers and one public member for staggered five-year terms. The seventh member is the Chief Engineer of the Department of Transportation, who serves ex-officio. Board members must be citizens of the United States and residents of Maine. Each engineer board member must have practiced for at least 12 years and been in responsible charge of engineering work for at least 5 years. Board members elect a chair and a vice-chair from their membership each year.

The Board holds five regular meetings each year, in January, March, June, August, and November. Other meetings may be scheduled as required to conduct board business. The Chair appoints board members to committees to perform the work of the board between meetings.

The Board employs two full-time staff members, an Executive Director and a Supervisor of Licensing, who staff the office and handle the administration of the Board's business.

The Executive Director (EA31) reviews applications, makes recommendations concerning applicant qualifications to the Board, schedules board meetings, creates the agenda and minutes, and carries out the directives of the Board. The Executive Director coordinates the processing of complaints and serves as a member of the Complaint Committee with the Complaint Officer and the Assistant Attorney General assigned to the Board. The Executive Director prepares biennial budgets and work plans and oversees the administration of the board office. The Executive Director works with the Chair and the Executive Committee between Board meetings. The Executive Director represents the Board before the Legislature and with other state agencies, and files reports and budgets as required.

The Supervisor of Licensing (9317) is responsible for the day-to-day licensing activities, including compiling licensure applications, application review, data entry, deposits, and financial

record-keeping, as well as responding to licensure inquiries and maintaining the online database.

The Organizational Flow Chart can be found in APPENDIX B.

D. Repealed [2013, c. 307, §3 (RP).]

E. Financial Summary (32 M.R.S.A. Section 1307)

The Board is funded solely from fees generated from licensees, which are placed in a dedicated fund by the State Treasurer. 32 M.R.S.A. Section 1353 authorizes a licensure fee not to exceed \$200. 32 M.R.S.A. Section 1357 authorizes a licensure renewal fee not to exceed \$200.00 annually. Fees are established in the Board Rules, 02-322 C.M.R. Ch. 5, Application and Licensure Fees.

The current fee schedule is as follows:

1. The application fee for Engineer-Intern certification is \$25.00.
2. The application fee for Professional Engineer licensure is \$50.00.
3. The licensure fee for Professional Engineer licensure is \$120.00 per 2-year licensure (\$60.00 per year).
4. The fee for renewal of licensure is \$120.00 per 2-year licensure renewal.
5. The late fee for renewal applications received after the licensure expiration date is \$50.00.
6. The fee for renewal of retired status is \$20.00 per 2-year retired status renewal.

The Board's income and expenses for the past ten years are summarized in the table in APPENDIX C. Revenues vary from year to year because the Board is on a two-year licensure cycle, and most revenue is collected in one year and then allocated over the two-year budget cycle.

Because the Board is entirely supported by fees, unallocated cash reserves must be available to fund potential events like a lengthy investigation or an adjudicatory hearing. The Board did not raise fees for several years, which led to the depletion of cash reserves as costs climbed. Recent DAFS cash projections showed that by FY23 the Board would have had a negative cash balance. The Board increased fees by rulemaking effective September 8, 2019, which alleviates that concern. With the recent fee increase, indications are that within five or six years the Board should be back at the preferred cash balance of one year of operating expenses.

The Board contributes to the General Fund through fines collected and periodic fund transfers through PFR as directed by the Legislature.

F. Repealed [2013, c. 307, §4 (RP).]

G. Coordination with other Agencies

The Board is affiliated with the Department of Professional and Financial Regulation and receives support in several areas from the Commissioner and PFR staff. The Board also communicates with departments and agencies that have programs related to engineering or the use of professional engineers including other licensing boards, the MaineDOT, DEP, and the Office of State Fire Marshall.

The Board supports the ALMS licensing system and shares costs and resources through PFR with other Maine licensing boards.

The Board maintains membership in the National Council of Examiners for Engineering and Surveying (NCEES). Board members participate in NCEES activities and serve on national committees with other member boards from all fifty states, the District of Columbia, and the US territories. This facilitates the reciprocal licensure process and helps assure minimum standards of competence to practice. Board members also maintain membership in state and national engineering societies. These efforts keep the Board informed of trends and activities in the engineering profession.

