

TITLE 4: ECONOMIC RESOURCES
DIVISION 3: BUSINESS AND PROFESSIONS

§ 3218. Disciplinary Action: Reprimand, Suspension or Revocation; Refusal to Issue, Restore or Renew; Place on Probation or Conditioning of Certificate or License.

(a) The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew; place on probation or condition in any manner the certificate, license, or certificate of authorization to any engineer, architect, land surveyor, landscape architect, real property appraiser, or firm who is found guilty, in any jurisdiction, of one or more of the following violations:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew the license or the certificate of authorization; or

(2) Any negligence, incompetence or misconduct in the practice of engineering, architecture, land surveying, landscape architecture, or real property appraisal; or

(3) Conviction of or pleading guilty to a crime of moral turpitude or a crime related to the profession either in the Commonwealth or in another state or jurisdiction. A certified copy of the judgment of the court of such conviction or plea will be considered dispositive for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court shall be considered as a conviction; or

(4) Signing, affixing, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, designs, programming, plats, design information, construction documents or calculations, surveys, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsibility or direct personal supervision; or

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud or harm the public; or

(6) Practicing, or offering to practice engineering, architecture, land surveying, landscape architecture, or real property appraisal without a valid license or certificate issued by the Board; or

(7) Using the title "engineer," "engineering," "architect," "architecture," "architectural," "land surveyor," "land surveying," "landscape architect," "landscape architecture," "real property appraiser," or "real property appraisal," or any title, sign, card or device to indicate that such person is practicing such profession without having first being licensed or certified in accordance with this Chapter; or

(8) Using or attempts to use as his or her own the seal or the certificate or license of another; or

(9) Falsely impersonating any duly licensed or certified architect, engineer, land surveyor, landscape architect or real property appraiser; or

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(10) Using or attempts to use an expired, suspended or revoked, or inactive certificate or license; or

(11) Aiding or assisting another person in violating any provision of this Chapter, or the rules and regulations pertaining thereto; or

(12) Providing false testimony or information to the Board; or

(13) Failure to provide information requested by the Board as a result of a formal or informal complaint to the Board which would indicate a violation of this Chapter; or

(14) Failure to comply with any provisions of this Chapter, any regulations pertaining thereto, and the Rules of Professional Conduct for Engineers, Architects, Land Surveyors, and Landscape Architects; or

(15) Any individual or firm which advertises and offers to engage or engaging in the practice of architecture, engineering, land surveying, landscape architectural or real property appraisal services without first complying with the requirements of chapters 1 and 2 of this division;

(16) Failing to report to the Board an adverse action taken against the person by another jurisdiction's profession regulatory agency or court, professional society or association, by a governmental agency, including a law enforcement agency or by a court for acts or conduct similar to acts or conduct that would support disciplinary action under this Chapter.

(b) In addition to any other penalty provided in this section, the Board shall have the power to impose administrative penalty and/or reprimand, revoke or suspend; refuse to issue, restore or renew; place on probation or condition the certificate of authorization of any firm where one or more of its agents, officers, directors, partners, managers, or employees have been found guilty of any conduct which would constitute a violation under the provisions of this section.

(c) Upon conviction in a court of law, any person or firm who violates any of the provisions of this Chapter or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

Source: PL 4-53, § 8; amended by PL 11-99, § 3 (§ 3218); repealed and reenacted by PL 14-95, § 3 (3218); (a), (a)(10), (a)(15) amended and (a)(16) added by PL 17-39 § 12 (April 21, 2011), modified.

Commission Comment: The Commission changed "this Act" to "chapters 1 and 2 of this division" pursuant to 1 CMC § 3806(c).