

MARYLAND STATE BOARD  
FOR PROFESSIONAL ENGINEERS

v.

M. LEE SUTHERLAND

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BEFORE THE  
MARYLAND STATE BOARD  
FOR PROFESSIONAL ENGINEERS  
COMPLAINT NOs. 07-PE-16  
and 07- PE-19

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**CONSENT ORDER**

This matter comes before the Maryland State Board for Professional Engineers (the “Board”) based on two complaints opened by the Board against M. Lee Sutherland (“Respondent”). Based on the complaints and information obtained in an investigation, the Board determined that administrative charges against the Respondent were appropriate and that a hearing on those charges should be held.

The scheduled hearing was held on January 6, 2011 at the Office of Administrative Hearing, 11101 Gilroy Road, Hunt Valley, Maryland, before the Hon. Nicole Pastore Klein, an Administrative Law Judge. Kris King, Assistant Attorney General, appeared on behalf of the Board. Mr. Sutherland was present and represented himself.

After review of the evidence presented at the hearing and testimony of witnesses who testified at the hearing, the Administrative Law Judge issued a Recommended Decision (the “ALJ Recommended Decision”) in which she concluded, “as a matter of law, that the Respondent “misrepresented to the public, by use of the term “engineering” in the name of his business activity, by description of his services, methods, procedures, and otherwise, that he was authorized to practice engineering in the State of Maryland” and as such was “in violation of Md. Code Ann, Bus. Occ. & Prof. §14-502 (2010).” The Administrative Law Judge further concluded that “as a matter of law the Respondent [was] subject to civil penalties in the amount of \$7,000.00 under Md. Code Ann., Bus. Occ. and Prof., §14-508 (b) (2010).”

On April 14, 2011 the Board issued a Proposed Order in which the Board affirmed the Findings of Fact in the ALJ Recommended Decision, approved the Conclusions of Law set forth in the ALJ Recommended Decision, and adopted the Recommended Order stated in the ALJ Recommended Decision. As provided by the authority set forth in the Md. Code Ann., State Government Article, §10-216, and the Code of Maryland Regulations 09.01.03.09, the Respondent filed timely exceptions with the Board.

Upon receipt of exceptions to the Proposed Order, the Board scheduled an exceptions hearing before the Board on July 12, 2011 at 500 N. Calvert Street, Baltimore, Maryland 21202, and duly notified the Respondent. The Respondent appeared at the hearing; however, prior to the Respondent's presenting his argument, the Board and the Respondent agreed to the entry of this Consent Order as final resolution of Complaint Nos. 07-PE 16 and 07-PE-19.

The Respondent agrees to abide by Title 14 of the Business Occupations and Professions Article, Annotated Code of Maryland, which governs the licensure of professional engineers in the State of Maryland and enters this Consent Order freely.

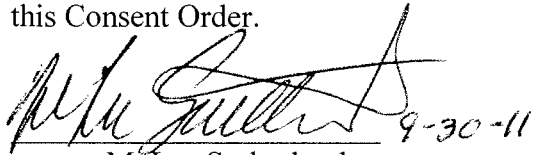
THEREFORE, IT IS, on this 6<sup>th</sup> day of OCTOBER, 2011 BY THE MARYLAND STATE BOARD FOR PROFESSIONAL ENGINEERS,

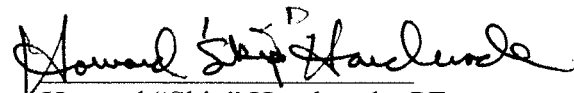
ORDERED, that the Respondent violated Md. Code Ann., Bus. Occ. and Prof. §14-502 (2010); and it is further

ORDERED, that the Respondent be fined \$4500 for the violation of Md. Code Ann., Bus. Occ. and Prof. §14-502 (2010); and it is further

ORDERED, that the Respondent shall pay this fine to the Board within 60 days from the date of this Consent Order; and it is further

ORDERED that the Board's records and publications shall reflect the terms of this Consent Order.

  
M. Lee Sutherland 9-30-11

  
Howard "Skip" Harclerode, PE  
Chairman  
State Board for  
Professional Engineers