

BEFORE THE MARYLAND BOARD FOR PROFESSIONAL ENGINEERS

MARYLAND BOARD FOR

PROFESSIONAL ENGINEERS

v.

AHMED L. RADWAN

CASE NO. 12-PE-19

* * * * *

OPINION AND FINAL ORDER

This matter came before the Board for Professional Engineers (the "Board") as a result of the renewal of an application for Ahmed L. Radwan ("Respondent") license no. 05-42696. Based upon the random audit performed of the Respondent's professional development hours and his lack of response to the audit, the Board initiated this complaint.

On May 9, 2019, the Board issued Notice of Charges and Order for Hearing ordering the Respondent to appear to defend charges brought against him by the State, as more particularly described below. The Board scheduled a hearing on June 13, at 11:00 a.m., in the 3rd Floor Conference Room, 500 N. Calvert Street, Baltimore, Maryland 21202.

SUMMARY OF THE EVIDENCE

On behalf of the Board, eight exhibits were entered into evidence. The Respondent failed to appear; therefore, he offered no exhibits.

FINDINGS OF FACT

1. The Respondent's license expiration date was September 13, 2018. (Exhibit B #2).
2. On or about August 5, 2018, the Respondent applied for license renewal. (Exhibit B #4).
3. On his application, the Respondent certified that he had completed the required Professional Development Hours units ("PDH units") as of the application date. (Exhibit B #4).
4. The Board based its approval of the renewal application on the Respondent's certification with regard to the completion of the PDH units. (Exhibit B #4).
5. When the Respondent submitted the license renewal application, the Board initiated a random audit to confirm that the Respondent had completed the continuing professional competency requirements. (Exhibit B #2, Exhibit B #5).
6. The Board requested that the Respondent provide documentation for the PDH units that the Respondent certified that he had completed. (Exhibit B #5).
7. On September 20, 2018, the Board mailed, via certified mail, return receipt requested, correspondence to the Respondent informing him that he was required to respond with documentation regarding the completion of required PDH units. (Exhibit B #6).
8. The letter was sent to the Respondent's address of record with the Board, and was received by the Respondent on September 25, 2018. (Exhibit B #6).
9. The Respondent failed to respond to the Board's request. (Exhibit B #7).

10. On October 25, 2018, and December 3, 2018, emails were sent to the Respondent's email on record with the Board, again informing the Respondent that a response was required. (Exhibit B# 7).
11. No response was received to either of the emails. (Exhibit B #8)
12. As a result of the Respondent's failure to submit the required evidence of compliance with the continuing competency requirements, the Board sent Notice of Charges and Order of Hearing to the Respondent on May 9, 2019. (Exhibit B #1).
13. The Respondent received the Notice of Charges and Order of Hearing on May 18, 2019. (Exhibit B #1).

PRELIMINARY MATTERS

Code of Maryland Regulations ("COMAR") 09.01.02.09 provides that "a hearing may proceed as scheduled in the absence of a party if the party has

- A. Been served in accordance with Regulation .07 of this chapter; and
- B. Failed to obtain a postponement of the hearing from the administrative unit under Regulation 10 of this chapter."

The Respondent did not appear for the June 13, 2019 scheduled hearing. The Board sent, via certified mail, a copy of the Notice of Charges and Order for Hearing, first class, postage prepaid, to the Respondent's home address. COMAR 09.01.02.07 (A) (2). The Board sent the Notice on May 9, 2019, and it was delivered on May 13, 2019, well before the required time. *See* COMAR 09.01.02.07 (B) (1) ("the administrative unit shall send the hearing notice to the person against whom the action is contemplated by certified mail to the person's last known address at least 20 days before the hearing"). Respondent did not request nor obtain a postponement of the hearing. Having met all the service and notice requirements, the Board proceeded.

DISCUSSION

Section 14-317 (a) (1) of the Business Occupations and Professions Article, Ann. Code of Maryland (“BOP”) provides in the pertinent part that the Board, on the affirmative vote of a majority of its members then serving, “may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if: (vi) the applicant or licensee violates any regulation adopted by the Board.”). COMAR 09.23.06.03 provides as follows:

- 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 license renewal during the licensing term can be carried forward to apply as credit toward the next individual licensing term
- D. 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.
- E. 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.
- F. A maximum of 8 PDH units earned in excess of 16 units that are required for license renewal during the licensing term can be carried forward to apply as credit toward the next individual licensing term

The Respondent's license expiration date was September 13, 2018, and he applied for license renewal on or about August 5, 2018. When submitting the application, the Respondent certified having completed sixteen (16) PDH units. (Exhibit B #4). Despite certifying that he completed the requisite units, the Respondent failed to provide the list of classes, courses or activities that he completed in connection with his license renewal, or copies of completion certificates. The Respondent was given several opportunities and reminders to do so, but he simply did not respond. Based on the lack of Respondent's inaction, it is reasonable for the Board to believe that the Respondent did not fulfill the requirements of continuing professional competency, and thus is in violation of COMAR 09.23.06.03.

Additionally, the Board finds that the Respondent violated COMAR 09.23.03.11 (A) which states that "an applicant or licensee shall respond in writing to a written communication from the Board within 30 days of the date of mailing." Section D of the regulation provides that failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §14-317(a) (1) (vi), Annotated Code of Maryland. The Board mailed, via certified mail, return receipt requested, correspondence to the Respondent informing him

that he was required to respond with documentation regarding the completion of the PDH units. (Exhibit B# 6). The Respondent failed to respond to the Board's request. (Exhibit B #7). The Executive Director of the Board sent two electronic communications to the Respondent on October 25, 2018, and December 3, 2018 informing the Respondent that a response was required. (Exhibit B# 7), yet the Respondent still failed to respond. (Exhibit B #8). Accordingly, the Board finds that the Respondent violated COMAR 09.23.03.11.

Respondent appears to have deceived the Board by certifying that he completed the required PDH units. The Board has a duty to the citizenry of Maryland to ensure that its licensees maintain a level of skill, ability and aptitude. The Respondent's actions of dishonesty regarding completion of continuing competency requirements necessary for the license renewal could have put the public's health, safety and welfare at risk as well as brought the profession into disrepute. In addition, the Respondent refused to respond to the Board's communications sent to him even though he acknowledged receiving the certified letter when he signed the return receipt. (Exhibit B #6), and also failed to respond to written communications from the Board's Executive Director (Exhibit B #7, # 8). He even refused to respond to the Notice of Charges and Order of Hearing even though he again signed the return receipt. (Exhibit B #1). In short, Respondent's action are a blatant disregard for the Board's authority and license as a Maryland professional engineer.

ORDER

It is this 8th day of August, 2019, by the

Board of Professional Engineers, **ORDERED:**

1. That the Respondent, Ahmed L. Radwan, violated Md. Bus. Occ. & Prof. Art. Sections 14-314 (f) and COMAR 09.23.06.03
2. That a professional engineer's license held by the Respondent, Ahmed L. Radwan, shall hereby be **REVOKED**;
3. That the records and publications of the Maryland Board for Professional Engineers shall reflect this decision.

Signature on File

Howard "Skip" Harclerode, PE
Vice Chairman
Maryland Board for Professional Engineers

Date

Aug. 8, 2019