The practice of engineering is governed in each state by a state board. NCEES is a national organization made up of the state boards that regulate the practice of engineering and surveying. NCEES has developed a Model Law and Model Rules which are provided as a standard that states may followed in developing their statutes and rules. Individuals practicing engineering in any state must be licensed in that state. Maine residents who practice engineering in other states must become licensed in those states. Non-residents who practice in Maine are required to be licensed in Maine. Professional Engineers that meet the criteria of the NCEES Model Law can receive an expedited licensure process in most jurisdictions.

H. Constituencies Served

The Board serves and protects the public by regulating the practice of engineering, and by limiting the approved practice of engineering to qualified individuals. The public is also served by the Board's response to individual questions and concerns, and by the complaint process.

More than 6700 active licensed Professional Engineers, as well as certified Engineer-Interns and applicants for licensure and certification are served by the Board's licensure and renewal services, as well as timely responses to their requests and questions.

Board and staff speak to professional and student groups to provide information about the licensure and enforcement process and about the responsibilities and opportunities created by professional licensure.

I. Use of Alternative Delivery Systems

The increased use of technology services tends to increase the Board's reliance on available technology partners such as the Office of Information Technology, ALMS, and InforME. The costs associated with the use of technology are frequently not completely within the control of the agency. Commitment to a technology generally includes a significant initial investment and ongoing costs. Should a change later become desired or even necessary a significant investment would likely be needed to make a transition. Because of historic budgetary concerns the Board moves cautiously in this area and is not typically a first adopter.

The Board began using an online renewal system through InforME in 2003. For several years, the adoption rate for online renewal was consistently in the 65% to 70% range. Later efforts to reduce paper included switching from mailed paper renewal forms to postcard reminders of online renewal, which had the benefit of boosting the online renewal over 80% for the first time.

Since the Board joined the ALMS licensing system with its automated email reminders of online renewal, the online renewal rates have climbed past 90%. As an additional benefit the email reminders have prompted more licensees to renew prior to expiration.

The Board has fillable online application and renewal forms and accepts electronic transmission of applications and supporting documentation. The Board is currently working to develop online initial licensing, as well as exploring the use of electronic systems to reduce the storage of paper files.

Upon approval of licensure, licensees receive an email notification from the ALMS system that includes a PDF of their license and pocket card. Licensees can print copies of their licenses as needed, saving the State additional printing and mailing costs.

The Board no longer sends out printed rosters that are out-of-date by the time they arrive in the mailbox of each licensee. Instead, the Board maintains a publicly accessible roster online that is updated minute by minute, saving paper as well as printing and mailing costs.

The newsletter that used to be published twice a year by the Board is now available online at no cost. Printing and mailing cost savings are substantial. In addition, with the ALMS system the Board can contact licensees via email more frequently so that important news and updates can be shared in a timely manner. A recent innovation to the ALMS system will allow the Board to send email attachments, so a PDF of the newsletter can now be included with the email.

J. Emerging issues

Disasters

In the wake of the Natural Gas Explosion in Massachusetts, the National Transportation Safety Board (NTSB) has asked Maine and 31 other states to examine their state laws regarding the oversight of natural gas infrastructure and to respond with a plan for any necessary regulatory action to help prevent such events. The Board has formed a sub-committee to draft a response.

Conversion of national exams to CBT

Over the next five years NCEES is transitioning the national professional engineering examinations to a computer-based testing format. Where the exams were formerly offered twice a year and had predictable cycles for processing applications, computer-based exams will now be offered year-round or, for the smaller exams, on one specific date nationwide. Administrative processes for applications will need to be adjusted to accommodate the new testing format.

Decoupling

The licensure of professional engineers is based on three essential elements: education, experience, and examination. The Principles and Practice of Engineering examinations historically have been the last hurdle to licensure, with the states requiring application review and approval prior to admission to the exams. With the conversion to computer-based testing underway, several states have separated the experience requirement from the examination requirement (“decoupling”), allowing PE candidates to take the examination prior to completing their experience requirement, and moving the licensure application to the point when the licensure candidate has completed all requirements. The Board is reviewing and discussing with stakeholders the best way for Maine to proceed, and whether it will require policy, rulemaking, or statutory changes.

