

Before the
New Hampshire Professional Geologist Board
Concord, New Hampshire 03301

In The Matter Of:
Trent E. Hayden
License No.: 00753
(Adjudicatory/Disciplinary Proceeding)

Docket No.: 16-01

FINAL DECISION AND ORDER

Before the New Hampshire Office of Professional Licensure and Certification, Professional Geologist Board (“Board”) is an adjudicatory/disciplinary proceeding in the Matter of Trent E. Hayden (“Respondent” or “Mr. Hayden”), New Hampshire Geologist (lapsed) in Docket Number 16-01.

BACKGROUND INFORMATION

On or about September 18, 2015, a complaint was filed with the Board’s office at 121 South Fruit Street, Concord, New Hampshire. The complaint involved allegations that the respondent forged another licensee’s signature on documents related to work that was required to be completed by a licensed professional Geologist. The matter was sent to Investigator Horne to request a response from the licensee. In his response the licensee conceded that he did in fact forge the documents in question. Thereafter, on August 8, 2016, the Board issued a Notice of Hearing scheduled for October 7, 2016 at 9:30 a.m. The Respondent was provided legal notice as required by statute and or rules of that hearing.

On Friday, October 7, 2016, at 9:40 a.m., the Board commenced an adjudicatory/disciplinary hearing in the above-captioned matter. Board members present¹ were:

Thomas Shevenell, Chairperson, Presiding Officer
Paul Rydel, Professional Geologist member
Frederick H. Chormann, Jr., Professional Geologist member
John Regan, Professional Geologist member
Muriel Robinette, Professional Geologist member
Ren Horne, Investigator was present.
Linda Capuchino, Division Director, present.
Bobbie Carter, Program Specialist.
Dawn Courtier, Program Assistant.

The following exhibits were introduced into evidence and accepted into the record:

- I. Hearing Counsel's exhibits: Original Complaint and documentation received from Ransom Consulting dated September 18, 2015.
- II. Document received from Ransom Consulting containing Elizabeth's actual signature received September 30, 2015.
- III. Letter requesting response dated September 30, 2015.
- IV. Licensee's response to original complaint dated October 28, 2015.
- V. Proposed settlement agreement dated June 30, 2016.
- VI. Notice of Hearing dated August 8, 2016.
- VII. Geo 500 Rules
- VIII. New Hampshire RSA 310-A:118 through 139

The Board heard testimony from Ren Horne, Office of Professional Licensure and Certification, who was the investigator assigned to the case. Investigator Horne submitted documents of his investigation to the Board on or about August 8, 2016. Additionally, in compliance with the statute and or rules, copies of the exhibits were forwarded to the Respondent. These documents were submitted as full exhibits at the October 7, 2016 hearing. The Board finds Mr. Horne's testimony at the hearing was professional, forthright and credible.

The Respondent, Mr. Hayden, failed to appear at the hearing or submit any further documentation for the Board to consider.

¹ These same Board members also deliberated and voted on this Final Decision and Order.

FINDINGS OF FACT

1. The Respondent was granted a license to practice as a Professional Geologist in the State of New Hampshire on November 17, 2006.
2. The Respondent's license status lapsed on February 28, 2016.
3. On January 12, 2014, December 12, 2014, January 22, 2015, January 24, 2015 and January 26, 2015, while still licensed, the Respondent forged signatures of his employer, Elizabeth Ransom and a number of documents requiring the signature of a licensed professional geologist that conducted said work.
4. The Respondent admitted to Investigator Horne, during the course of the investigation, that he did in fact forge the alleged documents.
5. By engaging in such conduct the Board finds that the Respondent violated a number of rules and statutes as his conduct was unprofessional, unethical and dishonorable.

RULINGS OF LAW

- A. The respondent is in violation of New Hampshire RSA 310-A:133 III as a result of the following types of misconduct which are sufficient to support revocation or suspension of a license:
 - (a) Unprofessional, unethical, or dishonorable conduct unworthy of, and affecting the practice of geology;
 - (c) Violations of the rules of the ethical standards of the profession;
- B. The Respondent is in violation of professional Geologist Rules Geo 501.03

Standards of Conduct as follows:

- (b) The licensed professional geologist shall:

- (3) Act for each employer or client as faithful agents or trustees;
- (4) Not engage in deceptive acts;
- (5) Conduct himself/herself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession;

CONCLUSION OF LAW

- I. The Respondent is subject to disciplinary action pursuant to New Hampshire RSA 310-A:133, II.
- II. Accordingly, NH RSA 310-A:133, III authorizes that a finding by the board of any of the following types of misconduct may be sufficient to support revocation or suspension of a license:
 - (a) Unprofessional, unethical, or dishonorable conduct unworthy of, and affecting the practice of geology;
 - (b) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated;
 - (c) Violations of the rules of the ethical standards of the profession; or,
 - (d) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.

