

English	This document is important and should be translated immediately.
Español	Este documento es importante y debe ser traducido de inmediato.
Português	Este documento é importante e deve ser traduzida imediatamente.
Italiano	Questo documento è importante e deve essere tradotto immediatamente.
Ελληνικά	Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφράζονται αμέσως.
Français	Ce document est important et doit être traduit immédiatement.
中文	这份文件是重要的，应当立即转换。
Tiếng Việt	Văn bản này rất là quan trọng và nên được dịch lại ngay lập tức.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION OF
PROFESSIONAL ENGINEERS &
LAND SURVEYORS

_____)
In the Matter of)
Gary D. James)
License No. 32531-EN-C)
_____)

Docket No. 2021-000832-IT-ENF

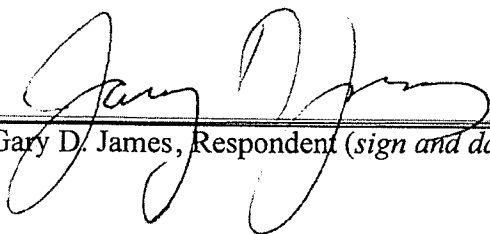
CONSENT AGREEMENT

The Massachusetts Board of Registration of Professional Engineers and Land Surveyors (hereinafter “Board”) and Gary D. James (hereinafter “Respondent”) hereby stipulate and agree that the following information shall be entered into and become a permanent part of the record of the Respondent, which is maintained by the Board:

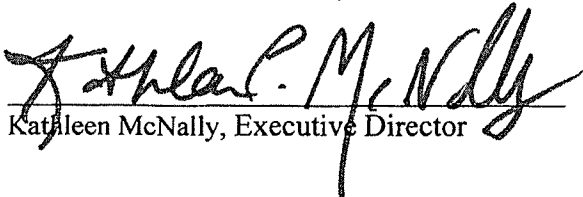
1. The Respondent agrees that this Consent Agreement (hereinafter “Agreement”) has been entered into voluntarily and in resolution of the allegations set forth in the Order to Show Cause in Docket No. 2021-000832-IT-ENF.
2. The Respondent acknowledges and admits that:
 - a) On or about January 24, 1986, the Board issued him a license to practice as a civil engineer in the Commonwealth of Massachusetts, 32531-EN-C.
 - b) The Board has not issued him a license to practice as a Professional Land Surveyor in Massachusetts.
 - c) In about 2019, he affixed his Professional Engineer stamp and/or his signature to plans for a property located on [REDACTED] in Situate, MA, including a Proposed Drainage Improvements Plan of Land and a Proposed Conditions Plan of Land.
 - d) The above-described plans were not stamped or signed by a PLS, but included the delineation of existing or proposed structures, features or boundaries relative to property lines.

- e) His conduct, described above, constituted the unlicensed practice of land surveying and a violation of 250 CMR 5.01(2) and M.G.L. c. 112, §§ 61, 65A.
3. It is the desire and intent of the Respondent and the Board to completely resolve this matter without a hearing conducted before the Board pursuant to G.L. c. 30A and 801 CMR 1.00. Therefore, the Respondent agrees that the Board shall place his license to practice as a registered professional engineer in the Commonwealth of Massachusetts on **SUSPENSION for a period of 30 days** (hereinafter "Suspension Period"). The Suspension Period shall commence on April 1, 2024 (hereinafter "Effective Date"). The Respondent understands and agrees that, while his license is suspended, he shall not engage in the practice of professional engineering, advertise or offer professional engineering services, or otherwise hold himself out in any manner tending to indicate that he is licensed by the Board to provide professional engineering services. The Respondent acknowledges and understands that any evidence of unauthorized practice by the Respondent which comes to the Board's attention shall subject his license to action by the Board under its statutory authority.
 4. The Respondent agrees to submit a written petition to terminate the Suspension Period. Said petition shall include an executed copy of this agreement. The petition to terminate the Suspension is a documentary requirement of this agreement and must be submitted pursuant to paragraph 5, below. The Board shall terminate the Suspension unless it determines that termination would not be in the interest of public health, safety, or welfare. The Respondent agrees that the Suspension shall not be terminated unless and until he submits a written petition to terminate the Suspension and the Board acts to terminate the Suspension.
 5. Any documentary requirements of the consent agreement shall be submitted electronically to: Compliance.dol@mass.gov or by mail to Division of Occupational Licensure, Office of Investigations – Compliance Monitor, 1000 Washington St, Ste 710, Boston, MA 02118.
 6. The Respondent further agrees to pay a **FINE in the amount of one thousand dollars (\$1,000.00)** upon his submission of this signed Agreement. Said fine payment shall be submitted in the form of a cashier's check or money order(s) made payable to the Commonwealth of Massachusetts.
 7. The Respondent agrees to comply with all requirements contained in this Agreement and all laws and regulations governing the professional engineering profession in the Commonwealth of Massachusetts.
 8. The Board agrees that, in return for the Respondent's execution of this Agreement and successful compliance with the terms of this Agreement, the Board will not further prosecute the allegations arising from the Complaint in this matter.

9. The Respondent acknowledges that this Agreement is a matter of public record, and that upon its Effective Date, the Board may forward a copy of this Agreement to any interested party or agency, including the equivalent licensing boards of other states or to any other individual or entity as permitted or required by law.
10. The Respondent understands and agrees that the disciplinary action described in this Agreement is a final act, which is not subject to reconsideration, appeal, or judicial review.
11. The Respondent states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he has not used legal counsel, that such decision was freely made.
12. The Respondent certifies that he has read this document entitled "Consent Agreement" and understands its terms. The Respondent understands that he has the right to a formal hearing concerning the allegations against him and that during said adjudication, he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 et seq. The Respondent further states that he understands that by executing this document entitled "Consent Agreement," he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above-listed rights attendant thereto.
13. The Respondent understands that this Consent Agreement is subject to final Board approval. Thus, the Respondent understands that this Agreement will not become effective until the Board formally approves it.

 3/12/2024
Gary D. James, Respondent (sign and date)

For the Board of Registration of Professional
Engineers and Land Surveyors,


Kathleen McNally, Executive Director

April 1, 2024
EFFECTIVE DATE

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

067-0012
0118

March 13 2024

Citizens

MEMO

PAY ***** \$1,000.00 ***** DOLLARS

TO THE ORDER OF

COMMONWEALTH OF MASSACHUSETTS

Drawer: Citizens Bank, N.A.

Kristen Burrell Meese

AUTHORIZED SIGNATURE

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

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March 13 2024

Citizens

MEMO

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