

**IN THE MATTER OF
GARTH JONES
LICENSE NO. 001190**

*** BEFORE THE MARYLAND
*
* BOARD OF ENVIRONMENTAL
*
* HEALTH SPECIALISTS

*** * * * ***

CONSENT ORDER OF PROBATION

On or about September 19, 2020, the Maryland Board of Environmental Health Specialists (the "Board") received a complaint regarding **GARTH JONES** (the "Respondent"), a licensed environmental health specialist ("EHS"), license number **001190**. Following an investigation by the Board, on October 19, 2021, the Board charged the Respondent with violating the Maryland Environmental Health Specialists Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 21-101 et seq. (2014 Repl. Vol. & 2020 Supp.). The Respondent was charged under the following provisions of Health Occ. § 21-312:

- (b) Subject to the hearing provisions of §21-313 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny any applicant licensure, reprimand and licensee, or place any individual who is licensed on probation, or suspend or revoke a license, if the applicant or licensee:

....

- (4) Commits any gross negligence, incompetence, or misconduct while performing the duties of any environmental health specialist[.]

On November 9, 2021, the Respondent attended a case resolution conference ("CRC") with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. The Assistant Attorney General – Administrative Prosecutor, also attended the CRC on behalf of the State. At that CRC, the Respondent and the State agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds that:

1. On or about February 2, 2000, the Respondent received a license to practice as an Environmental Health Specialist (“EHS”) in the State of Maryland. The Respondent's EHS license is currently active and is scheduled to expire on June 30, 2023.
2. At all times relevant, the Respondent was employed as an EHS in a local county health department.
3. On or about September 19, 2019, the Board received a complaint (the “Complaint”) from an Environmental Health Supervisor (the “Complainant”) regarding “misfeasance concerning [the Respondent’s] work product.”
4. The Complaint detailed incidents at four locations occurring between December 2018 and May 2019.

Property A

5. On or about December 12, 2018, the Respondent conducted a site visit for a land evaluation application for Property A. The Respondent performed a soil profile¹ and placed one piezometer² to monitor water tables.
6. On or about January 23, 2019, and March 20, 2019, the Respondent read the water tables which were unacceptable.
7. On or about August 1, 2019, the Respondent’s supervisor (the “Supervisor”) responded to Property A to perform soil work and confirm the Respondent’s findings.

¹ A soil profile is an assessment of the various layers of soil to classify and interpret the soil for various uses, as defined by the United States Department of Agriculture.

² A piezometer is any of several instruments for measuring the pressure of a fluid or the compressibility of a substance when subjected to such a pressure.

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8. The Supervisor was not able to confirm the Respondent's findings but in fact confirmed that the Respondent conducted his evaluation on the wrong area of the property. The Supervisor subsequently responded to the property and evaluated the correct area.

Property B

9. On or about February 22, 2019, the Respondent completed a replacement septic site evaluation for Property B. He drafted a site plan and completed a septic system design.
10. During the pre-installation meeting, an irrigation well on a neighboring property was discovered to be less than 100 feet from the proposed septic system. The irrigation well was not shown on the site plan the Respondent drafted.
11. It was subsequently discovered that the Respondent had noted the irrigation well in his field visit notes but failed to include the well in the site plan.

Property C

12. On or about May 1, 2019, the Respondent completed a replacement septic site evaluation for Property C. He drafted a site plan and completed a septic system design.
13. During the pre-installation meeting for the septic system, it was found that the site plan was inaccurate and that the proposed system would not fit in the area specified by the Respondent. The site plan did not accurately show the locations of structures and the existing septic tank on the property. The system as it was proposed would have been off contour and would have encroached on a carport.

Property D

14. On May 24, 2019, the Respondent completed a replacement septic site evaluation for Property D. He drafted a site plan and completed a septic system design. In addition, the Respondent required the existing septic tank to be removed and replaced because it was

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less than 100 feet away from the well. It was subsequently discovered that the Respondent did not show the correct location of the well.

15. At the request of the property owners, a re-evaluation of the property was conducted by the Supervisor, and changes were implemented to the design.
16. The Supervisor attempted to add the new system design to the site plan drafted by the Respondent but found that the Respondent did not accurately indicate the position of the house in the site plan. This inaccuracy made the new system design and location infeasible.