New Technology

Emerging technologies raise new public safety issues as well as questions about appropriate levels of regulation. Significant financial incentives can create blind spots for industry, therefore regulatory and legislative bodies need to understand emerging technologies and begin public dialogue early to increase public awareness and to ensure adequate protections are built into the infrastructure of the technology.

Pilotless airplanes

The use of remote-controlled aircraft continues to increase. Commercial service providers are exploring the use of drones for photography, package delivery, surveying and mapping, and investigation. Discussion has begun about the use of drones for commercial air travel, which is predicted to save airlines \$35 billion per year. Issues about noise, regulation and monitoring of airspace, privacy, and public safety will gain more attention in coming days.

Driverless vehicles

In addition to autonomous cars, driverless trucks are being produced. One manufacturer is even testing driverless snowplows. Predictions claim that a fully autonomous trucking market could save \$85 billion to \$125 billion annually.

K. Information specifically requested by the committee

No specific information requested by the committee.

L. Comparison of federal laws and regulations

There are no known federal laws or regulations that specifically govern the licensure or practice of professional engineering.

M. Policy for personal information

The Board collects personal information via its applications and by receipt of data through the NCEES Record system and data input by licensees into ALMS. The Board has adopted the use of the ALMS system, which affords significantly greater data security than the Board could achieve with the stand-alone system previously used. Board staff have received appropriate training in the protection of personal information.

The Board is exploring digitizing the paper files for electronic storage. The Board currently maintains paper files on each licensee in addition to the data in the database. Fillable applications are available that can be printed and mailed or scanned and emailed or transmitted electronically. The Board also is exploring an online application system to reduce the amount of paper handled and stored. Paper not being filed that contains any personal information, including names, addresses, or any other identifying information, is shredded in a micro-shredder to avoid the accidental release of information.

A request to review any file, whether under FOAA or not, is processed in coordination with the Office of the Attorney General, and files are appropriately redacted before being viewed or copied.

NCEES provides a service to licensees that maintains an electronic record in an NCEES database. This record is provided to state boards by NCEES electronically.

N. Reports, applications and paperwork filed by the public

Reports, applications, and other paperwork required to be filed by the public:

Application for Certification as an Engineer-Intern

1. Statutory Authority: 32 M.R.S.A. §1352-A (2)
2. Date last amended: September 19, 2019
3. Filing required: One time
4. Filings in FY18: 191, FY19: 193, Estimated -- FY20: 200, FY21: 210

5. Actions taken or contemplated: Online application

Application for Licensure as a Professional Engineer

1. Statutory Authority: 32 M.R.S.A. §1352-A (1)
2. Date last amended: September 19, 2019
3. Filing required: One time, unless over 5 years to meet qualifications
4. Filings in FY18: 372, FY19: 397, Estimated -- FY20: 375, FY21: 375
5. Actions taken or contemplated: Online application

Renewal Applications for Licensed Professional Engineers

1. Statutory Authority: 32 M.R.S.A. §1357
2. Date last amended: 2015, c. 228 §1
3. Filing required: Every 2 years
4. Filings in FY18: 6000, FY19: 500, Estimated -- FY20: 6200, FY21: 500
5. Actions taken: Online renewal is in effect

O. A list of reports required by the Legislature

Annual Report 5 M.R.S.A. §43

P. Single-page list of organizational units and programs

02-322 State Board of Licensure for Professional Engineers

Q. Statutory Provisions Requiring Legislative Review

Historically the Board reviews the statute and rule in alternating years.

32 M.R.S.A. 1352-A – Qualifications

The current problem is that the Maine statute is excluding from licensure qualified professional engineers because they did not take the NCEES FE examination at the outset of their career.

In 2005, the Board proposed legislation that eliminated what were referred to as “experience-based pathways to licensure” for Maine residents applying for initial licensure. The desire was to increase the base level of qualifications of Maine-licensed professional engineers so they would more easily obtain reciprocal licensure in other jurisdictions.

