

**BEFORE THE WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS**

IN RE: ROBERT I. CHEVEL

C2006-18

CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers by Leonard J. Timms, P.E., its president, and its attorney, Debra L. Hamilton, Deputy Attorney General for the State of West Virginia (hereinafter "the Board") for the purpose of agreeing to disciplinary action to be taken against Robert I. Chevel [hereinafter at times referred to as Respondent]. As reflected in this document, the parties have reached an agreement concerning the proper disposition of this matter, and the Board, upon approval of such agreement, does hereby **FIND** the following:

1. The Board is a state entity created by West Virginia Code §30-13-1 *et seq.* and is empowered to regulate the practice of professional engineering pursuant to West Virginia Code §30-13-1 *et seq.*
2. Robert I. Chevel is a professional engineer holding West Virginia P.E. License No. 06431 and is also licensed in several other states, including Florida and North Carolina.
3. Respondent provided information to the Board for the renewal cycle for the 2006-07 licensure year, which included the Professional Development Reporting Form for the period July 1, 2005 through June 30, 2006.
4. As a result of further inquiry by the Board investigator based on discrepancies apparent on the face of the form, it was determined that Respondent reported hours for one course far in excess of the number of hours approved by the course provider.

5. Documentation later provided evidenced that the claimed hours had been completed prior to the appropriate timeframe indicated on the reporting form, i.e. before July 1, 2005.
6. Respondent admits he provided misinformation to the Board with regard to his professional development hours.
7. In defense, Respondent states the misinformation was unintentional.
8. The board-initiated complaint was served by certified mail on November 20, 2006.
9. Subsequent to the filing of the Complaint and as a result of communications between Respondent and Board staff, the Board accepted documented professional development hours sufficient for licensure for the 2006-07 licensure year but did not withdraw the Complaint based on the misinformation previously provided.
10. This Consent Order was negotiated as a result of further communications between the Board and Respondent.
11. Respondent was willing to surrender his West Virginia license, and the Board found this an acceptable resolution of the Complaint due to a number of factors, including Respondent's age.
12. Despite the Board's willingness to accept the surrender of Respondent's license in settlement of this matter, the Board considers misinformation provided to it, even when negligent rather than intentional, a serious violation of great concern to the Board for which disciplinary action will be pursued.
13. In agreement to this Settlement, Respondent has waived his right to a hearing on this matter and other rights set forth in W. Va. Code §30-13-1 *et seq.* and the procedural rules of the Board.

14. The Board incurred considerable expense auditing Respondent's Professional Development Reporting Form, making further investigation regarding same, and negotiating this Consent Order, but, in its discretion, the Board agrees to this settlement without the imposition of costs.

CONCLUSIONS OF LAW

15. West Virginia engineering law requires fifteen (15) professional development hours (PDH's) during the previous years as a condition of registration renewal and has final authority with respect to approval of PDH credit. 7 CRS 1-10.
16. Providing misinformation to the Board is a violation of West Virginia engineering law, for which the Board is authorized to take disciplinary action. W. Va. Code §30-13-21(a)(12).
17. The Board is authorized to "assess civil penalties against any person who violates any provision of this article or any rule promulgated by the board for each offense in an amount determined by the board." West Virginia Code §30-13-21(b).
18. Each day of continued violation may constitute a separate offense. 7 C.S.R. 1.15.3.

CONSENT OF ROBERT I. CHEVEL

Robert I. Chevel, Respondent herein, by affixing his signature hereon, agrees to the following:

19. Respondent is aware of his right to be represented counsel and intelligently and voluntarily waives this right.

20. Respondent intelligently and voluntarily waives his right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth herein.
21. Respondent consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
22. Respondent understands that he is permanently giving up his right to practice or offer to practice engineering in the State of West Virginia or to ever again apply for licensure to practice or offer to practice engineering in the State of West Virginia.
23. Respondent acknowledges that the Board may reject this proposal and may hold a hearing to impose such sanctions of a disciplinary nature as it deems appropriate.
24. Respondent acknowledges that proof of any misstatement or misrepresentation made in connection with this matter will result in the rescission of this agreement, the reinstatement of the Complaint, and the addition of any other charges which may arise or ensue from providing false information to the Board in violation of West Virginia engineering law.

ORDER

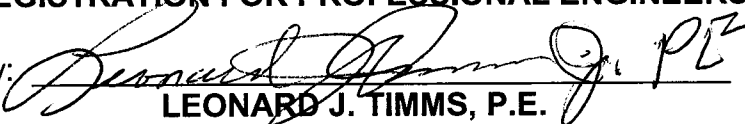
25. On the basis of the foregoing the Board hereby **ORDERS** that this Consent Order shall serve as an informal settlement of this Complaint pursuant to West Virginia Code §30-13-22(b).
26. The Board **ORDERS** Respondent to permanently surrender his West

Virginia professional engineering license, together with the surrender of the seal evidencing same, within thirty (30) days of the date of the signature of the Board President hereon.

27. Respondent is permanently prohibited from being licensed to practice or offer to practice engineering in the State of West Virginia and is therefore prohibited from ever applying for such licensure.
28. Respondent acknowledges this Consent Order and the underlying Complaint are public records and agrees that the sum and substance of the Complaint and this agreement in part or in their entirety may be set forth in Board publications and on the Board website, as well as other appropriate placements, including the non-public enforcement exchange database administered by the National Council of Examiners for Engineering and Surveying (NCEES).
29. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
30. This Consent Order constitutes a full and final settlement of this matter, and nothing in this Consent Order or the circumstances giving rise to same may be the subject of any appeal or other civil or administrative action except an action to enforce the terms of this Consent Order.
31. This matter shall be closed upon execution of this Consent Order by both parties and the surrender of Respondent's West Virginia license and seal as agreed to herein.
32. This Consent Order relates solely to matters within the jurisdiction of the West Virginia Board of Registration for Professional Engineers and does not evidence compliance with any other laws of the State of West Virginia or its political subdivisions, nor should any such compliance be implied.

**WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS**

By: _____

 **LEONARD J. TIMMS, P.E.**
Board President

Date: _____

02/27/07

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ROBERT I. CHEVEL, Respondent

Date: _____

02/08/2007