II. DISCUSSION

Upon consideration of the foregoing Findings of Fact, the Board finds that the Respondent completed site evaluations for septic systems and soil and submitted site plans for the issuance of permits that failed to include sufficient information to generate accurate site evaluations. The Board concludes that the Respondent's actions constitute misconduct while performing the duties of an environmental health specialist in violation of the Maryland Environmental Health Specialists Act, specifically Annotated Code of Maryland, Health Occupations Article § 21-312(b)(4).

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated:

Health Occ. § 21-312(b): Subject to the hearing provisions of § 21-313 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may . . . reprimand any licensee, or place any individual who is licensed on probation, or suspend or revoke a license, if the . . . licensee:

- (4) Commits any gross negligence, incompetence, or misconduct while performing the duties of an environmental health specialist[.]

IV. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of the Respondent, Garth Jones, to practice as an environmental health specialist in the State of Maryland, license number 001190, is hereby placed on **PROBATION FOR A MINIMUM OF TWELVE (12) MONTHS** subject to the following terms and conditions:

1. The Respondent shall obtain the services of a mentor, who must be a licensed environmental health specialist,³ for the duration of the probationary period.
The mentor shall be approved by the Board; and
2. The Respondent shall submit the name of the mentor for approval by the Board within sixty (60) days of the effective date of this Consent Order; and
3. The Respondent shall arrange for the mentor to submit quarterly reports to the Board assessing the Respondent's work product, performance, and compliance with professional standards for the practice of an environmental health specialist. It is the Respondent's responsibility to ensure that the mentor's reports are submitted to the Board and to notify the mentor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Consent Order; and
4. The Respondent shall submit documentation of successful completion of a minimum of **FOUR (4) HOURS** of continuing education in site evaluation for on-site sewage disposal within **SIX (6) MONTHS** of the effective date of this Consent Order. The Respondent shall submit the proposed continuing education to the Board in advance for Board approval; and

³ The mentor should be the Respondent's director supervisor or a supervisor within the direct management structure.

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5. The Respondent shall immediately notify the Environmental Health Director of his employer of the probationary status of his license and arrange for the employer to submit, in writing, confirmation that they have reviewed this Consent Order; and
6. The Respondent shall notify the Board in writing of any EHS position from which the Respondent is terminated by the employer and/or any EHS position from which the Respondent voluntarily resigns within **THREE (3) DAYS** of the date of termination/resignation. The Respondent shall include the reasons for the termination or resignation in the written notification; and it is further

ORDERED that the Respondent shall have contacted, and scheduled an appointment with, the Board's administrative staff **no later than TEN (10) DAYS from the effective date of this Consent Order** for the purpose of beginning compliance with its terms and conditions; and it is further

ORDERED that the Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crime(s), whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order; and it is further

ORDERED that the Respondent is responsible for any costs associated with complying with this Consent Order; and it is further

ORDERED that there shall be no early termination of the probation imposed in this Consent Order. After **TWELVE (12) MONTHS** from the effective date of this Consent Order

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have passed, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with all of the probationary terms of this Consent Order and safely employed as an environmental health specialist for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status; and it is further

ORDERED that failure to comply with any of the terms and conditions in this Consent Order shall constitute a violation of the Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for a hearing, may impose, by further public Order of the Board, any sanction(s) authorized by Health Occ. § 21-312 and COMAR 10.60.04.08, including reprimand, additional probation, suspension, and/or revocation; and it is further

ORDERED that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol.).

12-14-2021
Date



Linda Rudie, LEHS
Board Chair
Maryland Board of Environmental Health Specialists

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CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222. I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.



Garth Jones, License No. 001190

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NOTARIZATION

CITY: Salisbury

COUNTY: Wicomico

I HEREBY CERTIFY that on this 1st day of December, 2021, before me, Marie A. Purnell, Notary Public of the State and City/County aforesaid, **Garth Jones** personally appeared and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of **Garth Jones**.

AS WITNESSETH my hand and notarial seal.

SEAL

Marie A. Purnell

Notary Public

My Commission Expires:

MARIE A. PURNELL
Notary Public-Maryland
Wicomico County
My Commission Expires
March 13, 2025