In 2013, it was proposed that in order to be “fair” and to “level the playing field” for Maine licensees, that all experience-based pathways to licensure should be eliminated from the statute for those coming into Maine from other jurisdictions. From that point, everyone who has been licensed in Maine has had a qualifying four-year degree and has passed both the NCEES FE and

NCEES PE exams.

The unintended consequence is that the Board cannot license eminently qualified professional engineers who have 20 or 30-plus years of experience and may be licensed in multiple other states simply because they did not take the FE exam at the outset of their career.

The Board has held stakeholder meetings and discussed this issue with the professional societies and professional engineering firms and they would support a statute revision that allows some flexibility to the Board in determining the qualifications of licensure for a candidate who had been licensed in good standing in another jurisdiction for a specified number of years.

APPENDIX A:Complaints

“Any person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensed professional engineer or any engineer-intern. These complaints must be in writing, signed by the individual making the complaint and filed with the board.” 32 M.R.S.A. § 1356 (3).

“The board may order an investigation of a licensee on its own motion or on written complaint filed with the board regarding noncompliance with or violation of any section of this chapter or of any rules adopted by the board.” 32 M.R.S.A. § 1306 (1).

“Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise considered necessary to the fulfillment of its responsibilities under this chapter.” 32 M.R.S.A. § 1306 (3).

“A person who practices or offers to practice the profession of engineering in this State without being licensed or exempted in accordance with this chapter, or a person presenting or attempting to use the license or the seal of another, or a person who gives a false or forged evidence of any kind to the board or to a member of the board in obtaining a license, or a person who falsely impersonates any other licensee of like or different name, or a person who attempts to use an expired or revoked license, or a person who violates any of the provisions of this chapter for which a penalty has not been prescribed commits a civil violation for which a fine of not more than \$10,000 may be adjudged.” 32 M.R.S.A. § 1256

Complaints against licensees are investigated by the Complaint Committee, comprised of the Complaint Officer, who is Board member appointed by the Chair, the Assistant Attorney General assigned to the Board, and the Executive Director. Upon completion of an investigation, the Complaint Officer presents the Complaint and any recommendations to the full Board with all identifying information redacted. The Licensee and Complainant are notified and may be present at any meeting where the Complaint is discussed. At the initial presentation the Board may dismiss the Complaint or proceed to act leading to possible discipline of the licensee.

Active Complaints

Examples of actions taken by the Board on complaints:

2019 -- There are currently four active complaints under investigation by the Board. Information about complaints is not made public unless the complaint is resolved with discipline for the licensee.

If there is a danger of imminent or ongoing harm, the Board has authority to seek an injunction from the Court: “The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings

have been or may be instituted.” 32 M.R.S.A. § 1256.

Resolved Complaints

E18-001 – Complaint was filed by Code Enforcement after Licensee filed an engineering report with the city and later withdrew it. Report proposed a two-step renovation to an apartment building exterior stair after a fire to allow re-occupancy and then to later bring the stair fully in compliance with code. Licensee based the report on a conversation Licensee had with one CEO. Second CEO insisted that there be full code compliance before re-occupancy, and Licensee withdrew and revised report. Second CEO filed a complaint. Board dismissed the complaint for lack of evidence of a violation of statute or rule and issued a Letter of Guidance instructing Licensee to be specific in stating the purpose and extent of any report and conditions requiring changes to a report.

E18-002 – Did not proceed to complaint.

E18-003 – Complaint filed against Licensee. Complainant’s extensive submissions appeared to focus on concerns that Licensee might come under the negative influence of Licensee’s father, who had a criminal record. Complainant had prior business dealings with the Licensee’s father and had a complaint filed by the father against his professional license. Board dismissed complaint for lack of evidence of a violation of statute or rule.

E17-001 – Complaint was filed as a referral from the Maine Board of Architects, Landscape Architects and Interior Designers. That board found that Licensee practiced architecture without a license. That board cited a provision in the statute that defines the practice of architecture as the design or oversight of construction of “buildings located inside the State that have as their principal purpose human occupancy or habitation . . .” 32 M.R.S.A. § 220 (1)(A). The PE Board referred to its own statute that defines the practice of professional engineering as “planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings. . . 32 M.R.S.A. § 1251 (3) and dismissed the complaint for failing to provide evidence of a violation of statute or rule.

