

IN RE: AH DESIGN BUILD GROUP, LLC  
AMERICAN HOMES BY UNITED BUILDERS, LLC  
DEEPIINDER SINGH GREWAL, an individual  
HAMPTON HOMES, LLC

Comes now the West Virginia State Board of Registration for Professional Engineers by Leonard J. Timms, P.E., 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 AH Design Build Group, LLC; American Homes by United Builders, LLC; Deepinder Singh Grewal, an individual; and Hampton Homes, LLC. As reflected in this document, the parties, by counsel, 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. This Complaint was brought against AH Design Build Group, LLC [AHDBG]; American Homes by United Builders, LLC; Deepinder Singh Grewal, an individual, and Hampton Homes LLC.
3. This Complaint was submitted by Maria M. I. Howard on December 22, 2004, and was served upon Respondents on January 3, 2005.
4. C2004-8 is related to C2004-7, which was filed by the Board against Wilhelm Dix based on information received from Ms. Howard.

5. Complaints 2004-7 and 2004-8 both relate to the unlicensed engineering work of Wilhelm Dix, who was employed by AHDBG on September 29, 2003, after which time AHDBG practiced and offered to practice engineering in the State of West Virginia.

6. The Board accepts as true the representation of counsel for AHDBG, Respondent's employer that American Homes by United Builders, LLC and Hampton Homes, LLC did not employ Mr. Dix, did not provide engineering services, and only contracted with AHDBG for such services.

7. The Board agrees to dismiss the complaint as to the individual respondent Deepinder Singh Grewal and to proceed solely against AHDBG.

8. Wilhelm Dix was dismissed by AHDBG on October 1, 2004 due to discovery by AHDBG of his lack of licensure as a Professional Engineer and Architect and his fraudulent receipt of funds from AHDBG.

9. Mr. Dix was employed by AHDBG through Axiom Staffing Group, and Respondent claims it fully relied on Axiom Staffing Group to its detriment and contemplates filing a lawsuit against Axiom Staffing Group for damages incurred due to its failure to adequately investigate Mr. Dix's background and to discover his lack of licensure.

10. Kingsley Aduaka, the director of operations at AHDBG, filed a response on its behalf dated January 4, 2005. This response was not received by the Board until faxed on February 8, 2005, at the Board's request.

11. Attachment A, incorporated into this consent agreement by reference, sets forth the projects stamped by Mr. Dix in violation of West Virginia engineering law. Attachment A further sets forth the remedial steps and monitoring conducted or to be conducted to assure the competency and quality of the engineering work performed by Mr. Dix.

12. AHDBG admits that through Mr. Dix it provided engineering services with regard to the projects set forth on Attachment A in violation of W. Va. Code §30-13-2.

13. In its defense, AHDBG states it relied on Axiom Staffing Group to provide a qualified engineer, that it did not know until on or about September 24, 2004 that Mr. Dix was not a licensed professional engineer, and that it took immediate steps to terminate Mr. Dix's employment upon learning he was not a professional engineer (at the time of learning that Mr. Dix was not a licensed professional engineer, Mr. Dix was allegedly on sick leave and his employment could not be terminated until he was located.)

14. Ms. Howard was an engineer intern working under Mr. Dix. The Board acknowledges there is a factual dispute regarding whether Ms. Howard was directed by Respondent to notify this Board of the work performed by an unlicensed engineer and notes Ms. Howard takes the position that she left the company on December 8, 2004 in protest of AHDBG's lack of concern regarding Mr. Dix's work and in furtherance of her intention to bring this situation to the Board's attention.

15. AHDBG applied for a Certificate of Authorization (COA) on March 4, 2004, which was issued on September 9, 2004. The engineer in responsible charge, Ted Burns, P.E., began working for AHDGB on July 26, 2004.

16. AHDBG admits it provided engineering from the time of its inception until September 9, 2004, without the required COA, in violation of W. Va. Code §30-13-17.

17. Respondent has waived its right to a hearing on this matter and to waive other rights set forth in W. Va. Code §30-13-1 *et seq.* and the procedural rules of the Board.

18. The Board has incurred legal and other expenses with regard to this Complaint.



19. Respondent agrees to accept an informal settlement of Complaint 2004-8.

### **CONCLUSIONS OF LAW**

20. 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.

21. Among its other powers, the Board has the power to assess civil penalties and related costs for each count or separate offense in an amount set by the Board. W. Va. Code §30-13-21(d)(4).