III. Respondent is in n violation of Administrative Rule Geo 501.03 Standards of Conduct for failure to comply with the following:

(b) The licensed professional geologist shall:

(3) Act for each employer or client as faithful agents or trustees;

(4) Not engage in deceptive acts;

(5) Conduct himself/herself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

IV. Specifically, the following conclusions of law are issued:

1. The Board finds that the respondent has Violated RSA 310-A:133, III (a)

2. The Board finds that the respondent has Violated RSA 310-A:133, III (c)

3. The Board finds that the respondent has Violated Administrative Rule Geo 501.03, b (3)

4. The Board finds that the respondent has Violated Administrative Rule Geo 501.03, b (4).

5. The Board finds that the respondent has Violated Administrative Rule Geo 501.03, b (5).

6. The Board considered the following aggravating and mitigating circumstances according

to Geo 402.02(d)

(d) The following shall be considered aggravating circumstances:

(1) The seriousness of the offense;

(2) The licensee's prior disciplinary record;

(3) The licensee's state of mind at the time of the offense;

(4) The licensee's lack of willingness to cooperate with the board; and

(5) The potential harm to public health and safety.

THEREFORE, the Board issues the following Order:

- A. IT IS ORDERED that the Respondent is REPRIMANDED.
- B. IT IS ORDERED that the Respondent is deemed to be in violation of RSA 310-A:133, III (a) and (c) and Geo 501.03 (b) (3), (4) and (5) by exhibiting unprofessional conduct, or dishonorable conduct unworthy of and affecting the practice of the profession.
- C. IT IS ORDERED that as a result of the Respondent's violation of the above-referenced statutes and rules governing licensed professional geologists, his Professional Geologist's License is hereby SUSPENDED for a period of three years.
- D. Respondent's suspension of his New Hampshire Professional Geologist's License shall be effective the date this Order is signed.
- E. IT IS ORDERED that upon completion of his three year suspension, the Respondent is required to reapply for his Professional Geologist License.
- F. IT IS ORDERED that the Respondent will be required to submit documentation to the Professional Geologists Board from a Licensed Mental Health provider that he is not a danger to public health, safety, or welfare should he be relicensed to practice as a professional geologist.
- G. IT IS ORDERED that the Respondent submit evidence of completion of a professional ethics course, acceptable to the Board, upon reapplication to the Board.
- H. IT IS ORDERED that within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Final Decision and Order* to any current employer for whom Respondent performs services as a

professional geologist or work which requires a geologists knowledge or directly or indirectly involves geology, and to any agency or authority which licenses, certifies or credentials geologists, with which Respondent is presently affiliated.

- I. For a continuing period of three (3) years from the effective date of this agreement, Respondent shall furnish a copy of this *Final Decision and Order* to any employer to which Respondent may apply for work as a Professional Geologist or for work in any capacity which requires geology knowledge or directly or indirectly involves geology, and to any agency or authority that licenses, certifies or credentials professional geologists, to which Respondent may apply for any such professional privileges or recognition.
- J. IT IS FURTHER ORDERED that the Respondent's failure to comply with any terms or conditions imposed by this Final Decision and Order shall constitute unprofessional conduct pursuant to RSA 310-A:133 and a separate and sufficient basis for further disciplinary action by the Board against the Respondent.
- K. IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
- L. IT IS FURTHER ORDERED that this Final Decision and Order shall take effect as an Order of the Board on the date an authorized representative of the Board executes/signs

this Order.

BY ORDER OF THE NEW HAMPSHIRE BOARD OF PROFESSIONAL GEOLOGIST

Date: 10.14.16



(Signature)

Linda Capuchino, Division Director
Authorized Representative of the
New Hampshire Board of Professional
Geologists