E17-002 – Complaint filed by DEP because a town-contracted wastewater treatment operator had allowed his PE license to lapse. As part of a Consent Agreement Licensee admitted the violation, received a Formal Reprimand, and paid a fine of \$500.

E17-003, E17-004, E17-005 – Complaint was filed by a Licensee after a geotechnical report was submitted by an engineering firm out of Massachusetts for a building project in South Portland. The three individuals complained against were an owner of the business who signed the report and was not licensed, a Massachusetts licensed engineer who signed the report, and the Maine licensed engineer at the firm who failed to sign the report. The complaint against the Maine PE was dismissed because it did not rise to the level of a violation in the context presented, and a Letter of Guidance was issued. The other two were dismissed and referred to the Office of the Attorney General as unlicensed practice. The resolution included the firm putting controls in place to avoid any recurrence.

E16-001 – Complainant Licensee filed a complaint against Licensee Employer related to two projects, one adjacent to vernal pools, and another involving the width of a driveway/roadway in a development. Complainant alleged improper actions on the part of Employer, however evidence did not support the allegations. Board dismissed complaint for lack of evidence of a violation of statute or rule.

E16-002 – Complainant filed a complaint against Licensee who was hired by the insurance company to report on condensation damage in the Complainant's home in Carrabassett Valley because Complainant disagreed with the conclusions of the report. Board dismissed complaint for lack of evidence of a violation of statute or rule.

E15-001 – Complaint was filed by a former employer after Licensee was laid off due to a work slowdown. Complainant claimed Licensee misrepresented his credentials. Licensee was hired in 2008 as an intern and given a full-time position based on his expected graduation in 2009. Licensee did not reveal to his employer that he did not graduate until 2011. Board dismissed because the errors did not rise to the level of a violation in the context presented and/or were committed prior to his licensure. A Letter of Guidance was issued to Licensee.

E15-002 – Complaint filed by the Board against Licensee for failing to comply with the terms of a Consent Order entered in December 2014 and for practicing professional engineering after failing to timely renew his Maine PE license. Licensure renewal was denied.

E15-003 – Licensee practiced professional engineering after his license expired and self-reported. As part of a Consent Agreement Licensee admitted the violation, received a Formal Reprimand, and paid a \$500 fine.

E15-004 – Complainant alleged that Licensee copied his unique design and may be practicing outside of his area of competence. Licensee's response indicated that he and his team had expertise in this subject area. Board dismissed complaint for lack of evidence of a violation of statute or rule.

E15-005 – Complaint filed by Board against Licensee for failure to comply with an audit request. Licensee attested to having completed the required PDHs prior to renewing his license in 2013. Licensee was selected for audit in 2014. Licensee ignored repeated instructions to comply with the PDH audit. Licensee did not renew his license. Licensee is flagged in the ALMS system. Complaint was dismissed without prejudice.

E15-006 – Complaint filed by Board against Licensee for failure to complete PDH requirements. Licensee attested to having completed the required PDHs prior to renewing his license in 2013. Licensee was selected for audit in 2014. Licensee could not provide documentation of the required PDH credits. As part of a Consent Agreement Licensee admitted the violation, received a Formal Reprimand, paid a \$500 fine, and agreed to furnish proof of 30 hours of professional development within 60 days of the date of the Consent Agreement.

E15-007, E15-008, E15-009, E15-010, and E15-011 – Complainant filed a series of complaints against five former employees who left his employ and started a separate company in

competition with him. Much of the complaint related to business issues and not professional engineering. The Complainant was half-owner of a closely-held company. Complainant had a falling out in 2013 with his business partner, who sold his shares to two employees. Over a period of months, relations between Complainant and these two new business partners deteriorated. They made an offer to buy out Complainant which Complainant refused. They left and started their own firm and most employees joined them. The allegations of sub-standard engineering were disputed with evidence. The Board dismissed the Complaint for failure to provide evidence of any violation of statute or rule.

