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

WV PE BOARD

IN RE: SAH Design Group, Inc.

C2011-07

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 disciplinary action to be taken against SAH Design Group, Inc. (hereinafter "the Respondent"). As contained herein, the parties have reached an agreement concerning the proper disposition of this matter, and the Board, upon approval of the same, 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 engineering pursuant to the same.
2. Respondent Firm is organized under the laws of the State of Virginia with its principal place of business in Annandale, Virginia.
3. Abdi Hejazi is an engineer licensed in several states, including the State of Virginia, and as a principal of Respondent Firm has the power and authority to make admissions and otherwise act on behalf of Respondent Firm.
4. Respondent Firm has never had a Certificate of Authorization (COA) to offer or practice engineering in the State of West Virginia.
5. On or about October 7, 2010, Mr. Hejazi contacted the Board to notify the Board that Respondent Firm was performing engineering in West Virginia but no longer had a professional engineer licensed in West Virginia.

6. Respondent Firm, Mr. Hejazi, indicated that it would take such steps as would qualify it for a COA and thereafter apply for same.
7. No such application for a COA was received by the Board despite continued communications between Board staff and Respondent.
8. As a result, the Board initiated Complaint Number C2011-07 at the January 18, 2011, regular meeting of the Board, which was filed on January 24, 2011.
9. Respondent Firm submitted a written response on February 23, 2011.
10. Respondent Firm also provided the Board with an affidavit from an engineer licensed in the State of West Virginia which stated that Respondent Firm contracted with him in October 2010 to perform as principal in charge of design for any project which SAH may handle in West Virginia.
11. Respondent Firm obtained a COA on February 1, 2011 [COA #C03947].
12. Respondent Firm admits that it performed engineering in West Virginia prior to October 2010 without the required Certificate of Authorization in violation of West Virginia Code § 30-13-17.
13. Respondent Firm was not diligent in acquiring the necessary credentials between the time he contacted the Board in October 2010 and the filing of this Complaint.
14. Respondent Firm self-reported the facts giving rise to the Complaint, promptly admitted the allegations of the Complaint and thereafter took steps to obtain a COA, all of which mitigated the violation and minimized the costs incurred by the Board.
15. Therefore, the Board, in its discretion, will not assess administrative costs although the Board finds that it incurred such costs and it is within its power to assess such costs as set forth in West Virginia Code § 30-13-21(d)(4) and West Virginia Code R. § 7-1-14.4.

CONCLUSIONS OF LAW

16. 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. W. Va. Code § 30-13-17.
17. Practicing or offering to practice engineering, as defined by W. Va. § 30-13-1 *et seq.*, 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 Five Thousand Dollars (\$5000.00). W.Va. Code R. § 7-1-15.1.
18. Each day of continued violation may constitute a separate offense pursuant to West Virginia Code R. § 7-1-15.3.
19. In determining the amount of a civil penalty to be assessed, the Board may consider such factors as:
 - (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
 - (b) The circumstances leading to the violation;
 - (c) The nature and severity of the violation and the risk of harm to the public;
 - (d) The history of previous violations;
 - (e) The extent to which the cited person or firm has cooperated with the Board and the Board's investigation;
 - (f) The economic benefits gained by the violator as a result of the noncompliance;
 - (g) The interest of the public; and
 - (h) Other matters as may be appropriate.

W. Va. Code R. § 7-1-15.4.

CONSENT OF RESPONDENT

Abdi Hejazi, as a principal of Respondent Firm, by affixing his signature hereon, agrees to the following:

20. Respondent Firm is aware of its right to be represented by counsel and is aware of its option to pursue this matter through appropriate administrative and/or Court procedures,

but Respondent Firm intelligently and voluntarily waives its right to do so in the event that this Consent Order is approved by the Board.

21. Respondent Firm intelligently and voluntarily waives its right to a formal hearing before the Board in this matter provided that the Board accepts the terms and conditions set forth herein.
22. Respondent Firm accepts the findings set forth above, agrees to settle this matter in accordance with the terms set forth herein, and consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint, or compulsion.
23. Respondent Firm 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 C2011-07. This paragraph is binding on the parties hereto, even in the event that the Board does not approve this Consent Order.
24. Respondent Firm 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 Firm authorizes the Board to review and examine all investigative file material concerning Respondent Firm prior to or in conjunction with consideration of this Consent Order. This paragraph is binding upon the parties even if the Board does not approve this Consent Order.
25. Should the Board not approve this Consent Order, Respondent Firm waives any objections to the Board or any of its members participating in the adjudication of this matter. This paragraph is binding upon the parties even if the Board does not approve this Consent Order.

26. Respondent Firm acknowledges that the Board may reject this proposal, complete the hearing, and, upon adjudication, impose such sanctions of a disciplinary nature as it deems appropriate.
27. Upon acceptance by the Board, 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 action between the parties except an action to enforce the terms of this Consent Order.
28. Respondent Firm understands that the complaint, its written response and perhaps other written communications regarding same are public records which must be made available upon legal request in accordance with the state's Freedom of Information Act.
29. Respondent Firm 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).
30. Respondent Firm acknowledges that proof of any misstatement or misrepresentation made on its behalf in connection with this matter will result in the rescission of this agreement, the reinstatement of the Complaint, 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 and compromise of Complaint C2011-07 pursuant to West Virginia Code § 30-13-22(b).

2. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for practicing engineering in West Virginia without a Certificate of Authorization.
3. The Board further **ORDERS** Respondent Firm to pay the civil penalty imposed herein within thirty days (30 days) of the date Respondent Firm receives 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. Failure to remit the payment of these civil penalties within the prescribed time period will result in further disciplinary action.
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. 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 Firm upon application by the Board for the entry of a Judgment Order for the total amount of payment agreed upon herein (\$250.00), 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.

7. This matter shall be closed upon execution of this Consent Order by both parties and the full payment of the civil penalty agreed to herein.
8. 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:

SAH DESIGN GROUP, INC.

By 

ABDI HEJAZI, Principal

05-18-11

DATE

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 31st ^{May} day of ~~April~~ 2011.

BY: 

EDWARD L. ROBINSON, P.E.

Its President

5/25/11

DATE

PREPARED BY:

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