

STATE OF MAINE
BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS

In re: 2009-LSU-5540) CONSENT
JAMES M. BRYANT) AGREEMENT

This document is a Consent Agreement regarding disciplinary action against the license of James M. Bryant. The parties to this Consent Agreement are: James M. Bryant ("Respondent"), the State of Maine Board of Licensure for Professional Land Surveyors ("the Board") and the Department of the Attorney General. This Consent Agreement is entered into pursuant to 32 M.R.S.A. § 13903 and 10 M.R.S.A. § 8003(5-A)(C).

FACTS

1. On February 26, 2009, Respondent filed an application to be licensed as a Land Surveyor in Training. On that application, he answered the question "Have you ever been convicted by any court of a crime?" by stating "No". By signing the application he certified "that the information provided on this application is true and accurate to the best of my knowledge and belief." and acknowledged that the Board would rely on it in connection with approving the application.

On March 30, 2009, representatives of the Board received the results of a search of Respondent's Criminal History Record from the Maine State Bureau of Identification. On that record it was disclosed that Respondent had been convicted of Criminal Mischief (Class D) on October 2, 1990 and was fined \$100. The Administrator for the

Board contacted the Respondent and asked him if his answer to the criminal conviction question was correct. He said it was and then mentioned that there was a possession of alcohol "event" when he was a freshman in college, he thought it was not a crime. After that conversation, Respondent checked his background further and found the criminal conviction, which he indicated involved possession of alcohol and public urination on private property.

AGREEMENT

1. Respondent acknowledges the facts set forth in the factual statement above are true and accurate.
2. Respondent acknowledges that the circumstances set forth in the FACTS constitute a violation of 10 M.R.S.A. § 8003(5-A)(A)(5) by violating Board Rules, Chapter 4, Section 5, (*the applicant shall submit a properly completed application*) by filing the application with an inaccurate answer to the criminal conviction question after failing to properly review how events, which he recalled, were handled in the court process.
3. The Board issues the Respondent a **WARNING** that in all professional dealings, and in all communications with the Board, the Respondent should exercise reasonable care in researching the matter prior to making representations of fact. This is true of all professional communications, but particularly in communications to the Board where it is made clear that the Board will be relying on the accuracy of any representations made by the licensee to the Board.

4. The Board agrees to take no further disciplinary action against Respondent based on the conduct of Respondent described in the Statement of Facts above, but the Board reserves the right to take any action, including disciplinary action, which it deems appropriate and which is allowed by law, if Respondent fails to fully comply with the terms of this Consent Agreement. In taking any action, including disciplinary action, based on Respondent's failure to fully comply with this Consent Agreement the Board may consider the circumstances surrounding the incident described in the Statement of Facts above and the various acknowledgements that the Respondent has made in this agreement. Furthermore, the Board may consider the misconduct described above as evidence of a pattern of conduct in the event that similar misconduct allegations are brought against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this agreement as a factor in determining appropriate discipline should any further misconduct allegations be proven against Respondent in the future.

5. The parties also agree to the following:
- (a) This Consent Agreement may not be appealed.
 - (b) The terms of this Consent Agreement may only be amended by written agreement of all the parties hereto.

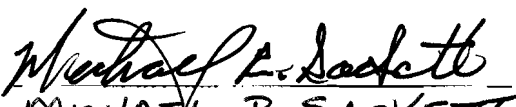
- (c) This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402.
- (d) Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
- (e) **Respondent acknowledges by Respondent's signature hereto that Respondent has read and understands this Consent Agreement; that Respondent has had the opportunity to consult with an attorney before Respondent signed this Consent Agreement; that Respondent has signed this Consent Agreement of Respondent's own free will; and that, by signing this Consent Agreement, Respondent agrees to abide by all the terms and conditions as set forth herein.**

Dated: 5/15/09



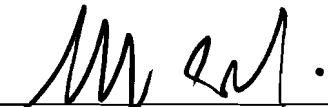
JAMES M. BRYANT

Dated: 7/14/2009



MICHAEL R. SACKETT
Board of Licensure for Professional
Land Surveyors

Dated: 7/20/09



ROBERT C. PERKINS
Assistant Attorney General