E15-012 – Complaint filed by a former employer against Licensee alleging that Licensee took credit under his new firm for jobs done while employed by Complainant. As part of a Consent Agreement Licensee admitted that he failed to clarify that the projects were done while employed by Complainant and received a Formal Reprimand.

NOTE: Prior to 2015 complaints were designated with an “E” for “Engineer” or with a “U” for “Unlicensed.” The numbering system was made uniform from beginning in 2015.

U14-001 – Complaint was filed against Temporary Licensee who created a fraudulent replica of another engineer’s seal and applied it to drawings. As part of a Consent Agreement Temporary Licensee admitted the violation, accepted a Formal Reprimand, paid a fine of \$1000, and is barred from licensure in Maine.

U14-002 – Complaint was filed by licensed professional engineer who discovered that an individual had submitted a traffic plan sealed by licensed PE, and that the drawing had been revised without their knowledge or consent. Person was not licensed. The Board dismissed the Complaint for lack of jurisdiction and referred it to the Office of the Attorney General for review. OAG reached a resolution with the individual.

E14-001 – Homeowners filed Complaint against Licensee for a pre-settlement home inspection prior to purchase. Licensee completed a home inspection and put the inspection on his company stationery and signed the report with his PE credentials. The Board found that home inspections are not regulated by Maine statute, that one- and two-family residential construction is exempted under the professional engineering statute, and that in ordinary circumstances a home inspection would not constitute professional engineering. The Board issued a Letter of Guidance cautioning the Licensee about using his professional engineering credential when providing services unrelated to professional engineering.

E14-002 – Complaint filed against Licensee by contractor relating to specifications and construction of specific roads. Complaint Officer verified that the responses by the Licensee met the existing ordinance. Testing by an independent engineering firm confirmed roads met existing specification. Board dismissed complaint for lack of evidence of a violation of statute or rule.

E14-003 – Complaint filed by Board against Licensee for failure to complete PDH requirements. Licensee attested to having completed the required PDHs prior to renewing his license in November 2013. Licensee was selected for audit in 2014. Licensee could not provide documentation of 18 of the required PDH credits. As part of a Consent Agreement Licensee

admitted the violation, received a Formal Reprimand, paid a \$500 fine, and agreed to furnish proof of 18 hours of professional development within 90 days of the date of the Consent Agreement.

E14-004 – Complaint was filed by the Board against Licensee for failure to complete PDH requirements. Licensee attested to having completed the required PDHs prior to renewing his license in November 2013. Licensee was selected for audit in 2014. Licensee could not provide documentation of 13.5 of the required PDH credits. As part of a Consent Agreement Licensee admitted the violation, received a Formal Reprimand, and paid a \$250 fine.

E14-005 -- Complaint was filed by the Board against Licensee for failure to complete PDH requirements. Licensee attested to having completed the required PDHs prior to renewing his license in November 2013. Licensee was selected for audit in 2014. Licensee could not provide documentation of 10.5 of the required PDH credits. As part of a Consent Agreement Licensee admitted the violation, received a Formal Reprimand, paid a \$500 fine, and agreed to furnish proof of 10.5 hours of professional development within 90 days of the date of the Consent Agreement.

E14-006 – Complaint filed against Licensee based on self-reported discipline received in another jurisdiction. Licensee was disciplined for sealing drawings that were not prepared by him or directly under his supervision. The alleged violation would not be a violation under Maine statute, and the application of a PE seal to take responsibility for a drawing is expressly permitted under Maine rule. The Board dismissed the complaint for lack of violation of Maine statute or rule.

E14-007 – Complainant alleged that an individual was representing themselves as a professional engineer. Investigation revealed that the person was acting as a Local Project Administrator for a joint community and MaineDOT overseen project. Some of the older documentation referred to this position as “Resident Engineer” but the updated documents did not. It did not appear that the person intentionally represented themselves as a professional engineer. Board dismissed the complaint for lack of evidence of a violation of statute or rule.

