

32 Old Granary Court
Catonsville, MD 21228

Andrew Brouwer, AAG
Maryland Department of Labor
500 N. Calvert St.
Baltimore, MD 21202

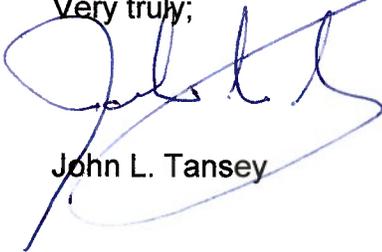
Dear Mr. Brouwer

RE: Landscape Architecture License Renewal - #411

In response to your recent email regarding the referenced matter; I have enclosed the signed Settlement Agreement, a copy of a letter I sent the Board last August 19, 2019 clarifying the matter and my Landscape Architect's license.

Please let me know if there is any other action that needs to be done on my part to conclude this issue.

Very truly;

A handwritten signature in blue ink, appearing to read "John L. Tansey", is written over a large, light blue diagonal line that spans across the signature area.

John L. Tansey



LICENSE * REGISTRATION * CERTIFICATION * PERMIT

Lawrence J. Hogan, Jr.
Governor
Boyd K. Rutherford
Lt. Governor
James E. Rzepkowski
Acting Secretary

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION

STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
CERTIFIES THAT:

JOHN L TANSEY

IS AN AUTHORIZED: 01 - LICENSED LANDSCAPE ARCHITECT

LIC/REG/CERT	EXPIRATION	EFFECTIVE	CONTROL NO
411	05-15-2021	N/A	5344527

Signature of Bearer

James E. Rzepkowski
Acting Secretary DLLR

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

28 01 411

5,344,527

28 01 411

STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
500 N. CALVERT STREET
BALTIMORE, MD 21202-3651

JOHN L TANSEY
32 OLD GRANARY COURT

BALTIMORE MD 21228

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Signature of Bearer _____
Acting Secretary DLLR *James E. Rzepkowski*

August 12, 2019

Ms. Carla Gourdine
Board Administrator
MD Dept. of Labor
Division of Occupational and Professional Licensing
Professional Licensing Boards
500 N. Calvert St., Room 308
Baltimore, MD 21202

Re: License #411

Dear Ms. Gourdine:

Thank you for your reminder letter of July 24th. It appears that there has been a miscommunication with regard to the renewal of my license.

When I received the notice of audit, I sent you an email reply expressing that since I do not use nor require a license for my job, please return my \$76 and let my license expire. I no longer have a copy of that email since shortly thereafter I received my license in the mail, therefore thought the matter had been resolved and discarded former communications. So I was a bit surprised to receive your July 24th letter.

As mentioned above, I do not need nor use my license for my job, I am happy to let the license lapse and, if possible, would appreciate the return of my \$76. Thank you for your help in this matter.

Sincerely,



John L. Tansey

*411
32 Old Granary Court
Catonsville, MD 21228

**BEFORE THE STATE OF MARYLAND BOARD OF
EXAMINERS OF LANDSCAPE ARCHITECTS**

**BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS**

v.

JOHN L TANSEY,
Respondent

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Agency Case No.: 02-LA-20

* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Board of Examiners of Landscape Architects (“Board”) as the result of the Board conducting a random audit of John L Tansey’s (“Respondent”) license renewal application to determine if the Respondent met the Board’s license renewal continuing professional competency (“CPC”) requirements. As a result of the random audit and subsequent investigation, the Board initiated a Complaint. To resolve that Complaint, the Board and the Respondent (collectively the “Parties”) have agreed to enter into this Settlement Agreement and Consent Order (“Consent Order”), and agree and stipulate as follows:

1. At all times relevant to the Complaint, the Board had, and continues to have, jurisdiction over the Respondent, who holds a license issued by the Board to practice landscape architecture (“license”) under number 01-411, and the subject matter of this Complaint.
2. The Maryland Landscape Architects Act (“Act”), codified at MD. CODE ANN., Business Occupations and Professions Article (“BUS. OCC. & PROF.”), §§9-101 to 702, provides at BUS. OCC. & PROF. §9-309(f)(1) that “[t]he Board shall adopt regulations: to require a licensee to demonstrate continuing professional competency by completing at least 24 hours of professional development activities as a condition of renewal of a license under this section...”
3. The Board adopted and promulgated such regulations at Code of Maryland Regulations (“COMAR”) 09.28., and COMAR 09.28.04.03 sets forth the specific requirements:
 - .03 Requirements.
 - A. A licensee shall complete, as a condition of a license renewal in each individual 2-year-renewal cycle, a minimum of 24 [Professional Development Hours (“PDHs”)] earned upon completion of one or more qualifying activity.
 - B. A licensee will not be eligible to earn PDHs for a professional development activity that has not been previously approved for credit by ASLA, LACES, CLARB, or the Board.

