STATE OF DELAWARE

DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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<u>Administrative Penalty Guidelines</u>

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)

	PROVISION	VIOLATION	MINIMUM	MAXIMUM
(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 and completion of ethics course
(6)	2823 (a) 3 2823 (a) 7	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	Improperly dating, signing and sealing documents	Warning letter	Revocation and $5,000 fine
(16)	2824	Violation of Board Order	Meet existing conditions and $100/day fine	Revocation
(17)	2823	Examinee Violations – See §2823 (b) (1)	See §2823 (b) (1)	Limited by law; Denial of licensure