E14-008, E14-009 – Complainant homeowner filed a complaint about engineering design services for a third-floor cupola addition. Complainant alleges that the cupola is causing damage to the existing building. One Licensee is a firm principal, the other was at the time an Engineer-Intern in the employ of the firm and has since become licensed as a professional engineer. The Board dismissed for lack of evidence of a violation of statute or rule.

E13-001 – Complaint filed by the Board after receiving notice of complaints in Missouri and Kansas for conduct that would also constitute a violation of Maine statute or rule. A Consent Agreement was entered subjecting Licensee to probation until the matters in Missouri and Kansas were completely resolved, that Licensee would notify the Board about any engineering projects in Maine within 10 days of applying his seal to any plans, that he would submit proof that all professional engineering projects in Maine had been reviewed by a Maine PE licensed in good standing for a minimum of 5 years, and that he give timely updates on the Missouri and Kansas discipline.

E13-002 – Complaint filed by licensed professional engineer alleging that Licensee submitted unsealed and improperly sealed engineering plans for use in the State of Maine Kennebec Valley Natural Gas Project. In a Consent Agreement, Licensee admitted the violations, received a Formal Reprimand, and paid a \$500 fine.

E13-003 – Complaint was filed by the Board in response to self-reported discipline in another jurisdiction for sealing drawings outside his area of competence. Licensee filed an application for renewal of licensure. His renewal was held pending resolution of the Complaint. Licensee declined to attend a scheduled hearing. Licensure renewal was preliminarily denied. The appeal period ran. Licensee was permitted to file a late appeal and again declined to attend a scheduled hearing. License renewal was again preliminarily denied. The appeal period ran, and the denial of licensure renewal became permanent.

U12-001 – Maine licensed professional engineer filed a Complaint against NH licensed engineer who bid on a residential foundation repair in Maine. One-family and two-family residential construction is exempted under Maine's professional engineering statute. The Board dismissed the complaint for failure to provide evidence of a violation of statute or rule.

E12-001 – Complaint filed against Licensee for an email in which Licensee communicate to a client of Complainant that the fees client was being charged were excessive and included other potentially harmful and inflammatory language. Licensee admitted his reaction was hasty and apologized and recognized that his words and actions could have been harmful to someone's business. After discussion with both parties the Board dismissed the complaint.

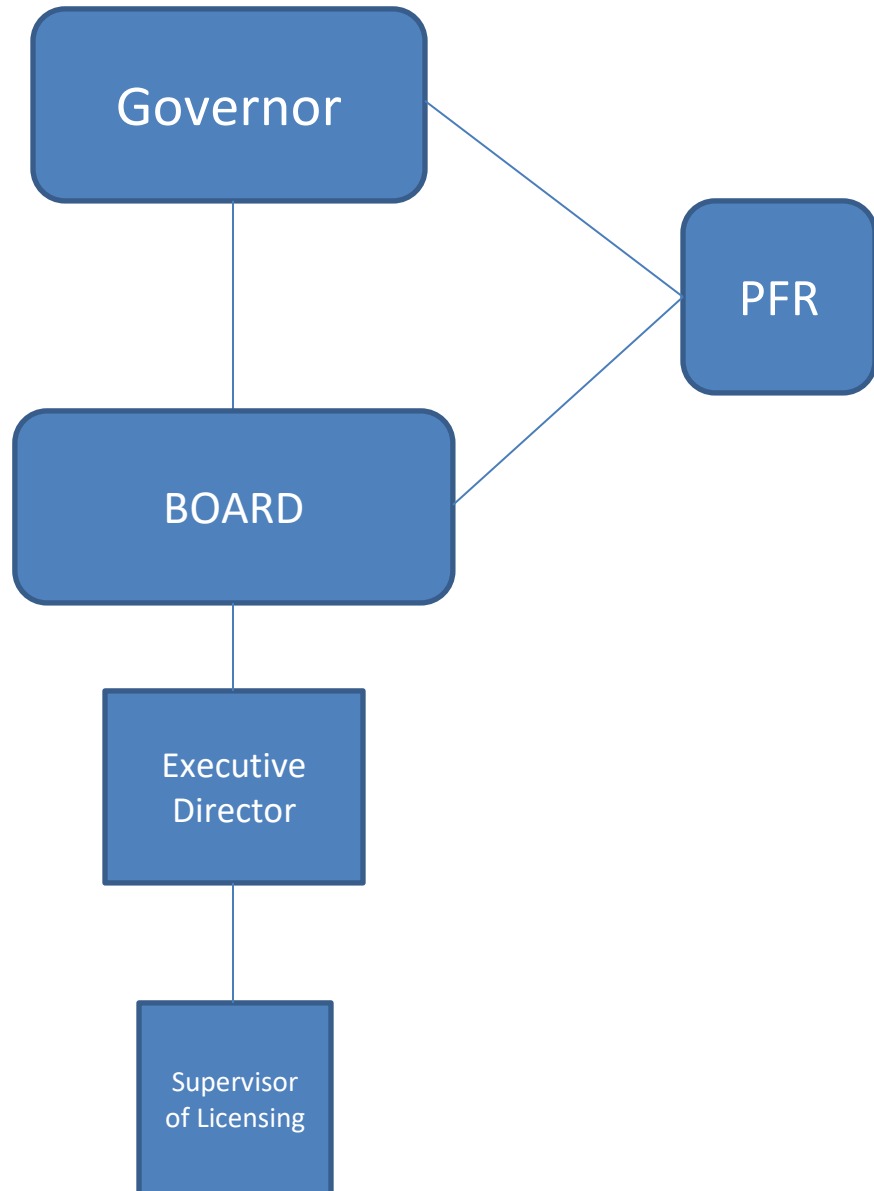
E12-002 – Complaint was filed by the Board against Licensee for failure to complete PDH requirements. Licensee attested to having completed the required PDHs prior to renewing his license in November 2011. Licensee was selected for audit in 2012. Licensee could not provide documentation of the required PDH credits. As part of a Consent Agreement Licensee admitted the violation, received a Formal Reprimand, paid a \$500 fine, and agreed to provide documentation of 30 hours of professional development within 90 days.