4. The Respondent's previous license renewal term began on March 26, 2017 and expired on May 15, 2019. When submitting the renewal application, the Respondent certified having completed the required twenty-four (24) PDHs.
5. The Board relied upon the Respondent's PDH certification, and immediately and automatically approved the Respondent's renewal application.
6. When the Respondent submitted the license renewal application, the Board initiated a random audit that required the Respondent to provide documentation for the PDHs claimed. The Respondent replied to the Board's audit email as follows:

Ladies & Gentlemen:

I have determined that I will not be renewing my LA license at this time and will therefore not be submitting any continuing education information.

....

7. The Respondent did not provide the Board with any documentation to support the claimed PDHs and did not pass the audit.
8. The Respondent agrees and admits that the Respondent did not comply with the PDH requirements.
9. Pursuant to BUS. OCC. & PROF. §9-310(a)(1)(vi), subject to the hearing provisions of §9-312, the Board may reprimand a licensee, or suspend or revoke a license, if "the applicant or licensee violates any regulation adopted by the Board;..." Additionally, pursuant to BUS. OCC. & PROF. §9-310(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."
10. To resolve this matter, the Respondent hereby admits to and consents to the Board entering a reflective Order finding that the Respondent violated BUS. OCC. & PROF. §9-310(a)(1)(vi) by failing to satisfy the PDH requirements as provided in COMAR 09.28.04.03 for the license term that expired on May 15, 2019, and that requires that the Respondent:
 - a. Shall immediately and voluntarily surrender the Respondent's license to practice landscape architecture in Maryland upon signing this Consent Order;
 - b. Shall within thirty (30) days of signing this Consent Order, deliver to the Board any Board issued license, certificate, and documentation that evidences the Board has given the Respondent permission to practice landscape architecture in Maryland. If the Respondent does not possess such items, then in lieu of delivering those items to the Board, the Respondent shall, within the same thirty (30) day period, deliver to the Board the Respondent's written statement, subject to penalties of perjury, attesting that the Respondent does not possess any Board issued license, certificate, or documentation that evidences the Board has given the Respondent permission to practice landscape architecture in Maryland;

- c. Shall within thirty (30) days of signing this Consent Order, deliver to the Board the Respondent's Maryland Licensed Landscape Architect's seal. If the Respondent does not possess a Maryland Licensed Landscape Architect's seal, then in lieu of delivering the Respondent's seal to the Board, the Respondent shall, within the same thirty (30) day period, deliver to the Board the Respondent's written statement, subject to penalties of perjury, attesting that the Respondent does not possess a Maryland Licensed Landscape Architect's seal;
 - d. If ever reapplying to the Board for licensure, the Respondent shall: (1) prior to reapplying, have completed any continuing professional competency requirements and any other licensing prerequisites; (2) prior to reapplying, have fully complied with this Consent Order's terms; (3) appear before the Board, or its designee, for a hearing on the application that shall be conducted in accordance with the Act, the Board's regulations, and any other applicable laws and regulations, and that at which the Respondent shall have the burden of establishing, by a preponderance of the evidence, the Respondent's entitlement to the subject license, certificate, registration, or permit as applicable and as required by COMAR 09.01.02.16(B); (4) be subject to BUS. OCC. & PROF. §9-314(b), which includes, but is not limited to, the Board possibly requiring the Respondent reapply for a license in the same manner as an applicant who applies for an original license; and
 - e. Shall deliver the items specified in subparagraphs 10(b) and 10(c) above to: Attn: Executive Director, Board of Examiners of Landscape Architects, Maryland Department of Labor, 500 N. Calvert Street, Baltimore, Maryland 21202.
- 11. The Respondent agrees and acknowledges that upon signing this Consent Order, the Respondent may not practice, attempt to practice, or offer to practice landscape architecture in Maryland unless and until the Respondent becomes licensed by the Board or is otherwise permitted to practice pursuant to the Act.
 - 12. The Respondent agrees and acknowledges that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
 - 13. By entering this Consent Order, the Respondent, in relation to this matter, expressly waives the right to have charges reduced to writing, to a hearing before the Board or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to any and all other proceedings before the Board or its designee on this matter, and to any rights to appeal from this Consent Order to any court of competent jurisdiction.
 - 14. The Parties agree that a waiver of any of the rights or duties provided herein must be in writing. Any such waiver constitutes a one-time waiver on a case-by-case basis and is not a waiver of this entire Consent Order or the subject provision(s) unless otherwise explicitly stated in writing by the waiving Party.

