

DEC 11 2014

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

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PE BOARD

**IN RE: TROY M. WHITE, P.E.**

**C2015-04**

**CONSENT ORDER**

Comes now the West Virginia State Board of Registration for Professional Engineers by Edward L. Robinson, P.E., its President, (hereinafter "the Board") for the purpose of agreeing to resolve a Complaint seeking disciplinary action against Troy M. White (hereinafter "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 matters set forth herein are within the jurisdiction of the Board, which is the state entity with the power and duty to regulate the practice of engineering in the State of West Virginia.
2. Respondent has been a licensed professional engineer in West Virginia since 2006, holding license number 16872.
3. An investigation was initiated by the Board upon receipt of information regarding certain criminal matters which should have been but were not reported on Respondent's 2014-15 renewal form.
4. Specifically, on his 2014-2015 Annual Renewal Respondent answered "No" to the following question: "Have you been subject to any disciplinary action or any investigation by any local, state or national regulatory board (including those in WV) or have you been convicted of a misdemeanor or felony since your last WV PE Renewal?"

5. The investigation revealed that in November of 2013 Respondent entered a guilty plea for driving under the influence and leaving the scene in connection with an arrest that occurred in July of 2013.
6. The Board initiated complaint number C2015-04 at its regular meeting on September 15, 2014, citing a violation of W. Va. Code § 30-13-21(a)(12), which was filed and served on September 18, 2014.
7. Respondent filed a response on September 29, 2014, admitting that he did not answer the question correctly, but due to an oversight and not an intent to deceive, falsify his renewal, or withhold information from the Board.
8. The Board has taken into account the following factors in reaching this settlement:  
Respondent promptly admitted to the grounds for discipline and cooperated in the resolution of this Complaint, and the Board has no information that the criminal matter, or behavior which gave rise to same, has impacted or affected Respondent's ability to practice engineering.
9. The Board, in its discretion, will not assess administrative costs although it is within its power to assess such costs, and administrative costs were incurred in the investigation, initiation and resolution of this complaint.

### **CONCLUSIONS OF LAW**

10. The Board is the state entity with the power and duty to regulate the practice of engineering in the State of West Virginia, and matters related to such practice are within the jurisdiction of the Board. W. Va. Code § 30-13-1 et seq.
11. The Board may take disciplinary action against any person who has provided false information to the Board. W. Va. Code § 30-13-21(a)(12).

12. Providing misinformation to the Board may subject a person to discipline by the Board, including a civil penalty up to Fifteen Thousand Dollars (\$15,000.00). W. Va. Code R. § 7-1-15.1.
13. In determining the amount of a civil penalty to be assessed, the Board may consider such factors as the circumstances leading to the violation; the nature and severity of the violation and the risk of harm to the public; the extent to which the cited person or firm has cooperated with the Board and the Board's investigation; and other matters as may be appropriate. W. Va. Code R. § 7-1-15.4.
14. The assessment of administrative costs is within the Board's sole discretion. W. Va. Code § 30-13-21(d) (4) and W. Va. Code R. § 7-1-14.4.

#### **CONSENT OF RESPONDENT**

Respondent White, by affixing his signature hereon, agrees to the following:

15. Respondent is aware of his right to be represented by counsel and to pursue this matter through appropriate administrative and/or court procedures, including his right to a formal hearing before the Board, and Respondent intelligently and voluntarily waives these rights provided the Board accepts the terms and conditions set forth in this Consent Order.
16. Respondent admits that he provided false information to the Board subjecting him to disciplinary action pursuant to W. Va. Code § 30-13-21(a)(12).
17. Respondent accepts the findings set forth above and consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
18. Respondent acknowledges that entering into the negotiation of this Consent Order constitutes a waiver of any and all objections regarding the timeliness of Board action on

Complaint Number C2015-04. This paragraph is binding on Respondent even in the event that the Board does not approve this Consent Order.

19. Respondent acknowledges that this Consent Order is being executed for the purpose of avoiding further administrative action with respect to the above-styled matter. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent's activities in any jurisdiction in consideration of this Consent Order.
20. Should the Board not approve this Consent Order, Respondent waives any objections to the Board or any of its members participating in the adjudication of this matter. This paragraph is binding on the Respondent even if the Board does not approve this Consent Order.
21. Respondent acknowledges that the Board may reject this proposal, notice and hold a hearing, and, upon adjudication, impose such sanctions of a disciplinary nature as it deems appropriate.
22. Respondent understands that this Consent Order constitutes a full and final settlement of this matter, and nothing in this Consent Order or the circumstances giving rise to the same may be the subject of any appeal or other civil or administrative actions except an action by the Board to enforce the terms of this Consent Order, but that nothing in this Consent Order prohibits the Board from considering this disciplinary action or the circumstances giving rise to same with regard to any future disciplinary matter involving Respondent which may be before this Board.
23. Respondent understands that the complaint and this Consent Order are public records which, together with other public documents in the file, must be made available upon legal request in accordance with the state's Freedom of Information Act.

24. Respondent agrees that the sum and substance of the Complaint and this agreement in part or in their entirety will 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).
25. Respondent acknowledges that non-compliance with this Consent Order may result in the rescission of this agreement, the reinstatement of the Complaint, the summary revocation of any license or certification issued to Respondent by the Board, and the addition of any other charges which may arise or ensue from Respondent's non-compliance with this Consent Order.
26. Respondent acknowledges that proof of any material 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 certification issued to Respondent by the Board, 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**

1. On the basis of the foregoing, and upon entry of this Consent Order, the Board hereby **ORDERS** that this Consent Order shall serve as settlement of Complaint number C2015-04 pursuant to West Virginia Code § 30-13-22(b).
2. The Board **REPRIMANDS** Respondent White for providing false information to the Board.
3. The Board **ORDERS** Respondent to pay a civil penalty in the amount of Two Hundred Dollars (\$200.00) within thirty (30) days of entry of this Consent Order, such amount to

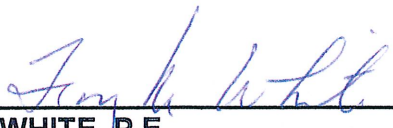
be made payable to the W. Va. P.E. Board for transfer to the general fund of the State of West Virginia upon receipt.

4. The sum and substance of the Complaint and this agreement in part or in their entirety shall 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).
5. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
6. This matter shall be closed upon execution of this Consent Order by both parties and payment in full of the civil penalty set forth herein.
7. 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 actions except an action by the Board to enforce the terms of this Consent Order. This shall not prohibit the Board from considering this disciplinary action or the circumstances giving rise to the same with regard to any future disciplinary matter involving Respondent which may come before this Board, including any future matter which may give rise to reciprocal discipline by this Board.
8. This Consent Order relates solely to matters set forth in West Virginia engineering law 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.

**[signature line appears next page]**



AGREED TO BY:

  
\_\_\_\_\_  
TROY M. WHITE, P.E.

11/18/14  
\_\_\_\_\_  
DATE

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 9<sup>th</sup> day of December, 2014. \_\_\_\_\_

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

By:   
\_\_\_\_\_  
EDWARD L. ROBINSON, P.E.  
BOARD PRESIDENT