

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

**IN RE: DOMAIN ENGINEERING INC.
 DAN E. LANSDOWN**

C2009-6

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, Nicole A. Cofer, Assistant Attorney General for the State of West Virginia (hereinafter "the Board") for the purpose of agreeing to disciplinary action to be taken against Domain Engineering Inc. (hereinafter "Respondent Firm") and Dan E. Lansdown (hereinafter "Respondent Lansdown"). 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. Domain Engineering Inc. is organized under the laws of the State of Oklahoma with its office in Tulsa.
3. Respondent Lansdown is the ^{CEO}~~President~~ of Domain Engineering Inc., and is a professional engineer licensed in the State of Oklahoma, but is not currently licensed as a professional engineer in the State of West Virginia. Respondent's

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application for licensure in West Virginia was filed in August 2008 and has been advised that the application is complete and awaiting approval.

4. Respondent Lansdown, as the ^{CEO}~~President~~ of Respondent Firm, has the power and authority to make admissions and otherwise act on behalf of Domain Engineering Inc.
5. Respondent Lansdown was asked to provide consulting services to a Pennsylvania firm with whom Respondent Firm later contracted. Said contract was a "Consulting Services Agreement" which included provisions for performing engineering services. Said agreement also authorized the Pennsylvania firm to have Respondent Firm work directed by an individual to be named later by the Pennsylvania firm. The Purchase Order, issued pursuant to the "Consulting Services Agreement," which did in fact arrange for payment to Respondent Firm for provision of "design engineering" was issued by the Pennsylvania firm to Respondent Firm and stipulated that Respondent Firm's work would be directed by an individual who was and still is a Licensed Professional Engineer in the State of West Virginia. The Purchase Order also identified the company for whom that licensed engineer was employed to be an entity different than the Pennsylvania firm (i.e., different than Respondent Firm's customer). Respondents offered to practice engineering to a Pennsylvania firm for a project located in West Virginia by the issuance a purchase order to perform "design engineering" for a site located in West Virginia.
6. The Board was made aware of Respondents' contracting to practice engineering

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in West Virginia and Respondent Firm's contracting to practice without a Certificate of Authorization and contacted Respondents regarding the same; thereafter, the Board-initiated complaint was filed in September 16, 2008.

7. Respondents admit they provided engineering services for a project located in the State of West Virginia without a license to practice engineering in this State and without a valid COA.
8. Respondents' prompt response in connection with this Complaint mitigates Respondents' culpability regarding the admitted violations of West Virginia engineering law.
9. Respondents have waived their 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.

CONCLUSIONS OF LAW

10. It is unlawful for any person to practice or offer to practice engineering in the State of West Virginia unless that person is duly registered under the provisions of West Virginia engineering law. West Virginia Code §30-13-2.
11. West Virginia engineering law allows a firm to practice or offer to practice engineering only upon the issuance of a certificate of authorization by the Board. West Virginia Code §30-13-17.
12. 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); *see also* W. Va. Code §30-13-21(d)(4).

15. Practicing or offering to practice engineering without a license, to which Respondent Lansdown has admitted herein, is an action that would subject a person to discipline by the Board, including a civil penalty up to \$5000.00. 7 CSR 1.15.1.
16. Practicing or offering to practice engineering without a valid COA, to which Respondent Firm has admitted herein, is an action that could subject a firm to discipline by the Board, including a civil penalty up to \$5000.00. 7 CSR 1.15.1.
17. Each day of continued violation may constitute a separate offense. 7 CSR 1.15.3.

CONSENT OF RESPONDENT

Dan E. Lansdown, individually and as President of Domain Engineering Inc., by affixing his signature hereon, agrees to the following on behalf of himself and Respondent firm:

18. Respondents are aware of their right to be represented by counsel and of their option to pursue this matter through appropriate administrative and/or court procedures, but Respondents intelligently and voluntarily waive their right to do so.
19. Respondents intelligently and voluntarily waive their right to service of the Complaint by certified mail and their right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth herein.

20. Despite the fact that Respondents' were contracted by a Pennsylvania firm, Respondent Lansdown admits he contracted to provide engineering services for a project in West Virginia without a valid license.
21. Despite the fact that Respondents' were contracted by a Pennsylvania firm, Respondent Firm admits it contracted to provide engineering services for a project in West Virginia without the required Certificate of Authorization.
22. Respondents accept the findings set forth above and consent to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
23. Respondents acknowledge 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. Respondents acknowledge 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, the summary revocation of any license or certificate of authorization issued to Respondents, 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 Lansdown to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for practicing engineering in West Virginia without a license.
27. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for practicing engineering in West Virginia without a Certificate of Authorization.
28. The civil penalties imposed herein must be paid within thirty (30) days of the date Respondents receive notice of the Board President's signature hereon, such amount to be made payable to the W. Va. P.E. Board for transfer to the general fund of the State of West Virginia upon receipt.
29. The Board **ORDERS** Respondents to pay administrative costs in the amount of One Hundred Seventy-eight dollars and Seventy-five cents (\$178.75).
30. The administrative costs imposed herein must be paid within thirty (30) days of the date Respondents receive notice of the Board President's signature hereon, such amount to be made payable to the W.Va. P.E. Board (Administrative Costs). This payment must be separate from that of the civil penalties imposed above.
31. Respondents will not practice or offer to practice engineering in the State of West Virginia unless and until Respondent Lansdown holds a valid license and

Respondent Firm holds a valid Certificate of Authorization issued by this Board, which license and COA shall not be issued until Respondent has qualified for same and paid the civil penalties imposed herein.

32. Respondents acknowledge this Consent Order and the underlying Complaint are public records and agree 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 and national enforcement databases, as well as other appropriate placements.
33. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
34. 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.
35. If the civil penalties imposed herein are not timely paid, this Consent Order may be summarily enforced in the Circuit Court of Kanawha County without further notice to Respondent upon application by the Board for the entry of a Judgment Order for the total amount of payment agreed to herein (\$500.00), together with pre-judgment interest from the date of the President's signature hereon, post-judgment interest from the date of entry of the Judgment Order and all costs of any enforcement action(s), which judgment shall be fully executable in accordance with applicable law.

36. This matter shall be closed upon execution of this Consent Order by both parties and the full payment of the civil penalty and administrative costs agreed to herein.
37. 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.

AGREED TO BY:



DAN E. LANSDOWN, Individually and on
behalf of DOMAIN ENGINEERING INC.

11/3/08

DATE

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this:

18TH day of NOVEMBER, 2008.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS,

By:



LEONARD J. TIMMS JR., P.E.,
BOARD PRESIDENT

11/10/08
DATE