

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

IN RE: The Mason & Hanger Group Inc.

C2006-13

CONSENT ORDER

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 The Mason & Hanger Group Inc. [hereinafter at times referred to as Mason & Hanger or 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. Rick Troop is Vice President of Mason & Hanger Group Inc., a Kentucky corporation, which does most of its work for federal agencies.
3. After completion of engineering work on a National Guard Armory in West Virginia, Respondent and its engineers became aware of the requirement that the engineers be licensed in West Virginia and that the firm have a certificate of authorization (COA).
4. The engineers promptly made application for licensure, one of which was approved prior to the Board's awareness of the possible violation of West Virginia engineering law and one of which has been held in abeyance

pending the Board's determination with regard to disciplinary action in this matter.

5. The Board finds it appropriate to issue the license being held in abeyance, but to proceed with disciplinary action against the employer firm for practicing engineering without the required certificate of authorization.
6. The board-initiated complaint was filed by certified mail on August 2, 2006, and this Consent Agreement was provided simultaneously with the serving of the Complaint as a result of communications between the Board and Respondent.
7. Respondent admits it performed engineering work in West Virginia without the required COA, but states it has not performed such work since learning of the COA requirement.
8. Mason & Hanger's prompt cooperation with the Board has mitigated the company's culpability regarding the charge of practicing and offering to practice engineering without a COA.
9. Respondent has waived its 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.
10. The Board incurred only minimal expenses with regard to this Complaint and therefore finds it appropriate to enter into this consent order without the imposition of costs.

CONCLUSIONS OF LAW

11. West Virginia engineering law allows a firm to practice or offer to practice engineering only upon the issuance a certificate of authorization by the

Board, which cannot be issued without a professional engineer being named as the engineer in responsible charge. West Virginia Code § 30-13-17.

12. West Virginia Code §30-13-21(b) authorizes the Board 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.” See also W. Va. Code § 30-13-21(d)(4).
13. Practicing or offering to practice engineering without a COA, to which Respondent has admitted herein, is an action that would subject a person or firm to discipline by the Board, including a civil penalty up to \$5000.00. 7 C.S.R. 1.15.1.
14. Each day of continued violation may constitute a separate offense. 7 C.S.R. 1.15.3.

CONSENT OF MASON & HANGER

Rick Troop, Vice President of Mason & Hanger, by affixing his signature hereon, agrees to the following individually and on behalf of Respondent company:

15. Respondent understands this settlement is in part based on the Board’s reliance on the information contained in Mr. Rogers’ correspondence of July 20, 2006.
16. Mason & Hanger is aware of its right to be represented by counsel and of its option to pursue this matter through appropriate administrative and/or court procedures, but Respondent intelligently, knowingly and voluntarily waives its right to do so.

17. Respondent intelligently and voluntarily waives Respondent Mason & Hanger's right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth herein.
18. Respondent agrees to accept an informal settlement of Complaint 2006-13.
19. Respondent consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
20. 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.
21. Respondent acknowledges that proof of any misstatement or misrepresentation made by Mason & Hanger herein, any application for COA, or any other document or statement relied upon in the entering of this consent order, will result in the rescission of this agreement, the reinstatement of the Complaint, the summary revocation of any certificate of authorization issued subsequent to the entry of this Order, 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

22. 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).

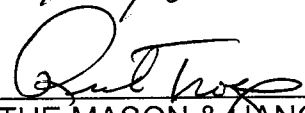
23. The Board **ORDERS** Respondent to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for practicing or offering to practice engineering without a certificate of authorization.
24. The civil penalty imposed herein must be paid within fifty (50) days of the date of the signature of the Board President, such penalty 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.
25. Respondent will not practice or offer to practice engineering in the State of West Virginia unless and until it holds a valid Certificate of Authorization issued by this Board, which COA shall not issue until Respondent has qualified for same and paid the civil penalty imposed herein.
26. Respondent acknowledges this Consent Order is a public record and agrees that the sum and substance of the nature of the Complaint and this agreement in part or in its 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).
27. Any violation of the terms of this Consent Order shall be immediate cause for summary revocation of Respondent's COA and further disciplinary action by the Board.
28. 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 initiated by Respondent.
29. If the civil penalties imposed hereunder are not timely paid, this Consent Order may be summarily enforced in the Circuit Court of Kanawha County

without further notice to Respondents upon application by the Board for the entry of a Judgment Order for the total amount of payments agreed to herein (\$250.00), together with pre-judgment interest from the date of the President's signature hereon and post-judgment interest from the date of entry of the Judgment Order, which judgment shall be fully executable in accordance with applicable law.

WEST VIRGINIA STATE BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS

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

Date: 8/15/2006



THE MASON & HANGER GROUP INC,
By RICK TROOP, its Vice President

Date: 8/8/2006