22. Practicing engineering without a license, to which Respondent has admitted, is an action that would subject a person or firm to discipline by the Board, including a civil penalty up to \$5000.00.

23. Practicing engineering without a certification of authorization (COA), to which Respondent has admitted, is an action that would subject a person or firm to discipline by the Board, including a civil penalty up to \$5000.00.

24. Each day of continued violation may constitute a separate offense. 7 C.S.R. 15.3.

### **CONSENT OF AH DESIGN BUILD GROUP, LLC**

25. AHDBG is represented through counsel and is acting through its members, John Petry and Deepinder Singh Grewal. AHDBG understands this Complaint is being dismissed as to the other limited liability companies and the individual respondent, and agrees to the dismissals. AHDBG agrees to be the sole respondent responsible for the obligations set forth in this consent agreement.

26. Respondent, AHDBG, through its members, John Petry and Deepinder Singh Grewal, by affixing their signatures hereon, have reviewed and agree to each and every paragraph contained in this Consent Agreement and understand they are thereby binding the limited liability company and all of its members.

27. Respondent, AHDBG, is fully aware of its option to pursue this matter through appropriate administrative and/or court procedures, but intelligently, knowingly and voluntarily waives its right to do so.

28. Specifically, AHDBG intelligently and voluntarily waives its right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth herein.

29. Respondent, AHDBG, consents to the entry of the following Order freely and voluntarily and not under duress, restraint or compulsion.

30. Respondent, AHDBG, 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.

31. Respondent, AHDBG, acknowledges that, upon proof that any misstatement or misrepresentation was made by its representatives in Attachment A, the same will result in the rescission of this agreement, the reinstatement of this Complaint, and the addition of any other charges which may ensue from providing false information to the Board in violation of West Virginia engineering law.

32. Respondent, AHDBG, through its engineer in responsible charge, acknowledges and agrees to fulfill its duty to report possible violations of West Virginia engineering law to this Board, whether such violation is within its own company, a parent company or affiliate, or any other individual or entity, in accordance with 7 CSR 1-12.3(h).

#### **ORDER**

33. On the basis of the foregoing the Board hereby **ORDERS** that this Consent Agreement, including the remedial measures set forth in Attachment A, shall serve as an informal settlement of this Complaint pursuant to West Virginia Code §30-13-22(b).

34. The Board **ORDERS** this complaint be dismissed as to American Homes by United Builders, LLC and Hampton Homes, LLC and as to the individual respondent, Deepinder Singh Grewal.

35. The Board **ORDERS** AHDBG to pay a civil penalty in the amount of One Thousand Dollars (\$1,000.00) for practicing engineering without a license.

36. The Board **ORDERS** AHDBG to pay a civil penalty in the amount of One Thousand Dollars (\$1,000.00) for practicing engineering without a COA.

37. The Board **ORDERS** AHDBG to pay administrative costs in the amount of One Hundred Dollars (\$100.00).

38. The civil penalty imposed herein may be made payable to the State of West Virginia directly or may be made to the Board. All civil penalties are transferred to the general fund of the State of West Virginia by the Board upon receipt. Administrative costs shall be made payable to the Board.

39. The Board **ORDERS** that Respondent immediately implement any remediation actions set forth in Attachment A to insure safe and sound structures and to fully cooperate with any Board request related to its monitoring of remedial measures set forth in AHDBG Attachment A.

40. Respondent 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, as well as other appropriate placements.

41. Any misrepresentations made by Respondent in furtherance of this Consent Agreement shall be deemed an exacerbation of the violations admitted to herein and shall be immediate cause for a hearing and further disciplinary action by the Board.

42. Any violation of the terms of this Consent Agreement shall be immediate cause for a hearing and further disciplinary action by the Board.



WEST VIRGINIA STATE BOARD OF  
REGISTRATION FOR PROFESSIONAL ENGINEERS

By: \_\_\_\_\_

 Leonard J. Timms, P.E.

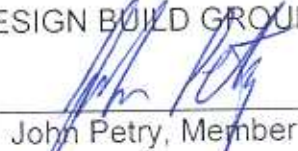
Board President

Date: \_\_\_\_\_

6/13/05


AH DESIGN BUILD GROUP, LLC

By: \_\_\_\_\_

 John Petry, Member

Date: \_\_\_\_\_

By: \_\_\_\_\_

 Deepinder Singh Grewal, Member

Date: \_\_\_\_\_

6/7/05