15. Each Party has consulted with, or had the opportunity to consult with, legal counsel and had the opportunity to participate in this Consent Order's drafting. Accordingly, no provision of this Consent Order shall be interpreted for or against any Party hereto by reason that said Party or his or her legal representative drafted all or any part hereof.
16. The Parties intend that this Consent Order represents the final expression of the Parties' intent and agreement between the Parties relating to the subject matter of this Consent Order. The Parties further intend 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.
17. The Respondent hereby agrees and acknowledges having read this Consent Order completely, either having consulted with or having had the opportunity to consult with private counsel prior to entering this Consent Order, and that the Respondent is entering this Consent Order knowingly, voluntarily, and intelligently.
18. The Parties acknowledge and agree that this Consent Order will serve as the final resolution of Complaint No. 02-LA-20, serve as the Final Order in this matter, be a part of the Respondent's record that is maintained by the Board, and that the Board's records and publications will reflect the terms of the Consent Order.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 1st DAY OF August, 2020, BY THE STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS HEREBY:

- I. **ORDERED** that the Respondent violated BUS. OCC. & PROF. §9-310(a)(1)(vi) by failing to satisfy the PDH requirements as provided in COMAR 09.28.04.03 for the license term that expired on May 15, 2019; and it is further
- II. **ORDERED** that the Respondent's license to practice landscape architecture in Maryland is immediately and voluntarily surrendered upon the Respondent signing this Consent Order; and it is further
- III. **ORDERED** that the Respondent shall within thirty (30) days of signing this Consent Order, deliver to the Board any Board issued license, certificate, and documentation that evidences the Board has given the Respondent permission to practice landscape architecture in Maryland. If the Respondent does not possess such items, then in lieu of delivering those items to the Board, the Respondent shall, within the same thirty (30) day period, deliver to the Board the Respondent's written statement, subject to penalties of perjury, attesting that the Respondent does not possess any Board issued license, certificate, or documentation that evidences the Board has given the Respondent permission to practice landscape architecture in Maryland; and it is further
- IV. **ORDERED** that the Respondent shall within thirty (30) days of signing this Consent Order, deliver to the Board the Respondent's Maryland Licensed Landscape Architect's seal. If the

Respondent does not possess a Maryland Licensed Landscape Architect's seal, then in lieu of delivering the Respondent's seal to the Board, the Respondent shall, within the same thirty (30) day period, deliver to the Board the Respondent's written statement, subject to penalties of perjury, attesting that the Respondent does not possess a Maryland Licensed Landscape Architect's seal; and it is further

- V. **ORDERED** that if the Respondent ever reapplies to the Board for licensure, the Respondent shall: (1) prior to reapplying, have completed any continuing professional competency requirements and any other licensing prerequisites; (2) prior to reapplying, have fully complied with this Consent Order's terms; (3) appear before the Board, or its designee, for a hearing on the application that shall be conducted in accordance with the Act, the Board's regulations, and any other applicable laws and regulations, and that at which the Respondent shall have the burden of establishing, by a preponderance of the evidence, the Respondent's entitlement to the subject license, certificate, registration, or permit as applicable and as required by COMAR 09.01.02.16(B); (4) be subject to BUS. OCC. & PROF. §9-314(b), which includes, but is not limited to, the Board possibly requiring the Respondent reapply for a license in the same manner as an applicant who applies for an original license; and it is further
- VI. **ORDERED** that the Respondent shall deliver any required items ordered herein to: Attn: Executive Director, Board of Examiners of Landscape Architects, Maryland Department of Labor, 500 N. Calvert Street, Baltimore, Maryland 21202; and it is further
- VII. **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
- VIII. **ORDERED** that this document shall constitute a Final Order of the Board, and the Board may consider this Settlement Agreement and 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 Settlement Agreement and 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
- IX. **ORDERED** that the Board's records and publications shall reflect that the Respondent and the Board resolved this matter through this Settlement Agreement and Consent Order.

**MARYLAND BOARD OF EXAMINERS
OF LANDSCAPE ARCHITECTS**

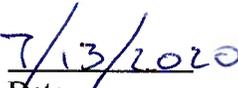
By:



Christopher Schein, Chair

8/1/2020

AGREED:



Date



John L. Tansey, Respondent