

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

**IN RE: DONALD C. SCHOCK
 d/b/a ARTHUR SCHOCK ENGINEERS**

C2006-20

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 Donald C. Schock d/b/a Arthur Schock Engineers [hereinafter at times referred to as 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. Donald C. Schock is a professional engineer in the State of Pennsylvania who was not registered to practice engineering in West Virginia at the time he offered to and did practice engineering in this State, doing business as Arthur Schock Engineers.
3. Arthur Schock Engineers is registered as fictitious name in Pennsylvania and last had a certificate of authorization (COA) to practice engineering in West Virginia in 1994, which COA was reinstated in October upon Respondent's application and qualification therefor.
4. Respondent admits he offered to provide engineering services for the

restoration and renovation of facilities at the WVU 4-H Camp at Jackson's Mill, West Virginia, in March of 2006 and issued bid drawings for same dated August 23, 2006.

5. Respondent admits he belatedly started the process of applying for registration by comity in June 2006, which registration was granted in October 2006 (WV Registration #16972), after which time Respondent firm applied for and reinstated COA C00032-00 which also was issued in October 2006.
6. Respondent was notified of the alleged violations of West Virginia engineering law in November 2006, immediately admitted to same, and there was no need for remedial action, Respondent having already taken the necessary steps of applying for licensure and a COA to practice engineering in West Virginia.
7. The board-initiated complaint was served by certified mail on November 28, 2006, and this Consent Order was immediately negotiated as a result of communications between the Board and Respondent.
8. Respondent's self-initiated compliance with West Virginia engineering law and his prompt admission and cooperation with the Board in this matter mitigates respondent's culpability regarding the charges of practicing and offering to practice engineering without a license or COA.
9. Respondent has waived 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.
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. 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.
12. 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.
13. 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).
14. Practicing engineering without a license, to which Respondent 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.
15. Practicing or offering to practice engineering without a valid COA, to which Respondent has admitted herein, is an action that would subject a firm to discipline by the Board, including a civil penalty up to \$5000.00. 7 CSR 1.15.1.
16. Each day of continued violation may constitute a separate offense. 7 CSR 1.15.3.

**CONSENT OF DONALD C. SCHOCK
d/b/a ARTHUR SCHOCK ENGINEERING**

Donald C. Schock, individually and as principal of Arthur Schock Engineering,
by affixing his signature hereon, agrees to the following:

17. Respondent is aware of his right to be represented by counsel and of his option to pursue this matter through appropriate administrative and/or court procedures, but Respondent intelligently and voluntarily waives his right to do so.
18. Respondent 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.
19. Respondent agrees to accept an informal settlement of Complaint 2006-20.
20. Respondent consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
21. 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.
22. Respondent acknowledges 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 Respondent, 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

23. 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).
24. 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 license.
25. 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.
26. The civil penalties imposed herein must be paid within fifty (50) days of the date of the signature of the Board President, such amounts 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.
27. Respondent acknowledges 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, 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).
28. Any violation of the terms of this Consent Order shall be immediate cause for summary revocation of Respondent Schock's license and COA and further disciplinary action by the Board.
29. 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.

30. 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 and post-judgment interest from the date of entry of the Judgment Order, which judgment shall be fully executable in accordance with applicable law.
31. This matter shall be closed upon execution of this Consent Order by both parties and the full payment of the civil penalties agreed to herein.

WEST VIRGINIA STATE BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS

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

Date: Dec 18, 2006


DONALD C. SCHOCK, individually and as
principal for ARTHUR SCHOCK ENGINEERS

Date: 12/16/06