Administrative Penalty Guidelines

The Council is entitled to impose penalties within the minimum and maximum range, as set forth herein, taking into consideration any aggravating or mitigating circumstances proven by clear and convincing evidence presented to Council prior to the imposition of a final penalty.

1. **Aggravating circumstances**: circumstances which may justify the maximum penalty shall include but not be limited to the following:
   a. History of previous violations of this Chapter.
   b. In the case of negligence; of the magnitude and scope of the project and the damage inflicted upon the general public by the Licensee.
   c. Evidence of the violation of professional practice acts in other jurisdictions wherein the Licensee has been disciplined by the appropriate regulatory authority.
   d. Violation of the provisions if this Chapter wherein prior action by Council was previously taken against the Licensee.

2. **Mitigating circumstances**: circumstances which may justify the minimum penalty shall include but not be limited to the following:
   a. In the case of negligence, the minor nature of the project in question and lack of danger to the public health, safety and welfare resulting from the Licensee’s violation.
   b. Lack of previous disciplinary history in this or any other jurisdiction where in the Licensee practices.
   c. Restitution of any damages suffered by the Licensee’s client.
   d. The Licensee’s professional standing among his peers.
   e. Steps taken by the Licensee or his firm to ensure the non-reoccurrence of similar violation in the future.

*(Editorial Note: The Administrative Guidelines and Code of Ethics are approved by Council but are not a part of the law.)*

*(12/12/07 – Council approved)*
## ADMINISTRATIVE PENALTY TABLE (3/10/2021-Approved by Council)

<table>
<thead>
<tr>
<th>PROVISION</th>
<th>VIOLATION</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
</tr>
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</table>
| (1)       | 2823 (a) 1  
2825 (h)  
Attempting to procure a license, permit, or C/A, by fraud, deceit, false or forged evidence. | Reprimand and probation                      | Revocation or denial and $5,000 fine          |
| (2)       | 2823 (a) 2  
Incompetence                                                | Reprimand, and $250 fine, and probation      | Revocation and $5,000 fine                   |
| (3)       | 2823 (a) 2  
Misconduct                                                   | Warning letter                               | Revocation and $5,000 fine                   |
| (4)       | 2823 (a) 2  
Gross Negligence                                             | Reprimand, and $250 fine, and probation      | Revocation and $5,000 fine                   |
| (5)       | 2823 (a) 3  
Code of Ethics Violation                                      | $200 fine and completion of ethics course   | Revocation and $5,000 fine                   |
| (6)       | 2823 (a) 3  
Improper use of seal or certificate of licensure (Canon 1B) | Warning letter                               | Reprimand and $2,000 fine and 2-year probation |
| (7)       | 2823 (a) 3  
Signing or sealing work not competent to perform (Canon 2) | Warning letter                               | Reprimand and $5,000 fine, followed by 1-year suspension and 1-year probation |
| (8)       | 2823 (a) 3  
Knowingly making or filing false report (Canon 3A)           | Reprimand and probation                      | Revocation and $5,000 fine                   |
| (9)       | 2823 (a) 4  
Crime substantially related to practice of engineering       | As deemed appropriate by the Board          | Revocation or denial and $5,000 fine         |
| (10)      | 2823 (a) 5  
Discipline by another jurisdiction                            | Warning letter                               | Discipline not exceeding original jurisdiction |
| (11)      | 2823 (a) 6  
Failure to report out-of-state discipline                    | Warning letter                               | Discipline not exceeding original jurisdiction |
| (12)      | 2823 (a) 7  
Aiding or abetting violation of Act                          | Reprimand and $500 to $1,000 fine, and ethics study course | Revocation and $5,000 fine                   |
| (13)      | 2823 (a) 8  
“Plan stamping”                                               | Reprimand and $100 fine                     | Revocation and $5,000 fine                   |
| (14)      | 2823 (a) 9  
Failure to comply with CPC                                   | In accordance with current CPC Guidelines    |                                               |
| (15)      | 2830                                                   | Warning letter                               | Revocation and $5,000 fine                   |
| (16)      | 2824                                                   | Meet existing conditions and $100/day fine   | Revocation                                   |
| (17)      | 2823                                                   | See §2823 (b) (1)                            | Limited by law; Denial of licensure         |