

**State of New Hampshire  
Joint Board of Licensure and Certification  
Board of Licensure for Professional Engineers  
Concord, New Hampshire 03301**

In the Matter of:  
Stephen C. Hoffman, PE  
No.: 06989  
(Misconduct Allegations)

**SETTLEMENT AGREEMENT**

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of engineering, the New Hampshire Board of Licensure for Professional Engineers ("Board") and Stephen C. Hoffman, PE. ("Mr. Hoffman" or "Respondent"), an engineer licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 310-A:22; 310-A:22-a; and Engineering Administrative Rule ("Eng") 402, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by licensed engineers. Pursuant to Eng 402.02, the Board may impose disciplinary sanctions pursuant to a settlement agreement and without commencing a hearing.
2. The Board first granted Respondent a license as an engineer in the State of New Hampshire on October 7, 1987. Respondent holds license number 06989. Respondent practices engineering in multiple states.
3. On or about November 23, 2010, during a routine licensee inspection, the Board learned that Respondent failed to report discipline from the Commonwealth of Massachusetts Board of Registration of Professional Engineers and Professional Land Surveyors ("Massachusetts Board") on his renewal form.
4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's conduct.
5. Respondent neither admits nor denies the allegations herein, but stipulates that if a disciplinary hearing were to take place, Hearing Counsel would present evidence upon which the Board could conclude that Respondent engaged in professional misconduct, in violation of RSA 310-A:22, II (a), RSA 310-A:22, II (c), RSA 310-A:22, II (g), RSA 310-A:22, II (i), and Eng 501.02 (c).
  - A. Respondent has been licensed in New Hampshire since 1987. The Massachusetts Board issued an Order to Show Cause relating to allegations of professional misconduct on the part of Respondent. On August 30, 2000, following a hearing, the Massachusetts Board issued a Final Decision and Order revoking

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Respondent's license to practice engineering. In pertinent part, the Massachusetts Board found that Respondent stamped plans he did not prepare and which were not prepared under his direct supervisory control and he failed to adequately validate the structural integrity of a building to insure compliance with the Massachusetts Building Code.

- B. Prior to the Final Decision and Order being issued, Respondent sent a letter to several of the states in which he was licensed, advising them that he had voluntarily surrendered his license to practice engineering in Massachusetts for a period of five years. Respondent reports that he mistakenly believed this letter satisfied his responsibility to notify other states' licensing boards of the Massachusetts action.
  - C. Respondent sent a copy of this letter to the South Carolina Board of Registration for Professional Engineers and Surveyors ("South Carolina Board"). On September 25, 2011, Respondent entered into a Consent Order with the South Carolina Board, wherein his license was reprimanded.
  - D. Respondent failed to disclose the August 30, 2000 Massachusetts Final Decision and Order. Respondent did not disclose this information on his 2002, 2004, 2006, 2008 or 2010 New Hampshire renewals.
  - E. Respondent failed to disclose the September 25, 2001 South Carolina Consent Order on his 2002, 2004, 2006, 2008 or 2010 New Hampshire renewals.
  - F. Respondent has indicated that he misunderstood these reporting requirements.
- 6. Respondent acknowledges that, if a hearing were held and the Board found the acts as alleged above to be substantiated, such a finding would constitute grounds for the Board to conclude that, by engaging in such conduct, Respondent violated RSA 310-A:22, II (a), RSA 310-A:22, II (c), RSA 310-A:22, II (g), RSA 310-A:22, II (i), and Eng 501.02 (c).
  - 7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's engineering license in the State of New Hampshire.
  - 8. Respondent consents to the Board imposing the following actions, pursuant to RSA 310-A:23:
    - A. Respondent is reprimanded.
    - A. Respondent is assessed an **administrative penalty** in the amount of \$10,000. Respondent shall pay this fine in twenty (20) equal installments of \$500 each, with the first payment due within thirty (30) days of the effective date of this *Settlement Agreement*, as defined further below. Each subsequent payment shall be made by the first of each subsequent month. All payments shall be made by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 57 Regional Drive, Concord, New Hampshire 03301. In the event that Respondent is more than fifteen (15) days late with a payment, the entire amount of the fine shall be due by the next payment deadline.

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- B. The Board may consider Respondent's compliance with the terms and conditions herein and in any subsequent proceeding before the Board regarding Respondent's license.
  - C. Within ten (10) days of the effective date of this *Settlement Agreement*, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as an engineer. Respondent shall notify any agency or authority that licenses, certifies or credentials engineers, to which Respondent may apply for any professional privileges or recognition, if required during the renewal process.
  - D. For a continuing period of six (6) months from the effective date of this *Settlement Agreement*, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as an engineer and to any agency or authority that licenses, certifies or credentials engineers, to which Respondent may apply for any professional privileges or recognition, if required during the application process.
9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 310-A:22, and a separate and sufficient basis for further disciplinary action by the Board.
  10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
  11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
  12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
  13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
  14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
  15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
  16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* has prejudiced his right

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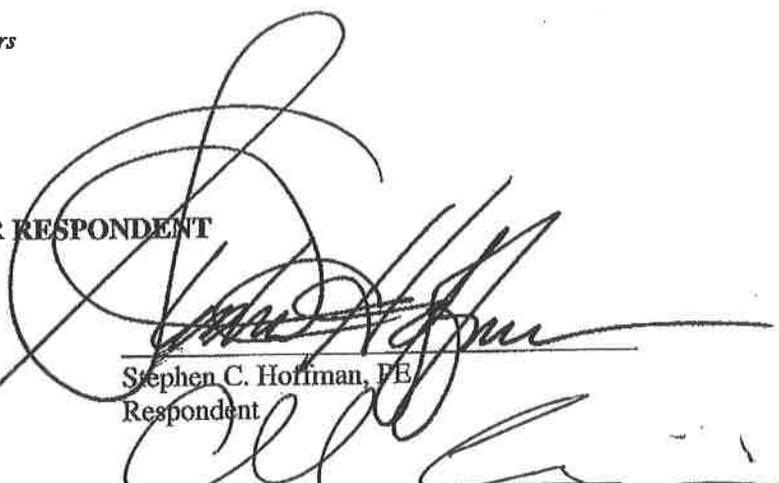
- to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
  18. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right 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, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
  19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

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**FOR RESPONDENT**

Date: 19 JAN 2012

Date: 1/19/2012

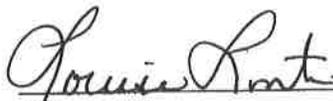
  
\_\_\_\_\_  
Stephen C. Hoffman, PE  
Respondent

  
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Andrew Livernois, Esq.  
Counsel for Respondent

**FOR THE BOARD/\***

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 1/23/2012

  
\_\_\_\_\_  
(Signature)

Louise Lavertu  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Licensure for  
Professional Engineers

/\* Board member(s), recused.

Ronald Cook  
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