

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
STATE OF NEW HAMPSHIRE
DIVISION OF TECHNICAL PROFESSIONS

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JAN 25 2017

PETER DANLES
Executive Director

STATE OF NH
LINDA COUCH
Division Director



State of New Hampshire
Board for Professional Geologists
Concord, New Hampshire 03301

In the Matter of:
Steven Brackett
License # 00601
(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 Professional Geology, The New Hampshire Board of Licensure for Professional Geologists ("Board") and Steven Brackett ("Mr. Brackett" or "Respondent"), a geologist 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:

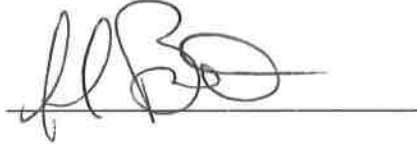
1. Pursuant to RSA 310-A: 133, and Geologists Administrative Rule **Geo 402.01**, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by licensed geologists. Pursuant to **Geo 402.02**, the Board may impose disciplinary sanctions pursuant to a settlement agreement and without commencing a hearing.
2. The Board first granted Respondent a license to practice as a geologist in the State of New Hampshire on January 3, 2003. Respondent holds license number 00601. Respondent's last known address is 47 Marlboro St. Keene, N.H. 03431.
3. On or about August 8, 2016, the Board received information that Mr. Brackett violated **Geo 501.03 Standards of Conduct** by altering sampling and analysis dates on laboratory reports submitted to the New Hampshire Department of Environmental services on behalf of Cheshire County Credit Union, 143 Marlboro St. in Keene, N.H.
4. In response to this, the Board acquired a response to the allegations from the Respondent admitting to the charges.
5. The Board finds that the Respondent committed the acts described above and concludes that, by engaging in such conduct, Respondent violated RSA 310-A: 133 III. (a) (c) and **Geo 501.03 (b) (3) (4) (5)**.

6. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's geologist license in the State of New Hampshire.
7. Respondent consents to the Board imposing the following discipline, pursuant to RSA 310-A: 133, as well as **Geo 402.03 (c) (1.)**:
 - A. Respondent is **reprimanded**.
 - B. Respondent is assessed an **administrative fine** in the amount of one thousand dollars (\$1000.00) to be paid **in full** within (60) days of the effective date of this *Settlement Agreement*, by delivering a credit card, money order, or bank check, made payable to "*Treasurer, State of New Hampshire*," to the Board's office at 121 South Fruit Street, Concord, N.H. 03301.
 - C. The Respondent's license to practice professional geology within the State of New Hampshire is hereby **suspended** for a continuing period of one (1) year from the effective date of this agreement.
However, this sanction will be suspended for a continuing period of one (1) year from the effective date of this agreement provided that Respondent commits no further violations of statute or administrative rule regulating professional geologists within that one year period.
 - D. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
 - E. For a continuing period of one (1) year from the effective date of this *Settlement Agreement*, Respondent shall furnish a copy of this *Settlement Agreement* to any agency or authority that licenses, certifies or credentials geologists, to which the Respondent may apply for any privileges or recognition.
 - F. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant RSA 310-A: 133, and a separate and sufficient basis for further disciplinary action by the Board.
 - G. 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.
 - H. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
 - I. 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.
 - J. The Board agrees that in return for Respondent's executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
 - K. 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.

- L. 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*.
- M. 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 to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
- N. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
- O. 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.
- P. 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.
- Q. This *Settlement Agreement* shall not take effect unless approved by the Board.

FOR RESPONDENT

Date: 1/24/17



Steven Brackett
Respondent

FOR THE BOARD

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

Date: 1.30.17



(Signature)

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