

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

**IN RE:        Criss Haynes**

**CASE NO. 2004-5**

**CONSENT ORDER**

Comes now the West Virginia State Board of Registration for Professional Engineers by Frank Gaddy, its president (hereinafter the "Board"), and its attorney, Debra L. Hamilton, Deputy Attorney General for the State of West Virginia, for the purpose of agreeing to disciplinary action which shall be taken against Criss Haynes by the Board pursuant to West Virginia Code § 30-13-21. 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.     Criss Haynes, (hereinafter at times "Mr. Haynes") is an individual who held a West Virginia professional engineering license issued by this Board until July 1, 2003, after which time Mr. Haynes failed to renew his license.
3.     Mr. Haynes continued to practice engineering after the expiration of his license.
4.     Mr. Haynes attempted to renew his license in the Fall of 2003 and was

informed by this Board that, due to the end of the grace period for renewing the professional engineering license, Mr. Haynes would have to go through the reinstatement process.

5. Mr. Haines did not attempt to have his license reinstated until September of 2004, but continued to practice engineering in this State.
6. The Board became aware of Mr. Haines' practice of engineering without a license, was investigating same, and at its September meeting held on September 20, 2004, the Board voted to file a Complaint against Mr. Haynes, which would be numbered C2004-5.
7. Mr. Haynes appeared at the September Board meeting and was heard on these matters.
8. Mr. Haynes agrees to waive his rights to service of the complaint, 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.
9. Mr. Haynes admits he failed to renew or reinstate his license and further admits he practiced engineering during the time his license was expired, in violation of W. Va. Code §30-13-2.
10. Criss Haynes agrees to accept an informal settlement of Complaint 2004-5.

### **CONCLUSIONS OF LAW**

1. West Virginia Code § 30-13-21 authorizes the Board to discipline any person practicing or offering to practice engineering in the State of West Virginia.
2. Among its other powers, the Board has the power to levy fines and assess costs. W. Va. Code § 30-13-21(d)(4).
3. Practicing engineering without a license, to which Respondent has admitted, is an action that would subject a person to discipline by the Board.

### **CONSENT OF CRISS HAYNES**

Criss Haynes, by affixing his signature hereon, agrees to the following:

1. Criss Haynes acknowledges that he is aware of the option to retain and be represented by legal counsel and to pursue this matter through appropriate administrative and/or court procedures, but intelligently, knowingly and voluntarily waives his right to do so.
2. Criss Haynes 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.
3. Criss Haynes consents to the entry of the following Order freely and voluntarily and not under duress, restraint or compulsion.
4. Criss Haynes acknowledges that the Board may reject this proposal and

may hold a hearing to impose other sanctions of a disciplinary nature as it deems appropriate, but understands that at the time of the September meeting this proposal was satisfactory to the Board.

### **ORDER**

1. On the basis of the foregoing the Board hereby **ORDERS** that this Consent Agreement shall serve as an informal settlement pursuant to West Virginia Code § 30-13-22(b).
2. The Board **ORDERS** Criss Haynes to pay a fine in the amount of One Thousand Dollars (\$1,000.00), with no imposition of administrative costs. This payment shall be received by the Board no later than thirty (30) days after Mr. Haynes signs this Agreement and shall be made payable to the State of West Virginia and transferred to the general fund of the State of West Virginia by the Board upon receipt.
3. The Board will reinstate Mr. Haynes' license upon receipt of the fine agreed to herein and upon further receipt of all materials required for reinstatement pursuant to Board rule.
4. Any violation of the terms of this Consent Agreement shall be immediate cause for a hearing and further disciplinary action by the Board.
5. Mr. Haynes acknowledges that this Consent Agreement is a public record and agrees that the sum and substance of the nature of the Complaint and this Agreement may be set forth in Board publications and on the Board website.

WEST VIRGINIA STATE BOARD OF  
REGISTRATION FOR PROFESSIONAL ENGINEERS

By Frank L. Gaddy  
Frank L. Gaddy, P.E.  
Board President

Date: September 25, 2004

Criss Haynes  
Criss Haynes

Date: Sept 27, 2004