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BEFORE THE WEST VIRGINIA STATE BOARD
OF REGISTRATION FOR PROFESSIONAL ENGINEERS

WV PE BOARD

IN RE: KENNETH LOVORN
LOVORN ENGINEERING ASSOCIATES

C2009-9

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 Kenneth Lovorn (hereinafter "Respondent Lovorn") and Lovorn Engineering Associates (hereinafter "Respondent Firm"). 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. Respondent Lovorn is the President of Lovorn Engineering Associates, and is a professional engineer licensed in the State of Pennsylvania, whose license to practice engineering in the State of West Virginia had expired.
3. Lovorn Engineering Associates is organized under the laws of the State of Pennsylvania with its office in Pittsburgh.

4. Respondent Lovorn, as the President of Respondent Firm, has the power and authority to make admissions and otherwise act on behalf of Respondent Firm.
5. Respondent Lovorn reported on his reinstatement application that he was currently offering engineering services in the State of West Virginia on an expired Professional Engineer's License.
6.

The Board was made aware of Respondents' contracting to practice engineering in West Virginia and Respondent Firm's contracting to practice on an expired a Certificate of Authorization and contacted Respondents regarding the same; thereafter, the Board-initiated complaint was filed in November 18, 2008.
7. Respondents admit they provided engineering services for a projected located in the State of West Virginia on an expired license to practice engineering in this State and without a valid Certificate of Authorization.
8. Respondents' prompt response in connection with this Complaint as well as other extenuating circumstances 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).
13. Practicing or offering to practice engineering without a license, to which Respondent Lovorn 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.
14. Practicing or offering to practice engineering without a valid Certificate of Authorization, 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.
15. Each day of continued violation may constitute a separate offense. 7 CSR 1.15.3.

CONSENT OF RESPONDENT

Kenneth Lovorn, individually and as President of Lovorn Engineering Associates, by affixing his signature hereon, agrees to the following on behalf of himself and Respondent firm:

16. 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.
17. 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.
18.

Respondent Lovorn admits he contracted to provide engineering services for a project in West Virginia without a valid license.
19. Respondent Firm admits it contracted to provide engineering services for a project in West Virginia without the required Certificate of Authorization.

20. 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.
21. 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.
22. Should the Board not approve this Consent Order, presentation to and consideration of this Consent Order and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Order.
23. 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

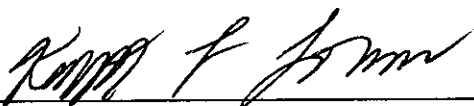
24. On the basis of the foregoing the Board hereby **ORDERS** that this Consent Order shall serve as an informal settlement of this Complaint pursuant to West Virginia Code '30-13-22(b).
25. The Board **ORDERS** Respondent Lovorn to pay a civil penalty in the amount of Three Hundred dollars (\$300.00) for practicing engineering in West Virginia on an expired license.
26. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Three Hundred Dollars (\$300.00) for practicing engineering in West Virginia on an expired Certificate of Authorization.
27. 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.
28. The Board **ORDERS** Respondents to pay administrative costs in the amount of Two Hundred Forty-seven Dollars and Fifty Cents (\$247.50).
29. 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.
30. Respondent will remain current on both his Professional Engineer license and the Certificate of Authorization for his firm, and understands that non-payment of

his fines and administrative costs may subject him to further disciplinary action by this Board.

31. 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.
32. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
33. 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.
34. 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 (\$600.00), 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.

35. 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.
36. 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:



KENNETH LOVORN, Individually and on
behalf of LOVORN ENGINEERING ASSOCIATES

02/05/09
DATE

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

12 day of February, 2009.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS,

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

Feb 12, 2009
DATE