E12-003 – Complaint was filed by the Board against Licensee for failure to comply with the mandatory audit of PDH documentation. Licensee attested to having completed the required PDHs prior to renewing his license in November 2011. Licensee was selected for audit in 2012. Licensee was ultimately able to provide documentation of PDH completed. The Board dismissed the complaint and issued a Letter of Guidance.

E11-001 – Complaint was filed by the Board in response to self-reported discipline in another jurisdiction which resulted from discipline in two other jurisdictions six and seven years prior. The Board dismissed the complaint and issued a Letter of Guidance.

E11-002, E11-003 – Complaints filed against Licensee for failing to seal construction drawings prior to their submission and release for construction. As part of a Consent Agreement, Licensee admitted to gross negligence in the practice of professional engineering with respect to the use of his professional engineering seal, received a Formal Reprimand, and paid a fine of \$500.

APPENDIX B:



APPENDIX C:

PROGRAM: ST BOARD OF LICENSURE FOR PROF ENGINEERS (0369)		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
FUNDING SOURCE: Dedicated Revenue											
ALLOCATED	PERSONAL SERVICES	\$80,795	\$82,032	\$75,564	\$74,849	\$177,352	\$199,840	\$175,678	\$177,643	\$184,214	\$201,088
	ALL OTHER	\$162,200	\$164,574	\$161,410	\$162,668	\$167,978	\$125,402	\$117,060	\$113,761	\$119,861	\$94,246
	TOTAL	\$242,995	\$246,606	\$236,974	\$237,517	\$345,330	\$325,242	\$292,738	\$291,404	\$304,075	\$295,334
EXPENDED	PERSONAL SERVICES	\$79,682	\$72,928	\$67,002	\$62,184	\$103,554	\$161,721	\$174,114	\$175,280	\$183,057	\$200,728
	ALL OTHER	\$126,041	\$131,746	\$143,577	\$145,122	\$162,763	\$74,556	\$98,434	\$69,065	\$95,381	\$51,820
	TOTAL	\$205,723	\$204,674	\$210,580	\$207,305	\$266,317	\$236,276	\$272,548	\$244,344	\$278,439	\$252,548

*Allocated includes funds allotted by Financial Order