

**BEFORE THE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**MARTIN MASTROIANNI
LICENSE #PE19586**

CASE NO: MLM-11-18-2016

RESPONDENT.

SETTLEMENT AGREEMENT

WHEREAS, the Professional Engineering Committee of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors ("Board") initiated a complaint against Martin Mastroianni, Respondent ("Respondent"), alleging that Respondent failed to report a misdemeanor conviction on an application for licensure as a professional engineer on or about June 25, 2009, and a renewal of license forms on or about December 17, 2010 and November 12, 2012.;

WHEREAS, the Board voted to request the issuance of a Notice of Contemplated Action ("NCA"), which was issued on November 14, 2018;

WHEREAS, the Board and Respondent wish to resolve this matter without the time and expense of a formal hearing and believes that this Settlement Agreement is appropriate and in the best interest of both the Board and Respondent;

IT IS AGREED AS FOLLOWS:

1. The Board has jurisdiction over the Respondent and the subject matter.

2. The Respondent was licensed to practice engineering beginning on October 2, 2009, and remains active as of the date of this agreement.
3. Respondent enters into this Settlement Agreement voluntarily and waives the right to a full hearing on the merits, the right to confront and cross examine witnesses, the right to an appellate process, and waives all time limitations as set forth in the Uniform Licensing Act, NMSA 1978, § 61-1-1 through § 61-1-33.
4. Respondent's waiver of rights contained herein is made knowingly, intelligently and voluntarily.
5. If the Board rejects this Settlement Agreement, the Board may proceed with a full evidentiary hearing. Terms of this agreement or statements made by either the Respondent or the Board in support of this agreement shall not be used against either party in such hearing and are not intended as general admissions.
6. The Board shall take no further action against Respondent with respect to the matters in the subject case, provided that Respondent complies with the terms of this Settlement Agreement.
7. Respondent agrees to pay a civil penalty of four hundred dollars (\$400.00) to the Board within sixty (60) days of the Board's acceptance of this Settlement Agreement.
8. The Board shall send a copy of the Order accepting this Settlement Agreement to the Respondent via certified mail.
9. Respondent shall pay the penalty by check, cashier's check or money order, and shall send payment to the Board to the following address:

N.M. BLPEPS
c/o Perry Valdez, Executive Director
P.O. Box 25101
Santa Fe, NM 87504-25101

10. Respondent understands and acknowledges that any violation by Respondent of this Settlement Agreement will immediately result in the re-filing of the NCA, which could result in the imposition of lawful sanctions, including but not limited to any disciplinary action described in the Engineering and Surveying Practice Act for the above referenced case and the subsequent violation.
11. The NCA and this Settlement Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-1 *et seq.* Other data, communications, and information acquired by the Board relating to this matter shall be public as provided by applicable regulations.
12. This Settlement Agreement resolves claims brought, or which could have been brought by either party against the other as a result of the incidents described in or arising out of the NCA.
13. The Board will verify that Respondent has satisfied the above stated requirements.

Martin L. Mastroianni

Martin Mastroianni, PE, Respondent

1-27-2019

Date

/s/ Mark F. Swanson

Mark F. Swanson, Assistant Attorney General

1/28/19

Date

BEFORE THE PROFESSIONAL ENGINEERING COMMITTEE OF
THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL
ENGINEERS AND PROFESSIONAL SURVEYORS

IN THE MATTER OF:

MARTIN MASTROIANNI
LICENSE #PE19586

CASE NO: MLM-11-18-2016

Respondent.

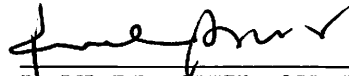
ORDER

This proposed settlement comes before the Committee during a properly scheduled public meeting with a quorum present and majority voting in the affirmative, this Agreement is:

X ACCEPTED

_____ REJECTED

02-01-19
DATE



PAUL BRASHER, CHAIR
NEW MEXICO PROFESSIONAL
ENGINEERING COMMITTEE